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The Code of Federal Regulations is sold by the Superintendent of Documents.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2025-4004; Project Identifier MCAI-2025-01666-R; Amendment 39-23195; AD 2025-23-52]

RIN 2120-AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Helicopters Model EC130B4 and EC130T2 helicopters. The FAA previously sent this AD as an emergency AD to all known U.S. owners and operators of these helicopters. This AD was prompted by a determination that the service life limit of the center shaft assembly needs to be corrected because a crack could initiate on the center shaft assembly. This AD requires replacing the center shaft assembly with a serviceable center shaft assembly (either a shaft with another part number (P/N) or the same P/N with lower hours time-in-service (TIS)). This AD also prohibits installing a center shaft assembly that is not a serviceable center shaft assembly on any helicopter. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective December 8, 2025. Emergency AD 2025-23-52, issued on November 10, 2025, which contains the requirements of this amendment, was effective with actual notice.

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

The FAA must receive comments on this AD by January 5, 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-2025-4004; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu*; website: *easa.europa.eu*. You may find 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* under Docket No. FAA-2025-4004.

FOR FURTHER INFORMATION CONTACT:

William McCully, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (404) 474-5548; email: *william.mccully@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments using a method listed under the **ADDRESSES** section. Include "Docket No. FAA-2025-4004; Project Identifier

MCAI-2025-01666-R" at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to William McCully, 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 FAA issued Emergency AD 2025-23-52, dated November 10, 2025 (also referred to as the emergency AD), to address an unsafe condition on Airbus Helicopters Model EC130B4 and EC130T2 helicopters. The FAA sent the emergency AD to all known U.S. owners and operators of these helicopters. The emergency AD requires replacing the center shaft assembly with a serviceable center shaft assembly (either a shaft with another P/N or the same P/N with lower hours TIS). The emergency AD

also prohibited installing a center shaft assembly that is not a serviceable center shaft assembly on any helicopter.

The emergency AD was prompted by EASA Emergency AD 2025–0249–E, dated November 7, 2025 (EASA Emergency AD 2025–0249–E) (also referred to as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition on Airbus Helicopters Model EC130B4 and EC130T2 helicopters. The MCAI states that fatigue testing revealed the service life limit of the center shaft assembly needs to be corrected because a crack could initiate on the center shaft assembly, P/N 350A34021401 (Manufacturer P/N 350A34–0214–01), in the riveted area and propagate until failure. The emergency AD was prompted by a determination that the service life limit of the center shaft assembly needs to be corrected because a crack could initiate on the center shaft assembly. The emergency AD is intended to address cracking on the center shaft assembly. This condition could result in structural failure of the tail rotor drive shaft with consequent loss of control of a helicopter.

The FAA is issuing this AD to address cracking on a center shaft assembly. The unsafe condition could result in structural failure of the tail rotor drive shaft with consequent loss of control of a helicopter.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–4004.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA Emergency AD 2025–0249–E, which specifies procedures for replacing the center shaft assembly with a serviceable center shaft assembly (either a shaft with another P/N or the same P/N with lower hours TIS). EASA Emergency AD 2025–0249–E also prohibits installing a center shaft assembly that is not a serviceable center shaft assembly 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 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 AD after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

AD Requirements

This AD requires accomplishing the actions specified in EASA Emergency AD 2025–0249–E, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this 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 CAA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA Emergency AD 2025–0249–E is incorporated by reference in this AD. This AD requires compliance with EASA Emergency AD 2025–0249–E in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA Emergency AD 2025–0249–E does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in EASA Emergency AD 2025–0249–E. Material required by EASA Emergency AD 2025–0249–E for compliance will be available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–4004 after this AD is published.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for “good cause,” finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under this section, an agency, upon finding good

cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that required the immediate adoption of Emergency AD 2025–23–52, issued on November 10, 2025, to all known U.S. owners and operators of these helicopters. The FAA found that the risk to the flying public justified forgoing notice and comment prior to adoption of this rule because cracks in the center shaft assembly could already exist and if not immediately addressed could lead to structural failure of the tail rotor drive shaft with consequent loss of control of a helicopter. About 100 of the 304 helicopters on the U.S. Registry are over the fatigue threshold and will require replacement within 10 hours TIS, and about half of the affected helicopters operate 30 or more hours TIS per month and could require replacement within 10 days. These compliance times are shorter than the time necessary for the public to comment and for the publication of the final rule. These conditions still exist, therefore, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b).

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

Regulatory Flexibility Act

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

Interim Action

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

Costs of Compliance

The FAA estimates that this AD affects 304 helicopters of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace the center shaft assembly	12 work-hours × \$85 per hour = \$1,020	\$26,890	\$27,910	\$8,484,640

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2025–23–52 Airbus Helicopters:

Amendment 39–23195; Docket No. FAA–2025–4004; Project Identifier MCAI–2025–01666–R.

(a) Effective Date

The FAA issued Emergency Airworthiness Directive (AD) 2025–23–52 on November 10, 2025 (also referred to as the emergency AD), directly to affected owners and operators. As a result of such actual notice, that emergency AD was effective for those owners and operators on the date it was received. This AD contains the same requirements as the emergency AD and, for those who did not receive actual notice, is effective on December 8, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Model EC130B4 and EC130T2 helicopters, certificated in any category.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 6510, Tail Rotor Drive Shaft.

(e) Unsafe Condition

This AD was prompted by a determination that the service life limit of the center shaft assembly needs to be corrected because a crack could initiate on the center shaft assembly. The FAA is issuing this AD to address cracking on a center shaft assembly. The unsafe condition, if not addressed, could result in structural failure of the tail rotor drive shaft with consequent loss of control of a helicopter.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency Emergency AD 2025–0249–E, dated November 7, 2025 (EASA Emergency AD 2025–0249–E).

(h) Exceptions to EASA Emergency AD 2025–0249–E

(1) Where EASA Emergency AD 2025–0249–E refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA Emergency AD 2025–0249–E requires compliance in terms of flight

hours, this AD requires using hours time-in-service.

(3) This AD does not adopt the "Remarks" section of EASA Emergency AD 2025–0249–E.

(i) No Reporting and Return of Parts Requirements

Although the material referenced in EASA Emergency AD 2025–0249–E specifies to submit certain information to the manufacturer and to return the parts to the manufacturer, this AD does not require any of these actions.

(j) Special Flight Permits

Special flight permits are prohibited.

(k) Alternative Methods of Compliance (AMOCs)

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

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

(l) Additional Information

For more information about this AD, contact Dan McCully, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (404) 474–5548; email: william.mccully@faa.gov.

(m) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) Emergency AD 2025–0249–E, dated November 7, 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 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 17, 2025.

Steven W. Thompson,

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

[FR Doc. 2025-20575 Filed 11-20-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2025-4003; Project Identifier MCAI-2025-01205-E; Amendment 39-23194; AD 2025-23-10]

RIN 2120-AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Rolls-Royce Deutschland Ltd & Co KG (RRD) Model Trent 1000-A, Trent 1000-AE, Trent 1000-C, Trent 1000-CE, Trent 1000-D, Trent 1000-E, Trent 1000-G, Trent 1000-H, Trent 1000-A2, Trent 1000-AE2, Trent 1000-C2, Trent 1000-CE2, Trent 1000-D2, Trent 1000-E2, Trent 1000-G2, Trent 1000-H2, Trent 1000-J2, Trent 1000-K2, and Trent 1000-L2 engines. This AD was prompted by an investigation which revealed that certain low-pressure compressor (LPC) fan blades are at risk of cracking due to incorrect dressing. This AD requires inspecting the LPC fan blades for evidence of incorrect dressing, and replacement if necessary. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective December 8, 2025.

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

The FAA must receive comments on this AD by January 5, 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-2025-4003; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

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

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. 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-2025-4003.

FOR FURTHER INFORMATION CONTACT:

Alexis Whitaker, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (516) 228-7309; email: alexis.j.whitaker@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments using a method listed under the **ADDRESSES** section. Include “Docket No. FAA-2025-4003; Project Identifier MCAI-2025-01205-E” at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

Except for Confidential Business Information (CBI) as described in the

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Alexis Whitaker, 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

EASA, which is the Technical Agent for the Member States of the European Union, has issued European Union Aviation Safety Agency AD 2025-0143, dated July 08, 2025 (EASA AD 2025-0143) (also referred to as the MCAI), to correct an unsafe condition on all RRD Model Trent 1000-A, Trent 1000-AE, Trent 1000-C, Trent 1000-CE, Trent 1000-D, Trent 1000-E, Trent 1000-G, Trent 1000-H, Trent 1000-A2, Trent 1000-AE2, Trent 1000-C2, Trent 1000-CE2, Trent 1000-D2, Trent 1000-E2, Trent 1000-G2, Trent 1000-H2, Trent 1000-J2, Trent 1000-K2, and Trent 1000-L2 engines. The MCAI states that an investigation revealed that certain LPC fan blades are at risk of cracking due to incorrect dressing, which may have been performed on areas of low wall thickness and high localized internal stress levels. To address this unsafe condition, the manufacturer published service information that specifies procedures for inspection of affected LPC fan blades for evidence of incorrect dressing and replacement. This condition, if not addressed, could lead to fan blade failure and release of uncontained high-energy debris with

consequent engine in-flight shut-down, which could result in damage to, and reduced control of, the airplane.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-4003.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025-0143, which specifies procedures for inspection of the LPC fan blades for evidence of incorrect dressing and replacement with a serviceable part. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

FAA's Determination

These products have been approved by the civil aviation authority (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 AD after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

AD Requirements

This AD requires accomplishing the actions specified in EASA AD 2025-0143 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this 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 CAA ADs as the primary source of information for compliance

with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA AD 2025-0143 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2025-0143 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025-0143 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 2025-0143. Material required by EASA AD 2025-0143 for compliance will be available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-4003 after this AD is published.

Justification for Immediate Adoption and Determination of the Effective Date

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

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the

flying public justifies forgoing notice and comment prior to adoption of this rule because cracking of the LPC fan blade may lead to fan blade failure and consequent release of uncontained high-energy debris, which could result in damage to, and reduced control of, the airplane. The FAA has determined that to prevent such failure and to detect and address cracking of the LPC fan blade, inspection must be accomplished within 30 days for most engines (since the applicable inspection compliance dates listed in the material referenced in EASA AD 2025-0143 have already passed) with immediate removal of any part found cracked. This compliance time is shorter than the time necessary for the public to comment and for publication of the final rule. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b).

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

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 34 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect LPC fan blade	9 work-hours × \$85 per hour = \$765	\$0	\$765	\$26,010

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

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

engines that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace LPC fan blade	6 work-hours × \$85 per hour = \$510	\$310,000	\$310,510

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2025–23–10 **Rolls-Royce Deutschland Ltd & Co KG:** Amendment 39–23194; Docket No. FAA–2025–4003; Project Identifier MCAI–2025–01205–E.

(a) Effective Date

This airworthiness directive (AD) is effective December 8, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Rolls-Royce Deutschland Ltd & Co KG (RRD) Model Trent 1000–A, Trent 1000–AE, Trent 1000–C, Trent 1000–CE, Trent 1000–D, Trent 1000–E, Trent 1000–G, Trent 1000–H, Trent 1000–A2, Trent 1000–AE2, Trent 1000–C2, Trent 1000–CE2, Trent 1000–D2, Trent 1000–E2, Trent 1000–G2, Trent 1000–H2, Trent 1000–J2, Trent 1000–K2, and Trent 1000–L2 engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by an investigation which revealed that certain low-pressure compressor (LPC) fan blades are at risk of cracking due to incorrect dressing. The FAA is issuing this AD to detect and correct cracking of the LPC fan blades. The unsafe condition, if not addressed, could result in fan blade failure and release of uncontained high-energy debris with consequent engine in-flight shut-down, which could result in damage to, and reduced control of, the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraph (h) of this AD: Perform all required actions within the compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2025–0143, dated July 08, 2025 (EASA AD 2025–0143).

(h) Exceptions to EASA AD 2025–0143

(1) Where EASA AD 2025–0143 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2025–0143 refers to November 3, 2023 (the effective date of EASA AD 2023–0185), this AD requires using the effective date of this AD.

(3) This AD does not adopt the "Remarks" paragraph of EASA AD 2025–0143.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2025–0143 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR–520 Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly

to the Manager, AIR–520 Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (k) of this AD and email to: AMOC@faa.gov.

(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, 2200 South 216th Street, Des Moines, WA 98198; 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 (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) 2025–0143, dated July 08, 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 EASA AD on the EASA website at ad.easa.europa.eu.

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. 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 17, 2025.

Peter A. White,

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

[FR Doc. 2025–20598 Filed 11–19–25; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–5029; Project Identifier MCAI–2024–00153–T; Amendment 39–23201; AD 2025–05–14R1]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; removal; request for comments.

SUMMARY: The FAA is removing Airworthiness Directive (AD) 2025–05–14, which applied to all Airbus SAS Model A350–941 and –1041 airplanes. AD 2025–05–14 required repetitively testing the pre-cooler exchanger (PCE) for air leaks and reporting the results, and, depending on findings, inspecting the thermal blankets for damage and replacing the PCE. The FAA issued AD 2025–05–14 to address PCE leaking air, which could result in thermal blanket damage that, if combined with an independent event of engine fire, could lead to a temporary uncontrolled fire. Since the FAA issued AD 2025–05–14, a risk re-assessment has shown that the airworthiness concern is not an unsafe condition that warrants an AD. Accordingly, AD 2025–05–14 is removed.

DATES: This AD becomes effective November 21, 2025.

The FAA must receive comments on this AD by January 5, 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–2025–5029; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Tak Kobayashi, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3553; email: *takahisa.kobayashi@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments using a method listed under the

ADDRESSES section. Include “Docket No. FAA–2025–5029; Project Identifier MCAI–2024–00153–T” at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Tak Kobayashi, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3553; email: *takahisa.kobayashi@faa.gov*. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

SUPPLEMENTARY INFORMATION:

Background

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, previously issued EASA AD 2024–0058R2, dated October 4, 2024 (EASA AD 2024–0058R2), to correct an unsafe condition on all Airbus SAS Model A350–941 and –1041 airplanes. The FAA issued corresponding AD 2025–05–14, Amendment 39–22986 (90 FR 12449, March 18, 2025); corrected April 1, 2025 (90 FR 14331) (AD 2025–05–14), for those airplanes, as an interim AD. AD

2025–05–14 required repetitively testing the PCE for air leaks and reporting the results, and, depending on findings, inspecting the thermal blankets for damage and replacing the PCE. AD 2025–05–14 was prompted by a report indicating that the thrust reverser and pylon thermal blankets were found damaged due to air leaking from the PCE. The FAA issued AD 2025–05–14 to address PCE leaking air, which could result in thermal blanket damage that, if combined with an independent event of an engine fire, could lead to a temporary uncontrolled fire.

Actions Since AD 2025–05–14 Was Issued

Since the FAA issued AD 2025–05–14, EASA issued AD 2024–0058R2–CN, dated August 20, 2025 (EASA AD 2024–0058R2–CN), to cancel EASA AD 2024–0058R2. EASA AD 2024–0058R2–CN states that further investigations confirmed that the fire barrier function of the inner fixed structure remained effective, and that the observed PCE air leakages are not impacting the fire detection/extinguishing capability. Consequently, the subsequent risk re-assessment has determined that the safety issue addressed by EASA AD 2024–0058R2 does not qualify as an unsafe condition.

FAA’s Conclusions

Upon further consideration, the FAA has determined that AD 2025–05–14 is no longer appropriate. Accordingly, this AD removes AD 2025–05–14. Removal of AD 2025–05–14 does not preclude the FAA from issuing another related action or commit the FAA to any course of action in the future. This AD removes all actions of AD 2025–05–14. Therefore, this AD terminates all requirements of AD 2025–05–14.

Justification for Immediate Adoption and Determination of the Effective Date

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

The actions required by interim AD 2025–05–14 are unnecessary because further investigations and the subsequent risk re-assessment have

shown that the airworthiness concern addressed by that AD is not an unsafe condition that warrants an AD. Accordingly, notice and opportunity for prior public comment are unnecessary pursuant to 5 U.S.C. 553(b). In addition, for the foregoing reason, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

Regulatory Flexibility Act (RFA)

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

Related Costs of Compliance

This AD adds no costs. This AD removes AD 2025–05–14 from 14 CFR part 39; therefore, operators are no longer required to show compliance with that AD.

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority.

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by:
 - a. Removing Airworthiness Directive (AD) 2025–05–14, Amendment 39–22986 (90 FR 12449, March 18, 2025); corrected April 1, 2025 (90 FR 14331), and
 - b. Adding the following new AD:

2025–05–14R1 Airbus SAS: Amendment 39–23201; Docket No. FAA–2025–5029; Project Identifier MCAI–2024–00153–T.

(a) Effective Date

This AD is effective November 21, 2025.

(b) Affected AD

This AD replaces AD 2025–05–14, Amendment 39–22986 (90 FR 12449, March 18, 2025); corrected April 1, 2025 (90 FR 14331) (AD 2025–05–14).

(c) Applicability

This action applies to all Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category.

(d) Subject

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

(e) Terminating Action

This AD terminates all requirements of AD 2025–05–14.

(f) Additional Information

For more information about this AD, contact Tak Kobayashi, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3553; email: takahisa.kobayashi@faa.gov.

(g) Material Incorporated by Reference

None.

Issued on November 19, 2025.

Peter A. White,

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

[FR Doc. 2025–20590 Filed 11–20–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2025–0223]

RIN 1625–AA87

Security Zones; Old Port Tampa, Sunshine Skyway Bridge, Manbirtee Key, Seaport Manatee, MacDill Air Force Base, Port of Tampa, Port Sutton, St. Petersburg Harbor, Crystal River, Big Bend, and Weedon Island, FL

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a permanent security zone in the vicinity of Seaport Manatee facilities and ship berths. This action is necessary to enhance safety and protect vessels, facilities and infrastructure from potential threats. This regulation will allow for controlled access of authorized vessels and facility personnel within the security zone.

DATES: This rule is effective December 22, 2025.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2025–0223 in the search box and click "Search." Next, in the Document Type column, select "Supporting & Related Material."

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email Lieutenant Ryan McNaughton, Sector St. Petersburg, Ports & Waterways Branch Chief, U.S. Coast Guard; telephone (571) 608–7131, email Ryan.A.McNaughton@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

In February 2024, Seaport Manatee requested the establishment of a Coast Guard security zone in vicinity of Seaport Manatee facilities and ship berths to bolster protection of the port. In response, on August 4, 2025, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Security Zones; Tampa Bay: Big Bend,

Boca Grande, Crystal River, East Bay, Hillsborough Bay, MacDill Air Force Base, Manbirtee Key, Old Port Tampa, Port Manatee, Port Tampa, Port St. Petersburg, Port Sutton and Weedon Island, FL (90 FR 36412). There we stated why we issued the NPRM and invited comments on our proposed regulatory action related to this security zone.

Under the authority in 46 U.S.C. 70051 and 70124, the COTP has determined that this rule is necessary to enhance safety and protect vessels, facilities, and infrastructure from potential threats. No vessel or person will be permitted to enter the security zone without obtaining permission from the COTP or their designated representative.

III. Discussion of Comments and the Rule

During the comment period that ended on September 3, 2025, we received one comment. The commenter recommended against establishing a security zone, based on concerns about using taxpayer money for this purpose. We decline to adopt this recommendation. We have determined that the security zone is necessary to protect the infrastructure of Seaport Manatee.

We also made the following technical changes to the final rule. We moved the new Seaport Manatee security zone from paragraph (a)(1)(xii) to paragraph (a)(1)(iv) of 33 CFR 165.703, and renumbered the remaining security zones in paragraph (a) accordingly. We moved the security zone to paragraph (a)(1)(iv) because the Seaport Manatee security zone is geographically close to the Manbirtee Key security zone in paragraph (a)(1)(iii), and we believe this will make the security zones easier to locate within the regulation. We also revised the title of § 165.703 to match the order the security zone locations are listed in paragraph (a).

This rule establishes a permanent security zone in the vicinity of Seaport Manatee facilities and ship berths to bolster protection of the port. Entry into this security zone is prohibited unless specifically authorized by COTP or their designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of the U.S. Coast Guard Sector St. Petersburg. The regulatory text appears at the end of this document.

IV. Regulatory Analyses

We developed this rule after considering numerous statutes and

Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders.

A. Impact on Small Entities

The Coast Guard certifies that, although some small entities may intend to transit the security zone above, this rule will not have a significant economic impact on a substantial number of small entities, as mandated by the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612 for the following reasons. Vessel traffic will be able to safely transit around this security zone. This security zone will only impact a small designated area, and the rule allows vessels to request permission to enter the zone from the COTP.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if this rule will affect your small business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1–888–REG–FAIR (1–888–734–3247).

B. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

C. Federalism and Indian Tribal Governments

We have analyzed this rule under Executive Order 13132, Federalism, and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in that Order.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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.

D. Unfunded Mandates Reform Act

As required by The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Coast Guard certifies that this rule will not result in an annual expenditure of \$100,000,000 or more (adjusted for inflation) by a State,

local, or tribal government, in the aggregate, or by the private sector.

E. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have 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 rule involves a security zone that will prohibit entry within a very small area alongside piers at Seaport Manatee. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4.

- 2. Revise § 165.703 to read as follows:

§ 165.703 Security Zones; Old Port Tampa, Sunshine Skyway Bridge, Manbirtee Key, Seaport Manatee, MacDill Air Force Base, Port of Tampa, Port Sutton, St. Petersburg Harbor, Crystal River, Big Bend, and Weedon Island, FL.

(a) *Regulated areas.* The following areas, denoted by coordinates fixed using the North American Datum of 1983 (World Geodetic System 1984) are security zones:

(1) *Security zones for facilities and structures*—(i) *Old Port Tampa, Tampa, FL.* All waters, from surface to bottom, in Old Tampa Bay encompassed within the following points: 27°51.62′ N, 082°33.14′ W; thence to 27°51.71′ N, 082°32.5′ W; thence to 27°51.76′ N, 082°32.5′ W; thence to 27°51.73′ N, 082°33.16′ W; thence to 27°51.62′ N,

082°33.14' W, closing off the Old Port Tampa Channel.

(ii) *Sunshine Skyway Bridge, FL.* All waters in Tampa Bay, from surface to bottom, in Cut "A" channel beneath the bridge's main span encompassed within the following points: 27°37.30' N, 082°39.38' W; 27°37.13' N, 082°39.26' W; and the bridge structure columns, base and dolphins. This zone is specific to the bridge structure and dolphins and does not include waters adjacent to the bridge columns or dolphins outside of the bridge's main span. Any vessel may transit through this zone, but may not loiter, anchor, or conduct operations, including dredging, dive operation, surveying, or maintenance, unless otherwise directed by the Captain of the Port. Anyone wanting to conduct these operations must submit a request via email to WWMTampa@uscg.mil or contact the Sector Command Center after hours at 727.824.7506.

(iii) *Manbirtee Key, Port of Manatee, FL.* All waters, from surface to bottom, surrounding Manbirtee Key, Tampa Bay, FL extending 500 yards from the island's shoreline, in all directions, not to include the Port Manatee Channel.

(iv) *Seaport Manatee, Manatee County, FL.* All waters, from surface to bottom, extending 50 yards from the shore, seawall, and piers around facilities in Seaport Manatee encompassed by a line connecting the following points: 27°37.60' N, 082°33.77' W; thence to 27°37.60' N, 082°33.80' W; thence to 27°38.33' N, 082°33.79' W; thence to 27°38.32' N, 082°33.52' W.

(v) *MacDill Air Force Base, Tampa Bay, FL.* All waters encompassed within the following coordinates: 27°51.88' N, 082°29.31' W; thence to 27°52.01' N, 082°28.85' W; thence to 27°51.48' N, 082°28.17' W; thence to 27°51.02' N, 082°27.76' W; thence to 27°50.72' N, 082°27.61' W; thence to 27°50.33' N, 082°27.59' W; thence to 27°49.65' N, 082°27.73' W; thence to 27°49.34' N, 082°27.79' W; thence to 27°49.10' N, 082°27.88' W; thence to 27°48.88' N, 082°28.10' W; thence to 27°48.76' N, 082°28.54' W; thence to 27°48.87' N, 082°29.44' W; thence to 27°49.06' N, 082°30.39' W; thence to 27°48.75' N, 082°31.17' W; thence to 27°49.16' N, 082°32.41' W; thence to 27°49.64' N, 082°33.04' W; thence to 27°49.95' N, 082°32.75' W; thence to 27°50.09' N, 082°32.81' W; thence to 27°50.56' N, 082°32.75' W; thence to 27°50.71' N, 082°32.18' W.

(vi) *Piers, seawalls, and facilities, Port of Tampa and Port Sutton, Tampa, FL.* All waters, from surface to bottom, extending 50 yards from the shore, seawall, and piers around facilities in

Port Sutton within the Port of Tampa encompassed by a line connecting the following points: 27°54.15' N, 082°26.06' W; thence to; 27°54.46' N, 082°25.71' W; closing off all Port Sutton Channel.

(vii) *Piers, seawalls, and facilities, Port of Tampa, on the western side of Hooker's Point, Tampa, FL.* All waters, from surface to bottom, extending 50 yards from the shore, seawall, and piers around facilities on Hillsborough Bay northern portion of Cut "D" Channel, Sparkman Channel, Ybor Turning Basin, and Ybor Channel within the Port of Tampa encompassed by a line connecting the following points: 27°54.74' N, 082°26.47' W; thence to 27°55.25' N, 082°26.73' W; thence to 27°55.60' N, 082°26.80' W; thence to 27°56.00' N, 082°26.75' W; thence to 27°56.58' N, 082°26.53' W; thence to 27°57.29' N, 082°26.51' W; thence to 27°57.29' N, 082°26.61' W; thence to 27°56.65' N, 082°26.63' W; thence to 27°56.58' N, 082°26.69' W; thence to 27°56.53' N, 082°26.90' W.

(viii) *St. Petersburg Harbor, FL.* All waters, from surface to bottom, extending 50 yards from the seawall and around all moorings and vessels in St. Petersburg Harbor (Bayboro Harbor), commencing on the north side of the channel at day beacon "10" (LLNR 24995) in approximate position 27°45.56' N, 082°37.55' W, and westward along the seawall to the end of the cruise terminal in approximate position 27°45.72' N, 082°37.97' W. The zone will also include the Coast Guard south moorings in St. Petersburg Harbor. The zone will extend 50 yards around the piers commencing from approximate position 27°45.51' N, 082°37.99' W; to 27°45.52' N, 082°37.57' W. The southern boundary of the zone is shoreward of a line between the entrance to Salt Creek easterly towards day beacon "11" (LLNR 24990).

(ix) *Crystal River Nuclear Power Plant.* All waters, from surface to bottom, around the FL, Power Crystal River Nuclear Power Plant located at the end of the Florida Power Corporation Channel, Crystal River, Florida, encompassed by a line connecting the following points: 28°56.87' N, 082°45.17' W; thence to 28°57.37' N, 082°41.92' W; thence to 28°56.79' N, 082°45.13' W; thence to 28°57.32' N, 082°41.92' W.

(x) *Crystal River Demory Gap Channel.* All waters, from surface to bottom, in the Demory Gap Channel in Crystal River, Florida, encompassed by the following points: 28°57.61' N, 082°43.42' W thence to; 28°57.55' N, 082°41.88' W thence to; 28°57.58' N,

082°43.42' W thence to; 28°57.51' N, 082°41.88' W.

(xi) *Big Bend Power Plant, FL.* All waters of Tampa Bay, from surface to bottom, adjacent to the Big Bend Power Facility, and within an area bounded by the following points: 27°48.08' N, 082°24.88' W; thence to 27°48.15' N, 082°24.96' W; thence to; 27°48.10' N, 082°25.00' W; thence to 27°47.85' N, 082°25.03' W; thence to 27°47.58' N, 082°24.89' W; thence to 27°47.58' N, 082°24.06' W; thence to; 27°47.62' N, 082°24.04' W; thence to 27°47.63' N, 082°24.71' W; thence to 27°48.03' N, 082°24.70' W; thence to 27°48.08' N, 082°24.88' W, closing off entrance to Big Bend Power Facility and the attached cooling canal.

(xii) *Weedon Island Power Plant, FL.* All waters of Tampa Bay, from surface to bottom, extending 50 yards from the shore, seawall and piers around the Power Facility at Weedon Island encompassed by the following points: 27°51.52' N, 082°35.82' W; thence along the shore to; 27°51.54' N, 082°35.78' W; thence to 27°51.89' N, 082°35.82' W; thence to 27°51.89' N, 082°36.14' W, closing off the entrance to both canals.

(2) *Vessel specific security zones.* (i) Moving security zones for Cruise Ships and vessels carrying Especially Hazardous Cargos. The following security zones and procedures are established for all waters, from surface to bottom, within a 500-yard radius, as outlined below:

(A) For inbound vessels commencing at Egmont Channel Lighted Buoys "9" (LLNR 22270) and "10" (LLNR 22275) through to berth.

(B) For shifting vessels from their departure berth to destination berth.

(C) For outbound vessels commencing at berth through to Egmont Channel Lighted Buoys "9" (LLNR 22270) and "10" (LLNR 22275).

(D) All subject vessels operating in the Captain of the Port St. Petersburg Zone shall follow the reporting requirements in 33 CFR part 160, subpart C.

(E) Any vessel desiring to enter or transit the security zone shall obtain permission from the Captain of the Port St. Petersburg or a designated representative. If permission is granted, all persons and vessels must comply with any given instructions.

(ii) Fixed security zones for moored cruise ships and moored vessels carrying especially hazardous cargos. A security zone is established for all waters, from surface to bottom, within a 200-yard radius around moored cruise ships and moored vessels carrying especially hazardous cargos, as outlined below:

(A) All subject vessels operating in the Captain of the Port St. Petersburg Zone shall follow reporting requirements in 33 CFR part 160, subpart C.

(B) Any vessel desiring to enter or transit the security zone shall obtain permission from the Captain of the Port St. Petersburg or a designated representative. If permission is granted, all persons and vessels must comply with any given instructions.

(C) No vessel may loiter, anchor, or conduct maintenance operations within the security zone, unless otherwise directed by the Captain of the Port St. Petersburg or a designated representative. This includes, but is not limited to dredging operations, dive operations, and surveying. Anyone wanting to conduct these operations must submit a request via email to WWMTampa@uscg.mil or contact the Sector Command Center after hours at 727.824.7506.

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

Ammonium nitrate means ammonium nitrate and ammonium nitrate based fertilizers listed as Division 5.1 (oxidizing) materials as defined in 33 CFR 172.101 except when carried as CDC residue.

Captain of the Port (COTP) for the purpose of this section means the Commanding Officer of Coast Guard Sector St. Petersburg.

Captain of the Port St. Petersburg Zone as defined in 33 CFR 3.35–35.

Certain dangerous cargo includes Division 1.5D blasting agents for which a permit is required under 49 CFR 176.415 or, for which a permit is required as a condition of Research and Special Programs Administration exemption. This includes ammonium nitrate fuel oil mixture.

Commercial vessels means any tank, bulk, container, cargo, cruise ships, pilot vessels, or tugs. This definition excludes fishing vessels, salvage vessels, dead ship tow operations.

Cruise Ship means the same as defined 33 CFR 101.105.

Designated representative means Coast Guard Patrol Commanders including Coast Guard coxswains, petty officers and other officers operating Coast Guard vessels, and Federal, State, and local officers designated by or assisting the COTP, in the enforcement of regulated navigation areas, safety zones, and security zones.

Especially hazardous cargo means anhydrous ammonia, ammonium nitrate, chlorine, liquefied natural gas, liquefied petroleum gas, and any other substance, material, or group or class in a particular amount and form that the

Secretary determines by regulation poses a significant risk of creating a transportation security incident while being transported in maritime commerce.

(c) *Regulations.* (1) Entry into or remaining on or within the zones described in paragraph (a) of this section is prohibited unless authorized by the Captain of the Port St. Petersburg or a designated representative.

(2) Any changes to the requirements for these regulated areas will be given by Broadcast Notice to Mariners on VHF–FM Channel 22A.

Note 1 to § 165.703(c)(2): A graphical representation of all fixed security zones will be made available through nautical charts via the Coast Pilot.

(3) The Captain of Port St. Petersburg has provisions for escorting especially hazardous cargos as described in this subchapter, but reserves the right to establish additional provisions for any potentially hazardous cargos.

(d) *Enforcement.* Under § 165.33, no person may authorize the operation of a vessel in the security zones contrary to the provisions of this section.

(e) *Waivers.* The Captain of the Port St. Petersburg may waive any of the requirements of this subpart for any vessel, facility, or structure upon finding that the vessel or class of vessel, operational conditions, or other circumstances are such that application of this subpart is unnecessary or impractical for purposes of port safety and security or environmental safety.

Dated: November 18, 2025.

Courtney A. Sergeant,

Captain, U.S. Coast Guard, Captain of the Port, Sector St. Petersburg.

[FR Doc. 2025–20567 Filed 11–20–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2025–0839]

RIN 1625–AA00

Safety Zone; West of Cyril E. King Airport, St. Thomas, VI

AGENCY: Coast Guard, DHS.

ACTION: Temporary interim rule and request for comments.

SUMMARY: The Coast Guard is extending the effective period of the current temporary safety zone to December 31, 2025. This action is necessary to protect personnel, vessels, and the marine

environment from potential hazards created by the proximity of the low flying aircrafts to vessels in the vicinity of the waters off the Cyril E. King Airport in St. Thomas, USVI. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector San Juan.

DATES:

Effective date: This rule is effective without actual notice from November 21, 2025 through December 31, 2025. For the purposes of enforcement, actual notice will be used from October 1, 2025, through November 21, 2025.

Comments due date: Comments and related material must be received by the Coast Guard on or before December 22, 2025.

ADDRESSES: You may submit comments identified by docket number USCG–2025–0839 using the Federal Docket Management System 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 rule, call or email Lieutenant Commander Rachel E. Thomas, Sector San Juan, Waterways Management Division Chief, Coast Guard; telephone (571) 613–1417, email Rachel.E.Thomas@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

On August 25, 2025, the Coast Guard established a temporary final rule establishing a safety zone for the runway of Cyril E. King Airport in St. Thomas, USVI.¹ The Coast Guard originally published the temporary final rule to be effective through September 30, 2025. We are now extending it to December 31, 2025, to provide an opportunity for comment before we establish a permanent safety zone.

The Coast Guard is issuing this temporary interim rule under the authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the

¹ 90 FR 41301.

agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this temporary interim rule because there is an immediate need to mitigate the risk of vessels transiting between private port authority managed yellow buoys & the end of the St. Thomas Cyril E. King runway because of their proximity to the low flying aircrafts. Prompt action is needed to respond to the potential safety hazards associated with vessels transiting in the proximity of the runway of Cyril E. King Airport in St. Thomas, USVI. It is impracticable to publish an NPRM because we must establish this safety zone by October 1, 2025.

Also, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary interim rule effective less than 30 days after publication in the **Federal Register**. The current temporary final rule around the St. Thomas Cyril E. King runway ends on September 30, 2025; however, the need for the safety zone continues. Delaying the effective date of this temporary interim rule would be impracticable because prompt action is needed starting on October 1, 2025, to respond to the potential safety hazards associated with vessels transiting between private port authority managed yellow buoys & the end of the St. Thomas Cyril E. King runway and their proximity to the low flying aircrafts.

We are soliciting comments on the extension of the enforcement period of this safety zone. Persons wishing to comment may do so by submitting written comments to the office listed under **ADDRESSES** in this preamble. Commenters should include their names and addresses, identify the docket number for the regulation, and give reasons for their comments.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this temporary interim rule under authority in 46 U.S.C. 70034. The Captain of the Port Sector San Juan (COTP) has determined potential hazards associated with vessels transiting between private port authority managed yellow buoys & the end of the St. Thomas Cyril E. King runway and their proximity to the low flying aircrafts. There is a safety concern for any vessel transiting within approximately 400 yards from shore directly west of the airport’s runway. This temporary interim rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone.

IV. Discussion of the Rule

On August 25, 2025, the Coast Guard established a temporary safety zone for navigable waters west of the Cyril E. King Airport in St. Thomas, U.S. Virgin Islands. This temporary interim rule extends the effective period through December 31, 2025, to give an opportunity for comment before the Coast Guard establishes a permanent safety zone. The temporary safety zone covers all navigable waters within 400 yards from shore directly west of the airport’s runway within the two private port authority managed yellow buoys located at 18°20.288’ N–64°59.343’ W and 18°20.116’ N–64°59.343’ W. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders.

A. Impact on Small Entities

The regulatory flexibility analysis provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to rules that are not subject to notice and comment. Because the Coast Guard has, for good cause, waived the notice and comment requirement that would otherwise apply to this rulemaking, the Regulatory Flexibility Act’s flexibility analysis provisions do not apply here.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if this rule will affect your small business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

B. Collection of Information

This rule will not call for a 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 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 rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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.

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 rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

E. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have 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 rule involves safety zone that will prohibit entry within 400 yards from shore directly west of the airport’s runway within the two private port authority managed yellow buoys. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions

on locating the docket, see the **ADDRESSES** section of this preamble.

VI. 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 through the Federal Docket Management System at www.regulations.gov. To do so, go to <https://www.regulations.gov>, type USCG-2025-0839 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 <http://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Viewing material in the docket. To view available documents, find the docket as described in the previous paragraph, and then select "Supporting & Related Material" in the Document Type column. We will post public comments in our online docket. Additional information is on the <https://www.regulations.gov> Frequently Asked Questions web page. Personal information. We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more information about privacy and submissions to the docket in response to this document, see DHS's eRulemaking System of Records Notice (85 FR 14226, March 11, 2020).

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 to the docket 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 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4.

■ 2. Add § 165.T07–0578 to read as follows:

§ 165.T07–0578 Safety Zone; West of Cyril E. King Airport, St. Thomas, VI.

(a) *Location.* The following area is a safety zone: All navigable waters within 400 yards from shore directly west of the airport's runway within the two private port authority managed yellow buoys located at 18°20.288' N–64°59.343' W and 18°20.116' N–64°59.343' W.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port (COTP) San Juan in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by telephone at (787) 289–2041, or a designated representative via VHF–FM radio on channel 16 to request authorization. If authorization is granted, all persons and vessels receiving such authorization must comply with the instructions of the COTP San Juan or a designated representative. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(3) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to Mariners via VHF–FM channel 16, or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from 12:01 a.m. on October 1, 2025, through 11:59 p.m. on December 31, 2025.

Dated: September 24, 2025.

Luis J. Rodriguez,
Captain, U.S. Coast Guard, Captain of the Port Sector San Juan.

[FR Doc. 2025–20563 Filed 11–20–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 250312–0037; RTID 0648–XE689]

Fisheries of the Exclusive Economic Zone Off Alaska; Big Skates in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting retention of big skates in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary because the 2025 total allowable catch (TAC) of big skates in the Central Regulatory Area of the GOA has been reached.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), November 21, 2025, through 2400 hours, A.l.t., December 31, 2025.

FOR FURTHER INFORMATION CONTACT: Adam Zaleski, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared and recommended by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at 50 CFR part 600, subpart H, and 50 CFR part 679.

The 2025 TAC of big skates in the Central Regulatory Area of the GOA is 1,749 metric tons (mt) as established by the final 2025 and 2026 harvest specifications for groundfish in the GOA (90 FR 12468, March 18, 2025).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2025 TAC of big skates in the Central Regulatory Area of the GOA has been reached. Therefore, NMFS is requiring that big skates in the Central Regulatory Area of the GOA be treated as prohibited species in accordance with § 679.21(a)(2).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens

Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most

recent fisheries data in a timely fashion and would delay prohibiting the retention of big skates in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of November 18, 2025.

There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in the effective date of this action. This finding is based upon the reasons

provided above for waiver of prior notice and opportunity for public comment.

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

Dated: November 19, 2025.

Kelly Denit,

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

[FR Doc. 2025–20612 Filed 11–20–25; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 90, No. 223

Friday, November 21, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 27

[Docket No. FAA–2025–2303; Notice No. 27–25–01–SC]

Special Conditions: Skyrise, Robinson Model R66 Helicopter; Static Longitudinal Stability

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for a modified Robinson Model R66 helicopter. This helicopter, as modified by Skyrise, will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for normal category rotorcraft. This design features a four-axis full authority digital fly-by-wire (FBW) flight control system (FCS), which provides aircraft control through pilot input or coupled autopilot modes. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Send comments on or before January 5, 2026.

ADDRESSES: Send comments identified by Docket No. FAA–2025–2303 using any of the following methods:

Federal eRegulations Portal: Go to www.regulations.gov and follow the online instructions for sending your comments electronically.

Mail: Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

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

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

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

FOR FURTHER INFORMATION CONTACT: Mitch Soth, Product Policy Management, AIR–62B, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service, Federal Aviation Administration, FAA Southwest Regional Office, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone 817–222–5104; email mitch.soth@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

The FAA will consider all comments received by the closing date for comments and will consider comments filed late if it is possible to do so without incurring delay. The FAA may change these special conditions based on the comments received.

Privacy

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in title 14, Code of Federal Regulations (14 CFR) 11.35, the FAA will post all comments received without change to www.regulations.gov, including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about these special conditions.

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and 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 these special conditions contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to these special conditions, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and the indicated comments will not be placed in the public docket of these proposed special conditions. Send submissions containing CBI to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section above. Comments the FAA receives, which are not specifically designated as CBI, will be placed in the public docket for these proposed special conditions.

Background

On April 10, 2023, Skyrise applied for a supplemental type certificate (STC) for the installation of novel control inputs and a fly-by-wire system in the Model R66 helicopter. The Robinson Model R66 helicopter, currently approved under Type Certificate No. R00015LA, is a single-engine, five passenger helicopter with a maximum takeoff weight of 2,700 pounds.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Skyrise must show that the changes to the Robinson Model R66 helicopter continue to comply with the applicable provisions of the regulations specified in Type Certificate No. R00015LA or with the regulations in effect on the date of the application for the change, except for any earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (e.g., 14 CFR part 27) do not contain adequate or appropriate safety standards for the Robinson Model R66 helicopter because of a novel or unusual design feature, special conditions are

prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Robinson Model R66 helicopter must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with title 14, Code of Federal Regulations (14 CFR) § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The Robinson Model R66 helicopter will incorporate the following novel or unusual design feature:

A four-axis full authority digital FBW FCS that provides aircraft control through pilot control inputs or coupled autopilot modes in addition to degraded modes.

Discussion

The Skyryse Robinson Model R66 helicopter is configured with a FBW FCS, which needs to be evaluated for acceptable static stability characteristics.

For conventional rotorcraft having mechanical linkages from the primary cockpit flight controls to the rotor, static longitudinal stability means that a pull displacement or force on the cyclic will result in a reduction of speed relative to the trim speed, and that a push displacement or force will result in a higher speed relative to the trim speed. Acceptable longitudinal stability is necessary for the following reasons:

- Airspeed change cues are provided to the pilot through increased and decreased forces on the controller.
- Short periods of unattended control of the rotorcraft do not result in significant changes in attitude, airspeed, or load factor.
- A predictable pitch response is provided to the pilot.
- An acceptable level of pilot workload, to attain and maintain trim speed and attitude, is provided to the pilot.
- Longitudinal stability provides gust stability.

The pitch control movement of the cyclic for the FBW FCS is an attitude

command, which results in a rotor movement to attain the commanded pitch attitude. The flight path commanded by the initial cyclic input will remain stick-free until the pilot gives another command. This control function is applied during “normal” control laws within the approved flight envelope.

Sections 27.171, 27.173, and 27.175 establish the minimum requirements for static longitudinal stability for visual flight rules (VFR), and appendix B of part 27, sections IV and VII, “Airworthiness Criteria for Helicopter Instrument Flight”, provides the airworthiness criteria for helicopter instrument flight. However, these requirements are inadequate for the modified Skyryse Robinson R-66 helicopter because the longitudinal control laws may permit neutral or negative static stability, rather than requiring positive static stability throughout the approved flight envelope. As detailed in § 27.173(b) and considered in Advisory Circular (AC) 27.173(A), “Static Longitudinal Stability”, which is contained within AC 27-1B, “Certification of Normal Category Rotorcraft”, and the positive control force stability requirements in appendix B to part 27, sections IV and VII, the slope of the control position (cyclic) versus the airspeed curve must be positive (*i.e.*, provide positive static stability) throughout the full range of altitude for which certification is requested with the throttle and collective pitch held constant.

The design of the Skyryse FBW FCS is such that the static stability requirements identified under part 27 and appendix B, section IV, may not be met for all flight conditions.

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

Applicability

As discussed above, these proposed special conditions are applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would apply to the other model as well.

Conclusion

This action affects only a certain novel or unusual design feature on the Model R66 of helicopters. It is not a rule of general applicability and affects only

the applicant who applied to the FAA for approval of these features on the helicopter.

List of Subjects in 14 CFR Part 27

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

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

The Proposed Special Conditions

Accordingly, the FAA proposes the following special conditions as part of the type certification basis for Robinson Model R66 helicopters, as modified by Skyryse.

In lieu of the requirements of §§ 27.173(b) and 27.175 for VFR operations, and the airworthiness criteria for helicopter instrument flight requirements in part 27, appendix B, sections IV and VII, the following special conditions apply:

The rotorcraft must be shown to have suitable longitudinal stability in any condition normally encountered in service, including the effects of atmospheric disturbance. The showing of suitable static longitudinal stability must be based primarily on a positive control movement (positive control sense of motion as referenced in AC 27.173A), in addition to rotorcraft handling qualities by assessing pilot workload, cues, and pilot compensation for specific test procedures during the flight test evaluation.

Issued in Kansas City, Missouri, on November 14, 2025.

Patrick R. Mullen,

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

[FR Doc. 2025–20611 Filed 11–20–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–5028; Project Identifier MCAI–2025–00434–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus SAS Model A320–251N, –252N, –253N, –271N, –272N, and –273N airplanes. This proposed AD was prompted by a detected deviation to the manufacturing process of the angle fitting connection to side panel skin between certain frames (FR) at a certain stringer on both left hand (LH) and right hand (RH) sides. This proposed AD would require inspecting the fastener holes to ensure they are the nominal diameter, and applicable corrective actions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by January 5, 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–2025–5028; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADS@easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–5028.

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

FOR FURTHER INFORMATION CONTACT:

Promita Dey, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 316–946–4106; email: promita.dey@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–2025–5028; Project Identifier MCAI–2025–00434–T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Promita Dey, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 316–946–4106; email: promita.dey@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025–0065, dated March 27, 2025 (EASA AD 2025–0065) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus SAS Model A320–251N, –252N, –253N, –271N, –272N, and –273N

airplanes. The MCAI states a deviation to the manufacturing process was detected during a review of the cold working process in the assembly line. This deviation could adversely affect the fatigue life of the angle fitting connection to side panel skin between FR 35 and FR 36 at stringer 30 on both LH and RH sides. This could lead to crack initiation and propagation which could possibly result in reduced structural integrity of the airplane. The FAA is proposing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–5028.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2025–0065 specifies procedures for special detailed inspections of the holes on the angle fitting connection to the side panel skin between FR 35 and FR 36 at stringer 30 on both the LH and RH side for discrepancies (fastener holes not in nominal condition), and applicable corrective actions. Corrective actions include a rototest inspection of the affected holes for cracking, repair, and contacting the manufacturer for additional instructions. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA’s Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2025–0065 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA)

ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2025–0065 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0065 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 2025–0065 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 2025–0065. Material required by EASA AD 2025–

0065 for compliance will be available at *regulations.gov* under Docket No. FAA–2025–5028 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 224 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
27 work-hours × \$85 per hour = \$2,295	\$0	\$2,295	\$514,080

ESTIMATED COSTS OF ON-CONDITION ACTIONS *

Labor cost	Parts cost	Cost per product
20 work-hours × \$85 per hour = \$1,700	\$0	\$1,700

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.
- § 39.13 [Amended]
- 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

Airbus SAS: Docket No. FAA–2025–5028; Project Identifier MCAI–2025–00434–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by January 5, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A320–251N, –252N, –253N, –271N, –272N, and –273N airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2025–0065, dated March 27, 2025 (EASA AD 2025–0065).

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by a detected deviation to the manufacturing process of the angle fitting connection to side panel skin between frame (FR) 35 and FR 36 at stringer 30 on both left hand (LH) and right hand (RH) sides. The FAA is issuing this AD to address reduced fatigue life of the affected area, which if not addressed, could result in crack initiation and propagation which could possibly result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2025–0065.

(h) Exceptions to EASA AD 2025–0065

(1) This AD does not adopt the “Remarks” section of EASA AD 2025–0065.

(2) Where paragraphs (2) and (3) of EASA AD 2025–0065 specify “discrepancy”, this AD requires replacing that text with “fastener hole not in nominal condition”.

(3) Where paragraph (4) of EASA AD 2025–0065 specifies “any discrepancy is detected, as defined in the SB, before next flight, contact Airbus for approved repair instructions and, within the compliance time specified therein, accomplish those instructions accordingly”, this AD requires replacing that text with “if any cracking is detected, the cracking must be repaired before further flight using a method approved by the Manager, AIR–520, Continued Operational Safety Branch, FAA; or EASA; or Airbus SAS’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature”.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2025–0065 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

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

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

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

(k) Additional Information

For more information about this AD, contact Promita Dey, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 316–946–4106; email: promita.dey@faa.gov.

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0065, dated March 27, 2025.

(ii) Reserved.

(3) For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; 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, 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 18, 2025.

Peter A. White,

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

[FR Doc. 2025–20572 Filed 11–20–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–3428; Project Identifier AD–2024–00428–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 787–8, 787–9, and 787–10 airplanes. This proposed AD was prompted by reports of door assist handles pulled loose from their lower attach point in the doorway support bracket during pre-

flight checks. This proposed AD would require, for certain airplanes, installing a new retainer above the lower keyway of the support bracket assembly and installing a placard on certain support bracket assemblies or marking the part, and for certain airplanes would require an inspection of the forward and aft door assist handles and applicable on-condition actions. For certain other airplanes, this proposed AD would require installing a new retainer above the lower keyway of the support bracket assembly at certain locations and reidentifying the support bracket assembly. 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 5, 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–2025–3428; 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 the Boeing material identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website myboeingfleet.com.

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at regulations.gov under Docket No. FAA–2025–3428.

FOR FURTHER INFORMATION CONTACT: Julie Linn, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3584; email: julie.linn@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–2025–3428; Project Identifier AD–2024–00428–T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such

marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Julie Linn, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3584; email: *julie.linn@faa.gov*. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received reports indicating door assist handles pulled loose from their lower attach point in the doorway support bracket during pre-flight checks. Boeing determined a lower maximum allowable door assist handle flex value, coupled with an out-of-tolerance door assist handle, contributed to this failure. This condition, if not addressed, could result in door assist handles becoming detached, which could cause injuries to passengers, crew, or maintenance personnel when opening the door, and could limit exit from the airplane during a time-limited emergency evacuation.

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 Special Attention Requirements Bulletin B787–81205–SB250253–00 RB, Issue 002, dated July 11, 2024. This material specifies procedures for installing a new retainer above the lower keyway of the support bracket assembly and installing

a placard on the forward and aft support bracket assemblies or marking the part to indicate the required actions were accomplished. For certain airplanes, this material specifies procedures for a detailed inspection for correct installation of the forward and aft door assist handles, and applicable on-condition actions. On-condition actions include replacement of upper spring clips.

The FAA reviewed Boeing Requirements Bulletin B787–81205–SB250254–00 RB, Issue 001, dated February 22, 2021. This service information specifies procedures for installing a new retainer above the lower keyway of the support bracket assembly at each passenger entry door located at the forward and aft door assist handle, and reidentifying the support bracket assembly with a new part number.

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the material already described, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this material at *regulations.gov* under Docket No. FAA–2025–3428.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 123 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection (per airplane, Model 787–8 and 787–9 airplanes).	12 work-hours × \$85 per hour = \$1,020.	\$0	\$1,020	\$116,280 (114 airplanes).
Installation of retainers and placards or part marking (per airplane, Model 787–8 and 787–9 airplanes).	Up to 16 work-hours × \$85 per hour = \$1,360.	Up to \$116	Up to \$1,476 ...	Up to \$168,264 (114 airplanes).
Inspection and reidentification (per airplane Model 787–10 airplanes).	28 work-hours × \$85 per hour = \$2,380.	\$160	\$2,540	\$22,860 (9 airplanes).

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

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

number of aircraft that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement of upper spring clips (per door)	2 work-hours × \$85 per hour = \$170	\$120	\$290

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2025–3428; Project Identifier AD–2024–00428–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by January 5, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company airplanes, certificated in any category, as specified in paragraphs (c)(1) and (2) of this AD.

(1) Model 787–8 and 787–9 airplanes as identified in Boeing Special Attention Requirements Bulletin B787–81205–SB250253–00 RB, Issue 002, dated July 11, 2024.

(2) Model 787–10 airplanes as identified in Boeing Requirements Bulletin B787–81205–SB250254–00 RB, Issue 001, dated February 22, 2021.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of door assist handles pulled loose from their lower attach point in the doorway support bracket during pre-flight checks. The FAA is issuing this AD to address loose door assist handles. The unsafe condition, if not addressed, could result in door assist handles becoming detached, which could cause injuries to passengers, crew, or maintenance personnel when opening the door, and could limit exit from the airplane during a time-limited emergency evacuation.

(f) Compliance

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

(g) Required Actions

(1) For the airplanes identified in paragraph (c)(1) of this AD: Except as specified by paragraph (h) of this AD, at the applicable times specified in the "Compliance" paragraph of Boeing Special Attention Requirements Bulletin B787–81205–SB250253–00 RB, Issue 002, dated July 11, 2024, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Requirements Bulletin B787–81205–SB250253–00 RB, Issue 002, dated July 11, 2024.

Note 1 to paragraph (g)(1): Guidance for accomplishing the actions required by this AD can be found in Boeing Special Attention Service Bulletin B787–81205–SB250253–00, Issue 002, dated July 11, 2024, which is referred to in Boeing Special Attention Requirements Bulletin B787–81205–SB250253–00 RB, Issue 002, dated July 11, 2024.

(2) For the airplanes identified in paragraph (c)(2) of this AD: Except as specified by paragraph (h) of this AD, at the applicable times specified in the "Compliance" paragraph of Boeing Requirements Bulletin B787–81205–SB250254–00 RB, Issue 001, dated February 22, 2021, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Requirements Bulletin B787–81205–SB250254–00 RB, Issue 001, dated February 22, 2021.

Note 2 to paragraph (g)(2): Guidance for accomplishing the actions required by this AD can be found in Boeing Service Bulletin B787–81205–SB250254–00, Issue 001, dated February 22, 2021, which is referred to in Boeing Requirements Bulletin B787–81205–SB250254–00 RB, Issue 001, dated February 22, 2021.

(h) Exceptions to Requirements Bulletin Specifications

(1) Where the Compliance Time columns of the tables in the "Compliance" paragraph of Boeing Special Attention Requirements Bulletin B787–81205–SB250253–00 RB, Issue 002, dated July 11, 2024, refer to the Issue 002 date of Requirements Bulletin B787–81205–SB250253–00 RB, this AD requires using the effective date of this AD.

(2) Where the Compliance Time column of the table in the "Compliance" paragraph of Boeing Requirements Bulletin B787–81205–SB250254–00 RB, Issue 001, dated February 22, 2021, refer to the Issue 001 date of Requirements Bulletin B787–81205–SB250254–00 RB, this AD requires using the effective date of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR–520, Continued Operational Safety Branch, FAA, has the

authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

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

(j) Related Information

(1) For more information about this AD, contact Julie Linn, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3584; email: julie.linn@faa.gov.

(2) Material identified in this AD that is not incorporated by reference is available at the address specified in paragraph (k)(3) this AD.

(k) Material Incorporated by Reference

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

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

(i) Boeing Special Attention Requirements Bulletin B787-81205-SB250253-00 RB, Issue 002, dated July 11, 2024.

(ii) Boeing Requirements Bulletin B787-81205-SB250254-00 RB, Issue 001, dated February 22, 2021.

(3) For the 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 6, 2025.

Lona C. Saccomando,

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

[FR Doc. 2025-20664 Filed 11-20-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2025-5107; **Airspace Docket No. 25-AGL-16**]

RIN 2120-AA66

Amendment of Class D and Class E Airspace; Ashland, Bucyrus, and Mansfield, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class D and Class E airspace at Mansfield, OH; and the Class E airspace at Ashland and Bucyrus, OH. The name of Mansfield Lahm Regional Airport, Mansfield, OH; the name and geographic coordinates of University Hospitals Samaritan Medical Center Heliport, Ashland, OH, and Port Bucyrus/Crawford County Airport, Bucyrus, OH, would also be updated to coincide with the FAA's aeronautical database. The FAA is proposing this action as the result of airspace reviews conducted due to the decommissioning of the Mansfield very high frequency omnidirectional range (VOR) as part of the VOR Minimum Operational Network (MON) Program. This action would bring the airspace into compliance with FAA orders and support instrument flight rule (IFR) procedures and operations.

DATES: Comments must be received on or before January 5, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA-2025-5107 and Airspace Docket No. 25-AGL-16 using any of the following methods:

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

* *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in

Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

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

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, Office of Policy, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267-8783.

FOR FURTHER INFORMATION CONTACT:

Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222-5711.

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 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 would amend the Class D and Class E airspace at the affected airports to support IFR operations.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any

recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it received on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov as described in the system of records notice (DOT/ALL-14FDMS), which can be reviewed at www.dot.gov/privacy.

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at www.regulations.gov. Recently published rulemaking documents can also be accessed through the FAA's web page at www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Incorporation by Reference

Class D and Class E airspace relevant to this action are published in paragraphs 5000, 6002, and 6005 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 proposes to amend the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and

effective September 15, 2025. These updates would be published subsequently 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 Proposal

The FAA is proposing an amendment to 14 CFR part 71 that would modify the Class D, Class E surface area, and Class E airspace extending upward from 700 ft. above the surface at Mansfield, Ohio; and the Class E airspace extending upward from 700 ft. above the surface at Ashland, Ohio, and Bucyrus, Ohio, due to airspace reviews conducted as part of the decommissioning of the Mansfield VOR as part of the VOR MON Program.

For the Mansfield Lahm Regional Airport, Mansfield, OH, Class D airspace, the proposal would: (1) increase the radius from 4.4 miles to 5.4 miles from the airport; (2) update the name of the airport from Mansfield Lahm Municipal Airport to Mansfield Lahm Regional Airport to coincide with the FAA's aeronautical database; and (3) change the outdated term of "Notice to Air Missions" to "Notice to Airmen."

For the Mansfield Lahm Regional Airport Class E surface area, the proposal would: (1) increase the radius from 4.4 miles to 5.4 miles; and (2) change the outdated term of "Notice to Air Missions" to "Notice to Airmen."

For the Ashland County Airport, Ashland, OH, Class E airspace extending upward from 700 ft. above the surface, the proposal would: (1) increase the radius from 6.3 miles to 6.9 miles from the airport; and (2) remove the exclusion area as it is not required.

For the University Hospitals Samaritan Medical Center Heliport, Ashland, OH, Class E airspace extending upward from 700 ft. above the surface, the proposal would: (1) increase the radius from 6 miles to 6.7 miles; (2) replace the point in space coordinates with the heliport reference point; and (3) update the name of the heliport from Samaritan Hospital Heliport to University Hospitals Samaritan Medical Center Heliport to coincide with the FAA's aeronautical database.

For the Port Bucyrus/Crawford County Airport, Bucyrus, OH, Class E airspace extending upward from 700 ft. above the surface, the proposal would: (1) increase the radius from 6.3 miles to 6.8 miles; (2) remove the city associated with the airport in the airspace legal description to comply with changes to FAA Order JO 7400.2R, Procedures for

Handling Airspace Matters; and (3) update the name of the airport from Port Bucyrus-Crawford County Airport to Port Bucyrus/Crawford County Airport and update the geographic coordinates to coincide with the FAA's aeronautical database.

For the Mansfield Lahm Regional Airport Class E airspace extending upward from 700 ft. above the surface, the proposal would: (1) increase the radius from 6.9 miles to 7.9 miles; (2) amend the extension northeast of the airport to within 2 miles each side of the 047° bearing from the Mansfield Lahm Regional Airport extending from the 7.9-mile (previously 6.9-mile) radius from the airport to 8.9 miles northeast of the airport; (3) remove the Mansfield VORTAC and all associated extensions from the legal description; (4) add an extension within 4 miles each side of the 137° bearing from the Mansfield Lahm RGNL: RWY 32-LOC extending from the 7.9-mile radius from the Mansfield Lahm Regional Airport to 8.9 miles southeast of the airport; (5) add an extension within 4 miles each side of the 136° bearing from the MANNS NDB extending from the 7.9-mile radius of the Mansfield Lahm Regional Airport to 15 miles southeast of the airport; (6) add an extension 4 miles each side of the 137° bearing from the Mansfield Lahm Regional Airport extending from the 7.9-mile radius from the airport to 11.2 miles southeast of the airport; and (7) add an extension within 4 miles each side of the 317° bearing from the Mansfield Lahm Regional Airport extending from the 7.9-mile radius of the airport to 11.6 miles northwest of the airport.

For the Galion Municipal Airport, Galion, OH, Class E airspace extending upward from 700 ft. above the surface contained within the Mansfield, OH, airspace legal description, the proposal would increase the radius from 6.3 miles to 7.9 miles.

For the Shelby Community Airport, Shelby, OH, Class E airspace extending upward from 700 ft. above the surface contained within the Mansfield, OH, airspace legal description, the proposal would increase the radius from 6.3 miles to 7 miles.

And for the Willard Airport, Willard, OH, Class E airspace extending upward from 700 ft. above the surface contained within the Mansfield, OH, airspace legal description, the proposal would increase the radius from 6.3 miles to 6.5 miles.

Regulatory Notices and Analyses

The FAA has determined that this proposed 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 will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1G, “FAA National Environmental Policy Act Implementing Procedures” prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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 5000 Class D Airspace.

* * * * *

AGL OH D Mansfield, OH [Amended]

Mansfield Lahm Regional Airport, OH
(Lat 40°49′17″ N, long 082°31′00″ W)

That airspace extending from the surface to and including 3,800 feet MSL within a 5.4-mile radius of the Mansfield Lahm Regional Airport. This Class D airspace area is effective during the specific dates and times established in advance by Notice to Airmen. The effective dates and times will thereafter

be continuously published in the Chart Supplement.

* * * * *

6002 Class E Airspace Areas Designated as Surface Areas.

* * * * *

AGL OH E2 Mansfield, OH [Amended]

Mansfield Lahm Regional Airport, OH
(Lat 40°49′17″ N, long 082°31′00″ W)

Within a 5.4-mile radius of Mansfield Lahm Regional Airport. This Class E airspace area is effective during the specific dates and times established in advance by Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL OH E5 Ashland, OH [Amended]

Ashland County Airport, OH
(Lat 40°54′11″ N, long 082°15′20″ W)
University Hospitals Samaritan Medical Center Heliport, OH
(Lat 40°51′33″ N, long 082°18′31″ W)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of Ashland County Airport; and within a 6.7-mile radius of the University Hospitals Samaritan Medical Center Heliport.

* * * * *

AGL OH E5 Bucyrus, OH [Amended]

Port Bucyrus/Crawford County Airport, OH
(Lat 40°46′54″ N, long 082°58′29″ W)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of the Port Bucyrus/Crawford County Airport.

* * * * *

AGL OH E5 Mansfield, OH [Amended]

Mansfield Lahm Regional Airport, OH
(Lat 40°49′17″ N, long 082°31′00″ W)
Mansfield Lahm RGNL: RWY 32–LOC
(Lat 40°50′07″ N, long 082°31′51″ W)
MANNNS NDB

(Lat 40°45′59″ N, long 082°26′43″ W)
Galion Municipal Airport, OH
(Lat 40°45′12″ N, long 082°43′26″ W)
Shelby Community Airport, OH
(Lat 40°52′22″ N, long 082°41′51″ W)
Willard Airport, OH
(Lat 41°02′20″ N, long 082°43′28″ W)

That airspace extending upward from 700 feet above the surface within a 7.9-mile radius of Mansfield Lahm Regional Airport; and within 2 miles each side of the 047° bearing from Mansfield Lahm Regional Airport extending from the 7.9-mile radius to 8.9 miles northeast of the Mansfield Lahm Regional Airport; and within 4 miles each side of the 137° bearing from the Mansfield Lahm RGNL: RWY 32–LOC extending from the 7.9-mile radius of the Mansfield Lahm Regional Airport to 8.9 miles southeast of the Mansfield Lahm Regional Airport; and within 4 miles each side of the 136° bearing from the MANNNS NDB extending from the

7.9-mile radius of the Mansfield Lahm Regional Airport to 15 miles southeast of the Mansfield Lahm Regional Airport; and within 4 miles each side of the 137° bearing from the Mansfield Lahm Regional Airport extending from the 7.9-mile radius of the Mansfield Lahm Regional Airport to 11.2 miles southeast of the Mansfield Lahm Regional Airport; and within 4 miles each side of the 317° bearing from the Mansfield Lahm Regional Airport extending from the 7.9-mile radius of the Mansfield Lahm Regional Airport to 11.6 miles northwest of the Mansfield Lahm Regional Airport; and within a 7.9-mile radius of Galion Municipal Airport; and within a 7-mile radius of Shelby Community Airport; and within a 6.5-mile radius of Willard Airport.

* * * * *

Issued in Fort Worth, Texas, on November 19, 2025.

Jerry J. Creecy,

*Acting Manager, Operations Support Group,
ATO Central Service Center.*

[FR Doc. 2025–20596 Filed 11–20–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–5108; Airspace
Docket No. 25–AGL–17]

RIN 2120–AA66

Amendment of Class E Airspace; New Lexington, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace at New Lexington, OH. The name and geographic coordinates of Ed Newlon Field, New Lexington, OH, would also be updated to coincide with the FAA’s aeronautical database. The FAA is proposing this action as the result of airspace reviews conducted due to the decommissioning of the Zanesville very high frequency omnidirectional range (VOR) as part of the VOR Minimum Operational Network (MON) Program. This action would bring the airspace into compliance with FAA orders and support instrument flight rule (IFR) procedures and operations.

DATES: Comments must be received on or before January 5, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2025–5108 and Airspace Docket No. 25–AGL–17 using any of the following methods:

* *Federal eRulemaking Portal:* Go to www.regulations.gov and follow the

online instruction for sending your comments electronically.

* *Mail*: Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

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

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

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

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, Office of Policy, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

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 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 would amend the Class E airspace at the affected airport to support IFR operations.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it received on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov as described in the system of records notice (DOT/ALL–14FDMS), which can be reviewed at www.dot.gov/privacy.

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at www.regulations.gov. Recently published rulemaking documents can also be accessed through the FAA's web page at www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Incorporation by Reference

Class E airspace is published in paragraph 6005 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 proposes to amend the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These updates would 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 Proposal

The FAA is proposing an amendment to 14 CFR part 71 that would modify the Class E airspace extending upward from 700 ft. above the surface at New Lexington, Ohio, due to an airspace review conducted as part of the decommissioning of the Zanesville VOR as part of the VOR MON Program.

For the Ed Newlon Field, New Lexington, OH, Class E airspace extending upward from 700 ft. above the surface, the proposal would: (1) increase the radius from 6.3 miles to 6.5 miles from the airport; (2) remove the city associated with the airport from the airspace legal description header to comply with changes to FAA Order JO 7400.2R, Procedures for Handling Airspace Matters; and (3) update the name of the airport from Perry County Airport to Ed Newlon Field as well as update the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

Regulatory Notices and Analyses

The FAA has determined that this proposed 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 will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1G, "FAA National Environmental Policy Act Implementing Procedures" prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL OH E5 New Lexington, OH [Amended]

Ed Newlon Field, OH

(Lat 39°41'30" N, long 082°11'52" W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Ed Newlon Field.

* * * * *

Issued in Fort Worth, Texas, on November 19, 2025.

Jerry J. Creecy,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2025–20595 Filed 11–20–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–5106; Airspace Docket No. 25–ASW–12]

RIN 2120–AA66

Amendment of Class E Airspace; Beeville, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace at Beeville, TX. The FAA is proposing this action as the result of an airspace review conducted due to the decommissioning of the Three Rivers very high frequency omnidirectional range (VOR) as part of the VOR Minimum Operational Network (MON) Program. This action would bring the airspace into compliance with FAA orders and support instrument flight rule (IFR) procedures and operations.

DATES: Comments must be received on or before January 5, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2025–5106 and Airspace Docket No. 25–ASW–12 using any of the following methods:

* *Federal eRulemaking Portal:* Go to www.regulations.gov and follow the online instruction for sending your comments electronically.

* *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

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

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

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

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, Office of Policy, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT:

Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

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 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 would amend the Class E airspace at the affected airport to support IFR operations.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it received on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring

expense or delay. The FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov as described in the system of records notice (DOT/ALL-14FDMS), which can be reviewed at www.dot.gov/privacy.

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at www.regulations.gov. Recently published rulemaking documents can also be accessed through the FAA's web page at www.faa.gov/air-traffic/publications/airspace-amendments/.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Incorporation by Reference

Class E airspace is published in paragraph 6005 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 proposes to amend the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These updates would 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 Proposal

The FAA is proposing an amendment to 14 CFR part 71 that would modify the Class E airspace extending upward from 700 ft. above the surface at Beeville, Texas, due to an airspace review conducted as part of the decommissioning of the Three Rivers VOR as part of the VOR MON Program.

For the Beeville Municipal Airport, Beeville, TX, Class E airspace extending upward from 700 ft. above the surface,

the proposal would: (1) increase the radius from 6.6 miles to 7.1 miles from the airport; (2) remove the Beeville NDB and associated extension as they are no longer required; and (3) update the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

Regulatory Notices and Analyses

The FAA has determined that this proposed 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 will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1G, "FAA National Environmental Policy Act Implementing Procedures" prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASW TX E5 Beeville, TX [Amended]

Beeville Municipal Airport
(Lat 28°21'51" N, long 097°47'31" W)

That airspace extending upward from 700 feet above the surface within a 7.1-mile radius of Beeville Municipal Airport.

* * * * *

Issued in Fort Worth, Texas, on November 19, 2025.

Jerry J. Creecy,

*Acting Manager, Operations Support Group,
ATO Central Service Center.*

[FR Doc. 2025–20600 Filed 11–20–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

[Docket No. VA–2025–VHA–0004]

RIN 2900–AS23

Exempting Whole Health Well-Being Services From Copayment

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Department of Veterans Affairs (VA) is withdrawing a document published in the **Federal Register** on January 3, 2025, that requested public comment on VA's proposal to revise its medical regulations to exempt Whole Health well-being services from the copayment requirements for inpatient hospital care and outpatient medical care. VA is withdrawing the proposed rule due to ongoing assessments of agency needs, priorities, and objectives.

DATES: The proposed rule published at 90 FR 279 on January 3, 2025, is withdrawn as of November 21, 2025.

ADDRESSES: The docket for this withdrawn proposed rule is available at www.regulations.gov/docket/VA-2025-VHA-0004.

FOR FURTHER INFORMATION CONTACT: Dr. Kavitha Reddy, Associate Director, Employee Whole Health, Veterans Health Administration, (314) 312–8126.

SUPPLEMENTARY INFORMATION: In a document published in the **Federal Register** on January 3, 2025, VA proposed to exempt Whole Health well-being services from the copayment requirements for inpatient hospital care and outpatient medical care to further encourage veteran utilization of these services. Whole Health well-being services, which consist of Whole Health

education and skill-building programs and complementary and integrative health well-being services, are provided to veterans within the VA Whole Health System of Care.

VA is withdrawing the proposed rule due to ongoing assessments of agency needs, priorities, and objectives. VA appreciates the public comments submitted and continues to consider the best means of addressing some or all of the issues covered in the proposed rule. If, in the future, VA decides it is appropriate to issue regulations on this topic, VA will do so through a new notice of proposed rulemaking, subject to the requirements of the Administrative Procedure Act, 5 U.S.C. 551, *et seq.*

Signing Authority

Douglas A. Collins, Secretary of Veterans Affairs, approved this document on October 1, 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. 2025–20561 Filed 11–20–25; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2025–0167; FRL–12839–01–R5]

Air Plan Approval; Indiana; Second Maintenance Plan for 2008 Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Indiana State Implementation Plan (SIP). On April 1, 2025, the Indiana Department of Environmental Management (IDEM) submitted a revision to the State's plan for maintaining the 2008 ozone National Ambient Air Quality Standard (NAAQS or standard) in the Indiana portion of the Cincinnati, Ohio-Kentucky-Indiana area. EPA is proposing to approve this maintenance plan because it provides for the maintenance of the 2008 ozone NAAQS for the area for 10 additional years as required by the Clean Air Act (CAA). EPA is also initiating the

adequacy review process for motor vehicle emission budgets (Budgets) for the area. This action, if finalized, would make certain commitments related to maintenance of the 2008 ozone NAAQS in this area federally enforceable as part of the Indiana SIP.

DATES: Comments must be received on or before December 22, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2025–0167 at <https://www.regulations.gov>, or via email to langman.michael@epa.gov. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at <https://www.regulations.gov> any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI, PBI, or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Delaney Kilgour, Air and Radiation Division (AR18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–1493, kilgour.delaney@epa.gov. The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION: Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. This **SUPPLEMENTARY INFORMATION** section is arranged as follows:

- I. Summary of EPA's Proposed Action
- II. Background
- III. EPA's Evaluation of Indiana's SIP Submittal
 - A. Second Maintenance Plan
 - B. Transportation Conformity

IV. What action is EPA taking?

V. Statutory and Executive Order Reviews

I. Summary of EPA's Proposed Action

EPA is proposing to approve, as a revision to the Indiana SIP, the 2008 ozone NAAQS maintenance plan for the Indiana portion of the Cincinnati, Ohio-Kentucky-Indiana area. The Cincinnati area includes Lawrenceburg Township in Dearborn County in Indiana; Butler, Clermont, Clinton, Hamilton, and Warren Counties in Ohio; and parts of Boone, Campbell, and Kenton Counties in Kentucky. The maintenance plan is designed to keep the Cincinnati area in attainment of the 2008 ozone NAAQS through 2037.

II. Background

Ground-level ozone is formed when nitrogen oxides (NO_x) and volatile organic compounds (VOC) react in the presence of sunlight. These two pollutants are referred to as ozone precursors. Scientific evidence indicates that adverse public health effects occur following exposure to ozone.

On March 12, 2008, under section 109 of the CAA, EPA promulgated a revised primary and secondary 8-hour ozone NAAQS of 0.075 parts per million (ppm). See 73 FR 16436 (March 27, 2008). Under EPA's regulations at 40 CFR part 50, the 2008 ozone NAAQS is attained in an area when the 3-year average of the annual fourth highest daily maximum 8-hour average concentration is equal to or less than 0.075 ppm, when truncated after the thousandth decimal place, at all of the ozone monitoring sites in the area. See 40 CFR 50.15 and appendix P to 40 CFR part 50.

Following promulgation of a new or revised NAAQS, EPA is required by the CAA to designate areas throughout the nation as attaining or not attaining the NAAQS. On May 21, 2012 (77 FR 30088), EPA designated areas for the 2008 ozone NAAQS, including the Cincinnati, Ohio-Kentucky-Indiana area as nonattainment. These designations became effective on July 20, 2012. Under the CAA, States are also required to adopt and submit SIPs to implement, maintain, and enforce the NAAQS in designated nonattainment areas and throughout the State.

When a nonattainment area has three years of complete, certified air quality data that has been determined to attain the 2008 ozone NAAQS, and the area has met other required criteria described in section 107(d)(3)(E) of the CAA, the State can submit to EPA a request to be redesignated to attainment, referred to

as a “maintenance area.”¹ One of the criteria for redesignation is to have an approved maintenance plan under section 175A of the CAA. The maintenance plan must demonstrate that the area will continue to maintain the standard for the period extending 10 years after redesignation, and it must contain such additional measures as necessary to ensure maintenance and such contingency provisions as necessary to ensure that violations of the standard will be promptly corrected. At the end of the eighth year after the effective date of the redesignation, the State must also submit a second maintenance plan to ensure ongoing maintenance of the standard for an additional 10 years. *See* CAA section 175A.

EPA has published long-standing guidance for States on developing maintenance plans.² The Calcagni Memorandum provides that States may generally demonstrate maintenance by either performing air quality modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS or by showing that future emissions of a pollutant and its precursors will not exceed the level of emissions during a year when the area was attaining the NAAQS (*i.e.*, attainment year inventory). *See* Calcagni Memorandum at 9.

On February 23, 2016, IDEM submitted a request to EPA to redesignate the Indiana portion of the Cincinnati nonattainment area to attainment for the 2008 ozone NAAQS. This submittal included a plan to maintain the 2008 ozone NAAQS in the Cincinnati area through 2030 as a revision to the Indiana SIP. EPA approved the Cincinnati maintenance plan and the State’s request to redesignate the Indiana portion of the area to attainment for the 2008 ozone NAAQS on April 7, 2017 (82 FR 16940).

¹ Section 107(d)(3)(E) of the CAA sets out the requirements for redesignation. They include attainment of the NAAQS, full approval of the SIP under section 110(k) of the CAA, determination that improvement in air quality is a result of permanent and enforceable reductions in emissions, demonstration that the State has met all applicable section 110 and part D requirements, and a fully approved maintenance plan under CAA section 175A.

² “Procedures for Processing Requests to Redesignate Areas to Attainment,” Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (the “Calcagni Memorandum”).

Under section 175A(b) of the CAA, States must submit a revision to the first maintenance plan eight years after redesignation to provide for maintenance of the NAAQS for 10 additional years following the end of the first 10-year period. IDEM submitted a second maintenance plan on April 1, 2025, and supplemented the submission on October 8, 2025. The second maintenance plan shows attainment of the 2008 ozone NAAQS for Cincinnati through 2037, *i.e.*, through the end of the full 20-year maintenance period for the area.

III. EPA’s Evaluation of Indiana’s SIP Submittal

A. Second Maintenance Plan

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. Under section 175A, the maintenance plan must demonstrate continued attainment of the NAAQS for at least 10 years after the Administrator approves a redesignation to attainment. Eight years after the redesignation, the State must submit a revised maintenance plan which demonstrates that attainment of the NAAQS will continue for an additional 10 years beyond the initial 10-year maintenance period. To address the possibility of future NAAQS violations, the maintenance plan must contain contingency measures, as EPA determines necessary, to ensure prompt correction of the future NAAQS violation.

The Calcagni Memorandum provides further guidance on the content of a maintenance plan, explaining that a maintenance plan should address five elements: (1) an attainment emission inventory; (2) a maintenance demonstration; (3) a commitment for continued air quality monitoring; (4) a process for verification of continued attainment; and (5) a contingency plan.

On April 1, 2025, IDEM submitted, as a SIP revision, a plan to provide for maintenance of the 2008 ozone standard in the Indiana portion of the Cincinnati area through 2037, more than 20 years after the effective date of the redesignation to attainment. On October 8, 2025, IDEM submitted a supplement to the April 1 SIP revision submittal, revising the emission inventories. As discussed below, EPA proposes to find

that IDEM’s second maintenance plan includes the necessary components and to approve the maintenance plan as a revision to the Indiana SIP.

1. Attainment Inventory

The CAA section 175A maintenance plan approved by EPA for the first 10-year period included an attainment inventory for the Cincinnati area that reflected typical summer day VOC and NO_x emissions in 2014. In addition, because the area continued to monitor attainment of the 2008 ozone NAAQS in 2016, 2016 is an appropriate year to use for an attainment year inventory. For the Cincinnati attainment inventory, Ohio and Indiana emissions of area, nonroad, and point sources, and Kentucky emissions of area and nonroad sources were based upon the 2016v2 Emissions Modeling Platform provided by EPA.³ Kentucky point source emissions (electric generating unit (EGU) and non-EGU) were derived from the Kentucky emissions reporting system, provided in tons per year (tpy), and based upon the actual locations of the sources within the partial areas of Kentucky counties in the maintenance area. Kentucky point source emissions were converted to tons per day (tpd) by multiplying by the ratio of average July day emissions to annual emissions for the point sector from the 2016v2 Emissions Modeling Platform. On-road mobile source emissions for the Cincinnati area were developed in conjunction with the Ohio-Kentucky-Indiana Regional Council of Governments and were calculated from emission factors produced by EPA’s 2023 Motor Vehicle Emission Simulator (MOVES4)⁴ and data extracted from the region’s travel demand model. All sectors of Kentucky emissions were multiplied by fractions representing the maintenance portions of the Kentucky counties. On-road mobile source emissions for Indiana were based on the partial maintenance area in Dearborn County, and remaining source sectors were based on the entire county. Attainment inventories for the Cincinnati area are in Tables 1 and 2.

³ The inventory documentation for this modeling platform can be found here: <https://gaftp.epa.gov/Air/emismod/2016/v2/>.

⁴ The documentation for MOVES4 can be found here: <https://www.epa.gov/moves/moves-versions-limited-current-use>.

TABLE 1—CINCINNATI-OH-KY-IN AREA TYPICAL SUMMER DAY VOC EMISSIONS FOR ATTAINMENT YEAR 2016
[Tons/day (tpd)]

	Point	Area	Nonroad	On-road	Total
Indiana:					
Dearborn County	6.21	1.37	0.37	0.20	8.15
Entire Area	13.38	65.80	17.39	27.30	123.87

TABLE 2—CINCINNATI-OH-KY-IN AREA TYPICAL SUMMER DAY NO_x EMISSIONS FOR ATTAINMENT YEAR 2016
[Tons/day (tpd)]

	Point	Area	Nonroad	On-road	Total
Indiana:					
Dearborn County	1.75	0.26	0.38	0.57	2.96
Entire Area	58.92	11.90	15.60	64.90	151.32

2. Maintenance Demonstration

IDEM demonstrates maintenance through 2037 for the Cincinnati area by showing that future VOC and NO_x emissions remain at or below attainment year emission levels. 2037 is an appropriate maintenance year for the Cincinnati area because this year is more than 10 years beyond the first 10-year maintenance period. The maintenance year emissions inventories of area, nonroad, and point sources are projected from the EPA 2016v2 Emissions Modeling Platform, which includes emissions for the modeling years of 2016, 2023, 2026, and 2032. The 2037 maintenance year emissions were projected from the platform by linear extrapolation. If the extrapolation resulted in a negative value, IDEM assumed that maintenance year

emissions would remain at the levels from the 2032 modeling year included in the 2016v2 platform, which is a conservative assumption as emissions have been shown to be decreasing. On-road mobile source emissions for maintenance years were calculated from EPA's 2023 MOVES4. All sectors of Kentucky emissions were multiplied by fractions representing the maintenance portions of the Kentucky counties. On-road mobile source emissions for Indiana were based on the partial maintenance area in Dearborn County, and remaining source sectors were based on the entire county. The 2037 summer day emission inventories for the Cincinnati area are in Tables 3 and 4, and changes in VOC and NO_x emissions in the Cincinnati area between 2016 and 2037 are summarized in Table 5.

In summary, the maintenance demonstration shows maintenance of the 2008 ozone standard by providing emissions information to support the demonstration that future emissions of NO_x and VOC will remain at or below 2016 emission levels when considering both future source growth and implementation of future controls. In the Indiana portion of the Cincinnati area, Table 5 shows that VOC emissions are projected to increase by 0.01 tpd between 2016 and 2037, and NO_x emissions are projected to decrease by 1.00 tpd between 2016 and 2037. In the entire Cincinnati area, Table 5 shows that VOC and NO_x emissions are projected to decrease by 18.16 tpd and 102.23 tpd, respectively, between 2016 and 2037.

TABLE 3—CINCINNATI-OH-KY-IN AREA TYPICAL SUMMER DAY VOC EMISSIONS FOR MAINTENANCE YEAR 2037
[Tons/day (tpd)]

	Point	Area	Nonroad	On-road	Total
Indiana:					
Dearborn County	6.24	1.58	0.27	0.07	8.16
Entire Area	11.75	69.90	12.59	11.47	105.71

TABLE 4—CINCINNATI-OH-KY-IN AREA TYPICAL SUMMER DAY NO_x EMISSIONS FOR MAINTENANCE YEAR 2037
[Tons/day (tpd)]

	Point	Area	Nonroad	On-road	Total
Indiana:					
Dearborn County	1.51	0.19	0.17	0.09	1.96
Entire Area	22.54	8.97	7.49	10.09	49.09

TABLE 5—CHANGE IN TYPICAL SUMMER DAY VOC AND NO_x EMISSIONS IN THE CINCINNATI AREA BETWEEN 2016 AND 2037

[Tons/day (tpd)]

	VOC			NO _x		
	2016	2037	Net change (2016–2037)	2016	2037	Net change (2016–2037)
Indiana Portion of the Area:						
Point	6.21	6.24	0.03	1.75	1.51	– 0.24
Area	1.37	1.58	0.21	0.26	0.19	– 0.07
Nonroad	0.37	0.27	– 0.10	0.38	0.17	– 0.21
On-road	0.20	0.07	– 0.13	0.57	0.09	– 0.48
Total	8.15	8.16	0.01	2.96	1.96	– 1.00
Entire Area:						
Point	13.38	11.75	– 1.63	58.92	22.54	– 36.38
Area	65.80	69.90	4.10	11.90	8.97	– 2.93
Nonroad	17.39	12.59	– 4.80	15.60	7.49	– 8.11
On-road	27.30	11.47	– 15.83	64.90	10.09	– 54.81
Total	123.87	105.71	– 18.16	151.32	49.09	– 102.23

3. Continued Air Quality Monitoring

IDEM has committed to continue to work with neighboring agencies to operate an approved ozone monitoring network in the Cincinnati area. IDEM has committed to consult with EPA prior to making changes to the existing monitoring network should changes become necessary in the future. Indiana remains obligated to meet monitoring requirements and to continue to quality assure monitoring data in accordance with 40 CFR part 58, and to enter all data into the Air Quality System in accordance with Federal guidelines.

4. Verification of Continued Attainment

Indiana has the legal authority to enforce and implement the requirements of the maintenance plan for the Indiana portion of the Cincinnati area. This includes the authority to adopt, implement, and enforce any subsequent emission control measures determined to be necessary to correct future ozone attainment problems.

Verification of continued attainment is accomplished through operation of the ambient ozone monitoring network and the periodic update of the area's emission inventories. IDEM will continue to work with neighboring agencies to operate an approved ozone monitoring network in the Cincinnati maintenance area. There are no plans to discontinue operation, relocate, or otherwise change the existing ozone monitoring network other than through revisions in the network approved by EPA.

In addition, to track future levels of emissions, IDEM will continue to develop and submit to EPA updated emission inventories for all source categories at least once every three

years, consistent with the requirements of 40 CFR part 51, subpart A, and in 40 CFR 51.122.

5. Contingency Plan

Section 175A of the CAA requires that the State must adopt a maintenance plan, as a SIP revision, that includes such contingency measures as EPA deems necessary to ensure that the State will promptly correct a violation of the NAAQS that occurs after redesignation of the area to attainment of the NAAQS. The maintenance plan must identify: the contingency measures to be considered and, if needed for maintenance, adopted and implemented; a schedule and procedure for adoption and implementation; and a time limit for action by the State. The State should also identify specific indicators to be used to determine when the contingency measures need to be considered, adopted, and implemented. The maintenance plan must include a commitment that the State will implement all measures with respect to the control of the pollutant that were contained in the SIP before redesignation of the area to attainment in accordance with section 175A(d) of the CAA. *See* Calcagni Memorandum at 12–13.

As required by section 175A of the CAA, IDEM has adopted a contingency plan for the Cincinnati area to address possible future ozone air quality problems. The contingency plan adopted by IDEM has two levels of response: a warning level response and an action level response.

In IDEM's plan, a warning level response will be triggered when an annual (1-year) fourth highest 8-hour average ozone concentration of 0.079

ppm or higher or a 2-year fourth highest 8-hour average ozone concentration of 0.076 ppm or higher is monitored within the maintenance area. A warning level response will consist of IDEM conducting a study to determine whether the ozone value indicates a trend toward higher ozone values or whether emissions appear to be increasing. The study will evaluate whether the trend, if any, is likely to continue, and if so, the control measures necessary to reverse the trend. The study will consider ease and timing of implementation as well as economic and social impacts. Implementation of necessary controls in response to a warning level response trigger will take place within 12 months from the conclusion of the most recent ozone season.

In IDEM's plan, an action level response will be triggered whenever a violation of the standard (3-year average of the annual fourth highest 8-hour average ozone concentration equal to 0.076 ppm or higher) is monitored within the maintenance area. When an action level response is triggered, IDEM will determine what additional control measures are needed to ensure future attainment of the ozone standard and will adopt these measures through the necessary administrative and legal process, including the opportunity for a public hearing. Control measures selected will be adopted and implemented within 18 months from the close of the ozone season that prompted the action level. IDEM may also consider if significant new regulations not currently included as part of the maintenance provisions will be implemented in a timely manner and

would thus constitute an adequate contingency measure response.

IDEM included the following list of potential contingency measures in its maintenance plan:

a. Lower-Reid vapor pressure gasoline program.

b. Broader geographic applicability of existing measures.

c. Tighten VOC Reasonably Available Control Technology (RACT) on existing sources covered by EPA Control Technique Guidelines issued after the 1990 CAA.

d. Apply VOC RACT to smaller existing sources.

e. One or more transportation control measures sufficient to achieve at least half a percent reduction in actual area wide VOC emissions. Transportation measures will be selected from the following, based upon the factors listed above, after consultation with affected local governments:

i. Trip reduction programs, including, but not limited to, employer-based transportation management plans, area-wide rideshare programs, work schedule changes, and telecommuting;

ii. Traffic flow and transit improvements; and

iii. Other new or innovative transportation measures, not yet in widespread use, that affected local governments deem appropriate.

f. Alternative fuel and diesel retrofit programs for fleet vehicle operations.

g. Apply controls on consumer products consistent with those adopted elsewhere in the U.S.

h. Require VOC or NO_x emission offsets for new and modified major sources.

i. Require VOC or NO_x emission offsets for new and modified minor (less than 100 tpy) sources.

j. Increase the ratio of emission offsets required for new sources.

k. Require VOC or NO_x controls on new minor sources (less than 100 tons).

EPA concludes that the maintenance plan adequately addresses the five basic components of a maintenance plan required under section 175A of the CAA: an attainment emissions inventory, a maintenance demonstration, a commitment for continued air quality monitoring, a verification of continued attainment, and a contingency plan. As such, EPA proposes to find that the maintenance plan SIP revision submitted by IDEM for the Cincinnati area meets the requirements of section 175A of the CAA.

B. Transportation Conformity

Under section 176(c) of the CAA, new transportation plans, programs, or

projects that receive Federal funding or support, such as the construction of new highways, must “conform” to (*i.e.*, be consistent with) the SIP. Conformity to the SIP means that transportation activities will not cause or contribute to any new air quality violations, increase the frequency or severity of any existing air quality problems, or delay timely attainment or any required interim emissions reductions or any other milestones. Regulations at 40 CFR part 93 set forth EPA policy, criteria, and procedures for demonstrating and ensuring conformity of transportation activities to a SIP. Transportation conformity is a requirement for nonattainment and maintenance areas.

Under the CAA, States are required to submit, at various times, control strategy SIPs for nonattainment areas and maintenance plans for areas seeking redesignations to attainment of the ozone standard and for continuing maintenance of attainment. *See* the SIP requirements for the 2008 ozone standard in EPA’s March 6, 2015, implementation rule (80 FR 12264). These control strategy SIPs and maintenance plans must include Budgets for criteria pollutants, including ozone, and their precursor pollutants (VOC and NO_x) to address pollution from on-road transportation sources. The Budgets are the portion of the total allowable emissions that are allocated to highway and transit vehicle use that, together with emissions from other sources in the area, will provide for attainment or maintenance. *See* 40 CFR 93.101.

Under 40 CFR part 93, Budgets for a maintenance area must be established for the last year of the maintenance period. The Budgets serve as a ceiling on emissions from an area’s planned transportation system. The Budgets concept is further explained in the Preamble to the November 24, 1993 (58 FR 62188), Transportation Conformity Rule. The Preamble also describes how to establish the Budgets in the SIP and how to revise the Budgets, if needed, after initially establishing them in the SIP.

Indiana’s maintenance plan includes NO_x and VOC Budgets for the last year of the maintenance period (2037) for the Cincinnati area. Indiana’s April 1, 2025, maintenance plan submission, including the Budgets for the maintenance area, is available for public comment via this proposed rulemaking. The submission was endorsed by the Governor’s designee and IDEM provided opportunity for a public hearing. The Budgets were developed as part of an interagency consultation process which includes Federal, State, and local

agencies. The Budgets were clearly identified and precisely quantified. These Budgets, when considered together with all other emission sources, are consistent with maintenance of the 2008 ozone NAAQS.

The Budgets for the Ohio and Indiana portions of the Cincinnati multi-state area are in Table 6. For ease of planning, the smaller Dearborn County, Indiana area is combined with the Ohio Budget. As shown, the 2037 Budgets exceed the estimated 2037 on-road sector emissions. To accommodate future variations in travel demand models and vehicle miles traveled forecast, IDEM allocated a portion of the safety margin, described further below, to the mobile source sector. IDEM has demonstrated that the Cincinnati area can maintain the 2008 ozone NAAQS in the 2037 maintenance year with mobile source emissions in the Ohio and Indiana portions of the area of 11.01 tpd of VOC and 9.32 tpd of NO_x. Despite partial allocation of the safety margin for each area, emissions will remain under attainment year emission levels.

A “safety margin” is the amount by which the total projected emissions from all sources of a given pollutant are less than the total emissions that would satisfy the applicable requirement for maintenance. *See* 40 CFR 93.101. As noted in Table 5, the emissions in the Cincinnati area are projected to have safety margins of 102.23 tpd of NO_x and 18.16 tpd of VOC in 2037. The safety margin is calculated as the difference between emissions in the 2016 attainment year and projected emissions in the 2037 maintenance year for all sources in the Cincinnati area. Even if emissions exceeded projected levels by the full amount of the safety margin, the area would still demonstrate maintenance since emission levels would equal those in the attainment year.

IDEM is allocating a portion of that safety margin to the mobile source sector. More specifically, in the Ohio and Indiana portions of the multi-state Cincinnati area, in 2037, IDEM is allocating 1.22 tpd and 1.44 tpd of the NO_x and VOC safety margins, respectively, shown in Table 6. IDEM is not requesting allocation to the Budgets of the entire available safety margins reflected in the demonstration of maintenance. In fact, the amount allocated to the Budgets represents only a portion of the maintenance year safety margins. Therefore, even though the State is requesting Budgets that exceed the projected on-road mobile source emissions for the maintenance years contained in the demonstration of maintenance, the increase in on-road

mobile source emissions that can be considered for transportation conformity purposes is within the safety

margins of the ozone maintenance demonstration. Further, once allocated to mobile sources, these safety margins

will not be available for use by other sources.

TABLE 6—BUDGETS FOR THE OHIO AND INDIANA PORTIONS OF THE CINCINNATI OH-KY-IN AREA

[Tons/day (tpd)]

	Attainment year 2016 on-road emissions	2037 Estimated on-road emissions	2037 Mobile safety margin allocation	2037 Budgets
VOC	23.56	9.57	1.44	11.01
NO _x	51.63	8.10	1.22	9.32

EPA is proposing to find adequate and approve the Budgets for use to determine transportation conformity in the Cincinnati area because EPA has determined that the area can maintain attainment of the 2008 ozone NAAQS for the maintenance year period with mobile source emissions at the levels of the Budgets. Also, EPA has reviewed the submitted Budgets and proposes to find that they meet the adequacy criteria in the transportation conformity regulations (40 CFR 93.118(e)(4)). As required by the transportation conformity rule (40 CFR 93.118(f)(2)), EPA is using this proposal to notify the public that EPA is beginning a 30-day comment period on the adequacy of the submitted motor vehicle emissions budgets. Comments on the adequacy of the Budgets should be submitted to the docket for this proposal. EPA will make a final determination on the adequacy of the submitted Budgets either in a final action on this proposal or by notifying the State in writing, notifying the public by publishing a **Federal Register** notice, and announcing the determination on EPA's adequacy web page.⁵

IV. What action is EPA taking?

EPA is proposing to approve the second maintenance plan for the 2008 ozone NAAQS submitted by IDEM on April 1, 2025, and supplemented on October 8, 2025, under sections 110(k) and 175A of the CAA for the reasons set forth above, for the Indiana portion of the Cincinnati area as a revision to the Indiana SIP. This second maintenance plan is designed to keep the Cincinnati area in attainment of the 2008 ozone NAAQS through 2037. EPA is also proposing to find adequate and approve the newly established Budgets for the Indiana portion of the Cincinnati maintenance area.

⁵ EPA's adequacy web page can be found here: <https://www.epa.gov/state-and-local-transportation/conformity-adequacy-review-region-5>.

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

List of Subjects in 40 CFR Part 52

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

Dated: November 19, 2025.

Anne Vogel,

Regional Administrator, Region 5.

[FR Doc. 2025–20672 Filed 11–20–25; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–HQ–ES–2025–0029; FXES11130900000–256–FF09E23000]

RIN 1018–BI74

Endangered and Threatened Wildlife and Plants; Regulations Pertaining to Endangered and Threatened Wildlife and Plants

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Proposed rule; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to revise our regulations concerning protections of threatened species under the Endangered Species Act (Act). We are proposing to remove the “blanket

rule” option for protecting newly listed threatened species pursuant to section 4(d) of the Act. The Service intends to create species-specific rules for all threatened species currently protected under the “blanket rule” option. Until such species-specific rules are promulgated, threatened species that receive protections under the “blanket rule” option will continue to receive those protections.

DATES: We will accept comments received or postmarked on or before December 22, 2025. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. eastern time on the closing date.

ADDRESSES: You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <https://www.regulations.gov>. In the Search box, enter FWS–HQ–ES–2025–0029, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. You may submit a comment by clicking on “Comment.”

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS–HQ–ES–2025–0029, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on <https://www.regulations.gov>. This generally means that we will post any personal information you provide us (see Public Comments, below, for more information).

Availability of supporting materials: Supporting materials are available at <https://www.regulations.gov> at Docket No. FWS–HQ–ES–2025–0029.

FOR FURTHER INFORMATION CONTACT: John Tirpak, U.S. Fish and Wildlife Service, Division of Conservation and Classification; telephone 703–358–2163; john_tirpak@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. Please see Docket No. FWS–HQ–ES–2025–0029 on <https://www.regulations.gov> for a

document that summarizes this proposed rule.

SUPPLEMENTARY INFORMATION:

Background

The purposes of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.* (the Act)), are to provide a means to conserve the ecosystems upon which listed species depend, develop a program for the conservation of listed species, and achieve the purposes of certain treaties and conventions (16 U.S.C. 1531(b)). Moreover, it is the policy of Congress that the Federal Government will seek to conserve endangered and threatened species and use its authorities to further the purposes of the Act (16 U.S.C. 1531(c)(1)). This proposed rulemaking action pertains to section 4 of the Act. Section 4 of the Act (16 U.S.C. 1533) and the regulations in title 50 of the Code of Federal Regulations (CFR) set forth the procedures for determining whether a species is an endangered species or a threatened species, issuing protective regulations for threatened species, and designating critical habitat for endangered and threatened species.

Section 9 of the Act provides a specific list of prohibitions for endangered species that are applicable automatically at the time of listing, but does not provide these same or comparable prohibitions automatically to threatened species. Instead, section 4(d) of the Act requires that whenever a species is listed as a threatened species the Secretary shall issue regulations that are necessary and advisable to provide for the conservation of the species and also may by regulation prohibit with respect to any threatened species any act prohibited under section 9 for an endangered species; these are referred to as “4(d) rules.” Congress delegated to the Secretary the authority to determine what protections each threatened species should receive. Early in the administration of the Act, the U.S. Fish and Wildlife Service (“the Service”) promulgated “blanket rules,” at 50 CFR 17.31 and 17.71, respectively. Pursuant to these blanket rules, as soon as a species was listed as threatened, nearly all the section 9 prohibitions that apply to endangered species would automatically apply to threatened species, unless the Service issued an alternative rule for that species (*i.e.*, a species-specific rule). In those instances when we issued a species-specific rule for a species, that species-specific 4(d) rule contained the protective regulations for that species. On August 27, 2019, we issued a final rule that revised 50 CFR

17.31 and 17.71 (84 FR 44753; hereafter, “the 2019 4(d) rule”) and removed the “blanket rule” option for applying section 9 prohibitions to species newly listed as threatened after the effective date of those regulatory revisions (September 26, 2019). The “blanket rule” protections continued to apply to threatened species without an associated species-specific rule that were listed prior to September 26, 2019. Under the 2019 4(d) rule, we applied protections to a species newly listed as threatened only through issuance of a species-specific rule setting out the protective regulations that are necessary and advisable for that species. On April 5, 2024, we reinstated the “blanket rule” option at 50 CFR 17.31 and 17.71 for newly listed threatened species and finalized several other revisions to 50 CFR part 17 (89 FR 23919; hereafter, “the 2024 rule”). Those 2024 revised regulations became effective on May 6, 2024.

The 2024 rule is subject to pending litigation in *Rocky Mountain Elk Foundation et al. v. U.S. Fish and Wildlife Serv. et al.*; 2:25–cv–00029–KLD (D. Mont.) and *American Farm Bureau Federation et al. v. U.S. Fish and Wildlife Serv. et al.*; 1:25–cv–00947 (D.D.C.). Prior litigation over the 2019 4(d) rule was not resolved on the merits; rather, on November 16, 2022, the United States District Court for the Northern District of California issued orders remanding the 2019 4(d) rule to the Service without vacating it, as the Service had voluntarily asked the Court to do. Soon after, the Service developed the 2024 rule.

Executive Order (E.O.) 14154, “Unleashing American Energy,” issued January 20, 2025, directed all departments and agencies to review agency actions that impose an undue burden on the identification, development, or use of domestic energy resources, and, as appropriate and consistent with applicable law, consider suspending, revising, or rescinding agency actions that conflict with this national objective. To administer provisions of E.O. 14154, the Secretary of the Interior subsequently issued Secretary’s Order (S.O.) 3418, which directed Assistant Secretaries to take steps, as appropriate, to suspend, revise, or rescind multiple actions that had been finalized under the prior Administration. The S.O. specifically referenced taking these steps with respect to the 2024 rule. E.O. 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative,” issued February 19, 2025, also directs all

departments and agencies to review and rescind unlawful regulations that are “based on anything other than the best reading of the underlying statutory authority.” See also *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024).

The Secretaries of the Interior and Commerce share responsibilities for administering most of the provisions of the Act. Generally, marine species and some anadromous (sea-run) species are under the jurisdiction of the Secretary of Commerce, and all other species are under the jurisdiction of the Secretary of the Interior. Authority to administer the Act has been delegated by the Secretary of the Interior to the Director of the Service and by the Secretary of Commerce to the Assistant Administrator for the National Marine Fisheries Service (NMFS). The Service and NMFS (jointly “the Services”) separately implement administration section 4(d) for species within their respective jurisdictions. When we amended our section 4(d) regulations in 2019, and again in 2024, those amendments affected only species under Service jurisdiction. This proposal, if finalized, would similarly affect only species under Service jurisdiction.

Proposed Regulatory Revisions

We propose revisions to the regulations in 50 CFR part 17, subparts D and G. Section 4(d) of the Act gives the Secretary the authority and discretion to develop and revise regulations for protecting threatened species. We propose removing the “blanket rule” option from 50 CFR 17.31 and 17.71 for threatened species for two reasons. First, the Service has considered that our existing regulations do not match the “single, best meaning” of the statute. *Loper Bright*, 603 U.S. at 400. The statutory text, structure, and context make clear that Congress intended for the Service to determine what protections are needed for threatened species on a species-by-species basis. While the Service in the past has stated that either approach (using “blanket rules” or requiring promulgation of species-specific rules for every species listed as threatened species) is consistent with a permissible reading of Section 4(d) of the Act, and at least one court¹ has upheld as “reasonable” the “blanket rule” approach under the *Chevron* doctrine of statutory interpretation, the *Loper Bright*

decision has since overturned the *Chevron* decision and insisted on only the single “best” reading of an agency’s statutory authority.

Second, and separately, we have considered that removing the “blanket rule” option from 50 CFR 17.31 and 17.71 is a superior choice from a policy perspective. As the Service noted in its 2019 Rule, “[w]here we have developed species-specific 4(d) rules, we have seen many benefits, including removing redundant permitting requirements, facilitating implementation of beneficial conservation actions, and making better use of our limited personnel and fiscal resources by focusing prohibitions on the stressors contributing to the threatened status of the species.” 84 FR 44753 at 44754, August 27, 2019. This tailored approach reduces burdens on the Service and regulated entities alike and allows for the Service to better protect threatened species. This approach also brings the Service in line with the Department of Commerce’s longstanding practice of developing species-specific 4(d) rules.

Removing the “blanket rule” option would result in no immediate changes to protections for currently listed threatened species that receive “blanket rule” protections. For every species newly listed as a threatened species, and those reclassified in the future, we would comply with section 4(d) of the Act and issue the protective regulations that are necessary and advisable to provide for the conservation of that species. When proposing to protect a threatened species with a species-specific rule, the public would be afforded an opportunity to provide public comment on the proposed regulation.

We also propose new regulatory text at 50 CFR 17.31(d) and 17.71(d) to explain that, going forward, whenever we propose a species-specific 4(d) rule, we will ensure that each rule include a necessary and advisable determination (including consideration of conservation and economic impacts) and will seek public comment on that determination. As contemplated by the statute and reasonably interpreted from existing language, we include this additional regulatory text to help clarify the existing statutory authority and to address *Kansas Natural Resources Coalition, et al. v. USFWS, et al.* No. 23–CV–00159–DC–RCG, 2025 WL 1367834 (W.D. Tex. Mar. 29, 2025), in which the court interpreted section 4(d) and found that the Service failed to conduct the proper “necessary and advisable” considerations in issuing its 4(d) rule by not evaluating both conservation and economic impacts. We intend to finalize

species-specific rules concurrent with the final listing or reclassification determination. Notwithstanding our intention, we have discretion to revise or promulgate species-specific rules at any time after the final listing or reclassification determination. However, we specifically request comments on our stated intention of finalizing species-specific rules concurrent with final listing rules, including whether we should include any requirement in the regulatory text to do so, such as setting a timeframe for concurrently finalizing species-specific rules for newly listed or reclassified threatened species.

If this proposal is finalized, the final regulations would not automatically require the reevaluation of any previous use of § 17.31(a) or § 17.71(a) for species without species-specific rules. But we have discretion to revise or promulgate species-specific rules (including for species currently protected under a “blanket rule”) at any time if it is necessary and advisable for a threatened species.

This proposed rule is one of four proposed rules publishing in today’s **Federal Register** that propose changes to the regulations that implement the Act. Two of these proposed rules are joint between the Services, while two (including this document) are specific to the U.S. Fish and Wildlife Service.

Public Comments

We are seeking comments from all interested parties on the specific revisions we are proposing, as well as on any of our analyses or preliminary conclusions in the “Required Determinations” section of this document. We will consider all relevant information prior to issuing a final rule. Depending on the comments received, we may change the proposed regulations based upon those comments.

You may submit your comments concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**. Comments sent by any other method, or to any other address or individual, may not be considered. Comments must be submitted to <https://www.regulations.gov> before 11:59 p.m. (eastern time) on the date specified in **DATES**. We will not consider hand-delivered comments that we do not receive by, or mailed comments that are not postmarked by, the date specified in **DATES**.

Comments and materials we receive will be posted and available for public inspection on <https://www.regulations.gov>. This generally means that we will post any personal

¹ See *Sweet Home Chapter of Communities for a Great Oregon v. Babbitt*, 1 F.3d. 1, 8 (D.C. Cir. 1993), modified on other grounds on reh’g, 17 F.3d 1463 (D.C. Cir. 1994), rev’d on other grounds, 515 U.S. 687 (1995)).

information you provide us. If you provide personal identifying information in your comment, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Required Determinations

Regulatory Planning and Review—E.O.s 12866 and 13563

E.O. 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) will review all significant rules. OIRA has determined that this proposed rule is significant and has reviewed it.

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this proposed rule in a manner consistent with these requirements.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 et seq.), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; title II of Pub. L. 104–121, March 29, 1996), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare, and make available for public comment, a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency, or that person's designee, certifies that the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the RFA to require Federal agencies to provide a statement of the factual basis for certifying that a

rule will not have a significant economic impact on a substantial number of small entities. We certify that, if adopted as proposed, this proposed rule would not have a significant economic impact on a substantial number of small entities. The following discussion explains our rationale.

This rulemaking proposes to revise the Service's regulations protecting endangered and threatened species under the Act.

The Service is the only entity that is directly affected by this proposed regulation change at 50 CFR part 17 because we are the only entity that is affected by changes to this section of the Code of Federal Regulations. Since the only potential entities directly affected by this proposed regulation change are not small entities, including any small businesses, small organizations, or small governments, we certify that, if adopted as proposed, this rule would not have a significant economic effect on a substantial number of small entities.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.), we make the following finding:

(a) On the basis of information contained above in the Regulatory Flexibility Act section, this proposed rule would not "significantly or uniquely" affect small governments. We have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502, that this proposed rule would not impose a cost of \$100 million or more in any given year on local or State governments or private entities. A small government agency plan is not required. As explained above, small governments would not be affected because the proposed rule would not place additional requirements on any city, county, or other local municipalities.

(b) This proposed rule would not produce a Federal mandate on State, local, or Tribal governments or the private sector of \$100 million or greater in any year; that is, this proposed rule is not a "significant regulatory action" under the Unfunded Mandates Reform Act. This proposed rule would impose no obligations on State, local, or Tribal governments.

Takings (E.O. 12630)

In accordance with E.O. 12630, this proposed rule would not have significant takings implications. This proposed rule would not directly affect private property, nor would it cause a physical or regulatory taking. It would

not result in a physical taking because it would not effectively compel a property owner to suffer a physical invasion of property. Further, the proposed rule would not result in a regulatory taking because it would not deny all economically beneficial or productive use of the land or aquatic resources, it would substantially advance a legitimate government interest (conservation and recovery of endangered species and threatened species), and it would not present a barrier to all reasonable and expected beneficial use of private property.

Federalism (E.O. 13132)

In accordance with E.O. 13132 (Federalism), we have considered whether this proposed rule would have significant federalism effects and have determined that a federalism summary impact statement is not required. This proposed rule pertains only to the Service's protective regulations for endangered and threatened species promulgated under the Act and would not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government.

Civil Justice Reform (E.O. 12988)

This proposed rule does not unduly burden the judicial system and meets the applicable standards provided in sections 3(a) and 3(b)(2) of E.O. 12988 (Civil Justice Reform). This proposed rule would revise the Service's regulations for protecting species pursuant to the Act.

Government-to-Government Relationship With Tribes

In accordance with E.O. 13175 (Consultation and Coordination with Indian Tribal Governments) and the Department of the Interior's manual at 512 DM 2, we are considering possible effects of this proposed rule on federally recognized Indian Tribes. The Service has reached a preliminary conclusion that the proposed changes to these regulations do not directly affect specific species or Tribal lands. This proposed rule would revise regulations for protecting threatened species pursuant to the Act. These proposed regulations would not have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

We are considering the possible effects of this proposed rule on federally

recognized Indian Tribes. We will continue to collaborate with Tribes on issues related to federally listed species and their habitats and work with them as we administer the provisions of the Act. See Secretary's Order 3206, "American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act" (June 5, 1997).

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This proposed rule does not contain any new collection of information that requires approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (45 U.S.C. 3501 et seq.). OMB has previously approved the information collection requirements associated with permitting and reporting requirements and assigned OMB Control Number 1018-0094 (expires 04/30/2027). 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.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

We are analyzing this proposed rule in accordance with the criteria of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 et seq.), the Department of the Interior regulations on Implementation of the National Environmental Policy Act (43 CFR part 46), and the Department of the Interior Manual (516 DM 1).

We invite the public to comment on the extent to which this proposed rule may have a significant impact on the human environment or fall within one of the categorical exclusions for actions that have no reasonably foreseeable effects on the quality of the human environment that would require further analysis under NEPA. We will complete our analysis, in compliance with NEPA, before finalizing these proposed regulations.

Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)

In developing this proposed rule, the FWS is acting in our unique statutory role as administrator of the Act and is engaged in a legal exercise of interpreting the standards of the Act. The FWS's administration of the Act is not in itself subject to the Act's provisions, including section 7(a)(2). The FWS has a historical practice of issuing its general regulations under the ESA without undertaking section 7 consultation. This practice accords with the plain language, structure, and

purposes of the ESA, which does not place a consultation obligation on the FWS's administration of the Act. Although the FWS consults on actions through intra-agency consultations where appropriate (e.g., issuance of section 10 permits and actions under statutory authorities other than the ESA), in those instances the FWS is acting principally as an "action agency" implementing provisions of the Act or other statutes. Here, by contrast, the FWS is acting solely in our role as administrator of the ESA in interpreting the Act's provisions; we are also not implementing the Act to propose or take a specific action. The FWS is carrying out the most fundamental exercise of our role as administrator of the ESA, and the Act cannot reasonably be construed as requiring the FWS to "consult" with ourselves under Section 7(a)(2) in such cases.

Energy Supply, Distribution or Use (E.O. 13211)

E.O. 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use) requires agencies to prepare statements of energy effects "to the extent permitted by law" when undertaking actions identified as significant energy actions (66 FR 28355; May 22, 2001). E.O. 13211 defines a "significant energy action" as an action that (i) is a significant regulatory action under E.O. 12866 (or any successor order); and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy. The proposed revised regulations are not expected to affect energy supplies, distribution, and use. Therefore, this action is not a significant energy action, and there is no requirement to prepare a statement of energy effects for this action.

Clarity of the Proposed Rule

We are required by E.O.s 12866 and 12988 and by the Presidential memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (1) Be logically organized;
- (2) Use the active voice to address readers directly;
- (3) Use clear language rather than jargon;
- (4) Be divided into short sections and sentences; and
- (5) Use lists and tables wherever possible.

If you believe that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you

should tell us the numbers of the sections or paragraphs that you believe are unclearly written, identify any sections or sentences that you believe are too long, and identify the sections where you believe lists or tables would be useful.

Authority

We issue this proposed rule under the authority of the Endangered Species Act, as amended (16 U.S.C. 1531 et seq.).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Plants, Reporting and recordkeeping requirements, Transportation, Wildlife.

Proposed Regulation Promulgation

Accordingly, we hereby propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

- 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

Subpart D—Threatened Wildlife

- 2. Amend § 17.31 by revising paragraph (a) and adding a new paragraph (d) to read as follows:

§ 17.31 Prohibitions.

(a) Except as provided in §§ 17.4 through 17.8, or in a permit issued pursuant to § 17.32, the provisions of paragraph (b) of this section and all of the provisions of § 17.21 (for endangered species of wildlife), except § 17.21(c)(3) and (5), apply to threatened species of wildlife that were added to the List of Endangered and Threatened Wildlife at § 17.11(h) on or prior to [EFFECTIVE DATE OF THE FINAL RULE], unless the Secretary has promulgated species-specific provisions (see paragraph (c) of this section).

* * * * *

(d) Each species-specific rule proposed after [EFFECTIVE DATE OF THE FINAL RULE] will include a necessary and advisable determination (including consideration of conservation and economic impacts consistent with the findings and declaration of purposes and policy of the Endangered Species Act, 16 U.S.C. 1531, based on the best scientific and commercial data available) and will seek public comment on that determination.

Subpart G—Threatened Plants

■ 3. Amend § 17.71 by revising paragraph (a) and adding paragraph (d) to read as follows:

§ 17.71 Prohibitions.

(a) Except as provided in a permit issued pursuant to § 17.72, the provisions of paragraph (b) of this section and all of the provisions of § 17.61, except § 17.61(c)(2) through (4), apply to threatened species of plants that were added to the List of Endangered and Threatened Plants at § 17.12(h) on or prior to [EFFECTIVE DATE OF THE FINAL RULE], unless the Secretary has promulgated species-specific provisions (see paragraph (c) of this section), with the following exception: Seeds of cultivated specimens of species treated as threatened are exempt from all the provisions of § 17.61, provided that a statement that the seeds are of “cultivated origin” accompanies the seeds or their container during the course of any activity otherwise subject to the regulations in this subpart.

* * * * *

(d) Each species-specific rule proposed after [EFFECTIVE DATE OF THE FINAL RULE] will include a necessary and advisable determination (including consideration of conservation and economic impacts consistent with the findings and declaration of purposes and policy of the Endangered Species Act, 16 U.S.C. 1531, based on the best scientific and commercial data available) and will seek public comment on that determination.

Kevin Lilly,

Principal Deputy for Fish and Wildlife and Parks, Exercising the delegated authority of the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior.

[FR Doc. 2025–20552 Filed 11–19–25; 11:15 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–HQ–ES–2025–0048; FXES1110900000–256–FF09E23000]

RIN 1018–BI76

Endangered and Threatened Wildlife and Plants; Regulations for Designating Critical Habitat

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (FWS or the Service), propose to amend portions of our regulations for section 4 of the Endangered Species Act of 1973, as amended (Act or ESA). Specifically, we propose to revise regulations related to section 4(b)(2) of the Act. Section 4(b)(2) requires consideration of the economic impact, the impact on national security, and any other relevant impact of designating any particular area as critical habitat; and authorizes the exclusion of areas from critical habitat if the benefits of excluding the area outweigh the benefits of designating it as critical habitat. These proposed revisions articulate when and how we determine whether the benefits of excluding an area outweigh the benefits of designating the area as critical habitat (exclusion analysis). This proposed rule reflects the Service’s experience and existing case law. The intended effect of this proposed rule is to provide greater transparency and certainty for the public and stakeholders.

DATES: Comments must be received by December 22, 2025.

ADDRESSES: You may submit comments and information on this document by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <https://www.regulations.gov>. In the Search box, enter FWS–HQ–ES–2025–0048, which is the docket number for this rulemaking action. Then, click on the Search button. On the resulting page, in the panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. You may submit a comment by clicking on “Comment.” Comments must be submitted to <https://www.regulations.gov> before 11:59 p.m. (Eastern Time) on the date specified in **DATES**.

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS–HQ–ES–2025–0048; U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on <https://www.regulations.gov>. This generally means that we will post any personal information you provide us (see Request for Comments, below, for more information).

Availability of reference materials: References and a document summarizing this proposed rule are available at <https://www.regulations.gov> at Docket No. FWS–HQ–ES–2025–0048.

FOR FURTHER INFORMATION CONTACT: John Tirpak, U.S. Fish and Wildlife Service, Division of Conservation and Classification, john_tirpak@fws.gov, 703–358–2163. 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

The Endangered Species Act of 1973, as amended (hereafter referred to as Act or ESA; 16 U.S.C. 1531 *et seq.*), states that the purposes of the Act are to provide a means to conserve the ecosystems upon which endangered and threatened species (listed species) depend, to develop a program for the conservation of listed species, and to achieve the purposes of certain treaties and conventions (16 U.S.C. 1531(b)). Moreover, the Act states that it is the policy of Congress that the Federal Government shall seek to conserve endangered species and threatened species and shall use its authorities to further the purposes of the Act (16 U.S.C. 1531(c)(1)).

The Secretaries of the Interior and Commerce (the “Secretaries”) share responsibilities for implementing most of the provisions of the Act. Generally, marine and anadromous species are under the jurisdiction of the Secretary of Commerce, and all other species are under the jurisdiction of the Secretary of the Interior. Authority to administer the Act has been delegated by the Secretary of the Interior to the Director of the FWS and by the Secretary of Commerce to the Assistant Administrator for the National Marine Fisheries Service (NMFS) (collectively, the Services). Together, the Services administer the Act via joint regulations in chapter IV of title 50 of the Code of Federal Regulations (CFR). In addition, each of the Services also has regulations specific to its own administration of the Act (located at 50 CFR part 17 for FWS and at 50 CFR parts 222 through 226 for NMFS). Because this rulemaking, if finalized, would only apply to the FWS, the regulations proposed in this rulemaking would not require NMFS to change its processes for consideration of exclusions under section 4(b)(2) of the Act. Since this rulemaking is solely applicable to the FWS, when we refer to

the Secretary, we mean the Secretary of the Interior.

The regulations we propose in this rule provide criteria or otherwise clarify the processes by which the FWS will implement various statutory requirements set forth in section 4 of the Act. This proposed rule is intended to provide the public with a clear, transparent explanation of how we are proposing to revise the ESA regulations in 50 CFR part 17 and the opportunity to comment on these proposed revisions. We interpret our authorities under the statutory scheme consistent with the best reading of the Act as a whole. These regulatory guidelines are based on our expertise in evaluating and protecting species, as well as in employing traditional tools of statutory interpretation that the courts have outlined.

One of the tools that the Act provides to conserve species is the designation of critical habitat. The purpose of critical habitat is to identify the areas that are essential to the listed species' conservation. When the Services determine that a species warrants listing, the Act requires the Services to designate critical habitat concurrently with the listing rule to the maximum extent prudent and determinable, or up to 1 year following listing if critical habitat was not initially determinable. Critical habitat is defined in section 3 of the Act as: (1) the specific areas within the geographical area occupied by the species at the time it is listed on which are found those physical and biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protections; and (2) specific areas outside the geographic area occupied by the species at the time it is listed upon a determination by the Secretary that such areas are essential for the conservation of the species (16 U.S.C. 1532(5)).

When the FWS concludes that a critical habitat designation is prudent and determinable for species listed under the Act, FWS must follow the statutory and regulatory provisions to designate critical habitat. The Act's language makes clear that biological considerations drive the initial step of identifying critical habitat. Section 4(b)(2) expressly requires designations to be made based on the best scientific data available. Therefore, the process begins by relying on the best scientific data available to identify the species' habitat. Next, the Act's definition of "critical habitat" requires the Secretary to identify those areas of habitat occupied by the species at the time of listing that contain physical or

biological features that are essential to the conservation of the species and that may require special management considerations or protection; and the specific areas of unoccupied habitat that are essential to the conservation (*i.e.*, recovery) of the species.

Section 4(b)(2) also requires that, in designating critical habitat, the Secretary must take into consideration the impacts of specifying any particular area as critical habitat (16 U.S.C. 1533(b)(2)). The second part of section 4(b)(2) then provides the Secretary the authority to exclude any particular area from a critical habitat designation if the benefits of exclusion outweigh the benefits of inclusion for that area, so long as excluding it will not result in the extinction of the species. Our regulations in 50 CFR part 424 set forth relevant definitions (50 CFR 424.02), describe the standards and procedures for identifying critical habitat (50 CFR 424.12) and describe the standards and procedures for exclusions of particular areas of critical habitat (50 CFR 424.19). In addition to our joint regulations, the Services developed the joint Policy Regarding Implementation of Section 4(b)(2) of the ESA that provided direction regarding how we would exercise discretion to exclude areas from critical habitat designations (81 FR 7226, February 11, 2016; hereafter "2016 policy"). On December 18, 2020, we finalized FWS-only regulations that set forth a process for excluding areas of critical habitat under section 4(b)(2) of the Act (85 FR 82376; hereafter, "the 2020 rule"). Then on July 21, 2022, we rescinded those regulations (87 FR 43433). We again are undertaking a revision to the regulations pertaining to exclusions of particular areas of critical habitat under section 4(b)(2) of the ESA.

Executive Order (E.O.) 14154, "Unleashing American Energy," issued January 20, 2025, directed all departments and agencies to immediately review agency actions that potentially impose an undue burden on the identification, development, or use of domestic energy resources, and, as appropriate and consistent with applicable law, consider suspending, revising, or rescinding agency actions that conflict with this national objective. To implement provisions of E.O. 14154, the Department of the Interior subsequently issued Secretary's Order (S.O.) 3418, which directed Assistant Secretaries to take steps, as appropriate, to suspend, revise, or rescind multiple actions that had been finalized under the prior Administration. In response to E.O. 14154 and S.O. 3418, we propose to reinstate the 2020 rule. This proposed revision would not require review of, or

alter, any designated critical habitat if and when the revision is finalized.

This proposed rule is one of four proposed rules publishing in today's **Federal Register** that propose changes to the regulations that implement the Act. Two of these proposed rules are joint between the Services, and two (including this document) are specific to the Service.

Section 4(b)(2) of the Endangered Species Act

In 1982, Congress added section 4(b)(2) to the Act, both to require the Secretaries to consider the relevant impacts of designating critical habitat and to provide a means for minimizing negative impacts of designation by excluding, in appropriate circumstances, particular areas from a designation. The first sentence of section 4(b)(2) sets out a mandatory requirement that the Secretaries consider the economic impact, impact on national security, and any other relevant impacts of specifying any particular area as critical habitat. As required by this sentence, FWS always considers those impacts for every designation of critical habitat. The statute does not prescribe how the FWS should take into consideration these impacts. The second sentence of section 4(b)(2) provides the authority for a process by which the Secretaries may exclude an area from critical habitat. The FWS's consideration of impacts under the first sentence of section 4(b)(2) informs the decision whether to engage in the discretionary exclusion analysis under the second sentence of section 4(b)(2). Although the term "homeland security" was not in common usage in 1982, the Services concluded in the 2016 policy that Congress intended that "national security" includes what we now refer to as "homeland security" (see 81 FR 7226, at 7227, February 11, 2016).

Conducting an exclusion analysis under section 4(b)(2) involves balancing or weighing the benefits of excluding a particular area from a critical habitat designation against the benefits of including that area in the designation. The Act provides that if the benefits of exclusion outweigh the benefits of inclusion, the Secretary may exclude the particular area from the designation, unless the Secretary determines that the exclusion will result in the extinction of the species concerned.

As discussed earlier, the 2016 policy provided direction regarding how the Services would exercise this discretion to balance or weigh benefits and use that information to exclude areas from critical habitat designations. We have

concluded that adding elements of the 2016 policy back into our regulations would be more effective in guiding agency activities and would provide greater transparency and certainty to the public and stakeholders. The proposed regulations, however, would put into effect some differences in our approach relative to what was outlined in the 2016 policy. These differences from the 2016 policy include an information standard applicable to when FWS undertakes a discretionary weighing analysis, a clarification of how considerations for exclusions will be conducted for Federal lands, and an approach to assigning the weight of the benefits of inclusion or exclusion of any particular areas designated as critical habitat. If this proposed rule is finalized, NMFS will continue to implement the 2016 policy and regulations at 50 CFR 424.19.

Proposed Regulatory Revisions

This proposed rule provides the framework for the role of the FWS's consideration of the economic impact, impact on national security, and any other relevant impacts under section 4(b)(2) of the Act in identifying any potential exclusions from designations of critical habitat.

Once the Secretary has assessed the relevant impacts of designating particular areas as critical habitat, section 4(b)(2) authorizes the exclusion of any area from the designation if the Secretary determines that the benefits of excluding the area outweigh the benefits of including the area in the critical habitat designation (unless failure to designate the area will result in the extinction of the species) (16 U.S.C. 1533(b)(2)). The FWS refers to this comparative weighing of the impacts of excluding and including particular areas under 4(b)(2) as an "exclusion analysis."

To undertake an exclusion analysis, we first evaluate whether there are any meaningful impacts from designating any area such that avoiding those impacts may outweigh the benefits of including the area in the designation. If there are no such impacts, there is no need to proceed further with weighing the impacts of designation. If there are any such impacts, we undertake a comparative weighing of those impacts. The ESA does not prescribe any elements of the analysis, such as what weight to assign to each factor or impact in determining the benefits of inclusion and the benefits of exclusion. Therefore, as long as, in completing the exclusion analysis, the FWS has considered all the relevant impacts, as required by the Administrative Procedure Act (APA; 5

U.S.C. 551 *et seq.*), the ESA affords the Secretary broad discretion in deciding whether or not to exclude any area for which the benefits of exclusion outweigh the benefits of inclusion.

Framework for Considering an Exclusion and for Conducting a Discretionary 4(b)(2) Exclusion Analysis (§ 17.90(a))

We propose to reinstate § 17.90(a) as set forth in the 2020 rule and in the proposed regulation promulgation portion of this document. This reinstated section carries over the two sentences in the existing interagency regulation at 50 CFR 424.19(a) without change. It then makes clear that the proposed rule will identify known national security and other relevant impacts of the proposed designation and identify any areas that the Secretary has reason to consider for exclusion and explain why. We also propose to include a non-exhaustive list of categories of potential impacts that the Secretary will identify, when known, at the proposed rule stage. We note that these impacts are the same as those that the Secretary will consider, as appropriate, when conducting the mandatory consideration of any other relevant impacts as expressed in the first sentence of section 4(b)(2) of the Act. Including this list of categories for consideration provides greater transparency and clarity to the public and stakeholders.

The proposed regulations would explain that economic impacts may include, for example, the economy of a particular area, productivity, and creation or elimination of jobs, opportunity costs potentially arising from critical habitat designation (such as those anticipated from reasonable and prudent alternatives that may be identified through a section 7 consultation), and potential benefits from a potential designation such as outdoor recreation or ecosystem services. The proposed regulations would provide categories of "other relevant impacts" that we may consider, including public health and safety, community interests (*e.g.*, such as a planned school or hospital), and the environment (such as increased risk of wildfire or pest and invasive species management). This list is not an exhaustive list of the types of impacts that may be relevant in a particular case; rather, it provides additional clarity by identifying some additional types of impacts that may be relevant. Our discussion of proposed new paragraph (d), below, describes specific considerations related to Tribes, States, and local governments; national

security; conservation plans, agreements, or partnerships; and Federal lands.

Making clear to the public the areas that the Secretary has reason to consider excluding allows the public not only to submit comments on the benefits of exclusion and inclusion in general, but to focus their comments on those benefits as they relate to the specific areas most likely to be considered for exclusion. Codifying and making transparent this existing practice is intended to allow commenters to provide information specific to those areas that the Secretary anticipates considering for exclusion. Additionally, as is current practice, as part of any proposed rulemaking we will continue to seek comment on any additional impacts that may result from including any area in the designation and to make clear that, at any time during the process of designating critical habitat, the Secretary may still consider additional exclusions, including areas that were not identified in the proposed rule.

Finally, we propose to carry over language from 50 CFR 424.19(b) that explains that the Secretary will consider impacts at a scale that the Secretary determines to be appropriate and that impacts may be qualitatively or quantitatively described.

Considering Relevant Impacts (§ 17.90(b))

Section 4(b)(2) of the Act sets out a mandatory requirement that the FWS consider the economic impact, impact on national security, and any other relevant impacts prior to designating an area as part of a critical habitat designation. The Act does not further define "other relevant impacts."

We propose to reinstate § 17.90(b) as set forth in the 2020 rule and in the proposed regulation promulgation portion of this document. This would carry over the language of the existing interagency regulation at 50 CFR 424.19(b) that already states that the Secretary will consider the probable economic, national security, and other relevant impacts of the designation.

Approach to Determining Whether To Conduct a Discretionary Exclusion Analysis (§ 17.90(c))

After we consider the relevant impacts, we determine whether to undertake a discretionary exclusion analysis. We propose paragraph (c) to provide clarity and transparency about how the Secretary intends to exercise discretion regarding when undertaking the discretionary exclusion analysis under section 4(b)(2).

We propose to reinstate § 17.90(c) as set forth in the 2020 rule and in the proposed regulation promulgation portion of this document. This would carry over the language of the existing interagency regulation at 50 CFR 424.19(c) but modify the language to describe how the Secretary intends to exercise discretion and articulate clearly the factors that will prompt the Secretary to undertake the discretionary exclusion analysis under section 4(b)(2) of the Act. Including this provision in the regulations will clarify and codify the process and standards underlying exclusion analyses and decisions. Proposed paragraph (c)(1) reiterates that the Secretary has discretion whether to undertake an exclusion analysis under section 4(b)(2) of the Act.

Proposed paragraph (c)(2) describes the two circumstances in which FWS will conduct an exclusion analysis for a particular area: either (1) when a proponent of excluding the area has presented credible information in support of the request, or (2) if such information has not been presented, when the Secretary exercises his or her discretion to evaluate any particular area for potential exclusion.

As part of the public notice-and-comment process, the FWS routinely receives information from the public regarding probable economic, national security, or other relevant impacts of designating any area that may be included in the final designation of critical habitat and the benefits of including or excluding areas that exhibit these impacts. The term “credible information” refers to information that constitutes a reasonably reliable indication regarding the existence of a meaningful economic or other relevant impact supporting a benefit of exclusion for a particular area. In evaluating whether a proponent has provided “credible information” in support of a claim that an area should be excluded, we look at two factors—whether the proponent has provided factual information in support of the claimed impacts and whether the claimed impacts may be meaningful for purposes of an exclusion analysis. The information provided by submitters or proponents could address either the benefits of exclusion, or the benefits of inclusion, and we do not expect proponents to conduct a comparison of the impacts relative to the conservation value of the specific area. The “credible information” standard would be relevant only to the question of whether to undertake an analysis. Meeting this standard would not indicate that the area will in fact be excluded from the designation.

The second pathway to an exclusion analysis for a particular area would be if the Secretary decides to exercise his or her discretion to undertake the exclusion analysis. See proposed paragraph (c)(2)(ii) in the proposed regulation promulgation section of this document. In either case, the FWS intends to document the basis for any decision not to undertake an exclusion analysis. An explanation of the decision not to undertake an exclusion analysis for a particular area will be included in the final determination regarding critical habitat for the species.

In *Weyerhaeuser Co. v. U.S. FWS*, 586 U.S. 9 (2018), the Supreme Court held that decisions not to exclude areas from critical habitat designations are judicially reviewable under the abuse-of-discretion standard. The Court reasoned, although the use of the word “may” in section 4(b)(2) clearly confers discretion, that “does not segregate” the decision not to exclude from the procedures mandated by the Act. Among those mandated procedures, the Court referred specifically to the ESA requirement in section 4(b)(2) to consider relevant impacts and the APA requirement to consider all of the relevant factors. Because a decision not to undertake a discretionary exclusion analysis precludes the Secretary from excluding any areas from the designation, the FWS’s current practice is to document the rational basis for such decisions. The proposed regulation simply codifies this practice.

Approach to Conducting Discretionary Exclusion Analyses (§ 17.90(d))

We propose to reinstate paragraph (d) as set forth as set forth in the 2020 rule and in the proposed regulation promulgation section of this document. Proposed paragraph (d) describes how the FWS would undertake an exclusion analysis once the Secretary exercises the discretion to undertake one.

Proposed paragraph (d)(1) describes how the FWS would consider benefits (of including or excluding any particular area) that may be outside the scope of FWS’s expertise. The Secretary would give weight to benefits consistent with expert or firsthand information, unless the Secretary has knowledge or material evidence that rebuts that information. Proposed subparagraphs (i)–(iv) in paragraph (d)(1) identify a non-exhaustive list of categories of impacts that may be outside the scope of FWS’s expertise. Even though some of the categories on this list refer to “nonbiological impacts,” we recognize that many sources outside of the FWS also have information and expertise regarding biological impacts. The FWS

would consider that information or expertise in the weighing of benefits of inclusion or exclusion of particular areas. However, in some instances the Secretary may have knowledge or material evidence that rebuts the information provided by experts or sources with firsthand knowledge. This information could include the FWS’s expert judgment about the likely effects of designating critical habitat upon the need to engage in, or likely outcomes of, consultations under section 7 of the Act, or other information available to the agency, such as the information in the economic analysis, as informed by public input. Therefore, if the Secretary has additional knowledge or material evidence that qualifies as the best information available, the Secretary would assign weights to the benefits of inclusion or exclusion consistent with the information from experts, firsthand knowledge, and the best information available that the Secretary may have to rebut that information.

The proposed revisions would not differ from the FWS’s current practice in considering the benefits of including or excluding certain areas as critical habitat, except for the current practice in considering Federal lands. Proposed paragraph (d)(1)(iv) addresses Federal lands where there are non-Federal entities that have a permit, lease, contract, or other authorization for use. This provision reverses the 2016 policy position that we generally do not exclude Federal lands from designations of critical habitat (outside of routine consideration of impacts to national security). There is nothing in the Act that states that lands could not be excluded from designation of critical habitat simply because that land is managed by the Federal Government. In some instances, the benefits of excluding Federal lands from a critical habitat designation may outweigh the benefits of including them.

It is noteworthy that Federal land managers will continue to have unique obligations under the Act, and that Congress declared as its policy that “all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act” (section 2(c)(1)). Further, all Federal agencies have responsibilities under section 7 of the Act to carry out programs for the conservation of listed species and to ensure that their actions are not likely to jeopardize the continued existence of listed species (section 7(a)(1)).

With regard to consideration of an exclusion based on economic or other relevant considerations, under the Act,

the costs that a critical habitat designation may impose can be divided into two types: (1) the additional administrative or transactional costs associated with the consultation process with a Federal agency pursuant to section 7, (2) the costs to Federal agencies and other affected parties, including applicants for Federal authorizations (e.g., permits, licenses, leases, contracts) of any project modifications necessary to avoid destruction or adverse modification of critical habitat, and (3) the opportunity cost associated with projects and activities (such as those anticipated from reasonable and prudent alternatives that may be identified through a section 7 consultation).

In contrast to the 2016 policy (see 81 FR 7226, at 7231, February 11, 2016), we now will consider the avoidance of the administrative or transactional costs associated with the consultation process as a benefit of exclusion of a particular area of Federal land. We did acknowledge then, and restate now, that we will also consider the extent to which consultation would produce an outcome that has economic or other impacts, such as by requiring project modifications and additional conservation measures by the Federal agency or other affected parties. While we acknowledge that Federal lands are important areas to the conservation of species habitat, we do not wish to foreclose the potential to exclude areas under Federal ownership.

Economic Impacts and Other Relevant Impacts

Proposed paragraph (d)(2) addresses economic impacts or other relevant impacts as identified in proposed paragraph (b). Economic impacts may play an important role in the discretionary 4(b)(2) exclusion analysis under the second sentence of section 4(b)(2). The FWS always considers the probable incremental economic impacts of the designation of critical habitat. When undertaking a discretionary 4(b)(2) exclusion analysis with respect to a particular area, the FWS will continue to weigh the economic benefits of exclusion (and any other benefits of exclusion) against any benefits of inclusion (primarily the conservation value of designating the area). The nature of the probable incremental economic impacts, and not necessarily a particular threshold level, should trigger considerations of exclusions based on probable incremental economic impacts. For example, if an economic or other analysis indicates high probable incremental impacts of designating a particular critical habitat unit of lesser

conservation value (relative to other areas potentially included in the designation), the FWS may consider excluding that particular unit. When analyzing whether to exclude any area, the Secretary will weigh such impacts relative to the conservation value of that area.

For benefits of inclusion or exclusion based on impacts that fall within the scope of the FWS's expertise, the Secretary will assign the weight given to those benefits in light of the FWS's expertise. The FWS's expertise includes, but is not limited to, implementation and enforcement of the Act; identification of the biological needs of species; identification of threats to species and their habitats; identification of important or essential components of habitat; species protection measures; and the process and outcomes of interagency consultations under section 7 of the Act.

Conservation Plans or Agreements and Partnerships

Proposed paragraphs (d)(3) and (d)(4) address conservation plans, agreements, or partnerships, respectively, those permitted under, and those not permitted under, section 10 of the ESA. These proposed regulations generally follow our practices from the 2016 policy. We frequently exclude specific areas from critical habitat designations based on the existence of private or other non-Federal conservation plans or agreements and their attendant partnerships when the benefits of exclusion outweigh the benefits of inclusion. A conservation plan or agreement describes actions that are designed to provide for the conservation needs of a species and its habitat and may include actions to minimize or mitigate negative effects on the species caused by activities on or adjacent to the area covered by the plan. Conservation plans or agreements can be developed by private entities with no involvement of the FWS, or in partnership with the FWS. In the case of a habitat conservation plan, safe harbor agreement, candidate conservation agreement with assurances, or conservation benefit agreement, a plan or agreement is developed in partnership with the FWS for the purposes of obtaining a permit under section 10 of the Act to authorize any take of listed species caused incidentally by the activities described in the plan or agreement. We place great value on the partnerships that are developed during the preparation and implementation of conservation plans and agreements.

The benefits of excluding lands with conservation plans or agreements include relieving landowners, communities, and counties of any additional regulatory burdens that might be imposed as a result of the critical habitat designation. A related benefit of exclusion is the unhindered, continued ability to maintain existing partnerships, as well as the opportunity to seek new partnerships with potential plan participants, including States, counties, local jurisdictions, conservation organizations, and private landowners. Together, these entities can implement conservation actions that the FWS would be unable to accomplish without their participation. These partnerships can lead to additional conservation efforts for listed species. This is particularly important because conservation plans or agreements often cover a wide range of species, including listed plant species and species that are not federally listed.

The protections that a conservation plan or agreement provides to habitat can reduce the benefits of including the covered area in the critical habitat designation. However, even in light of such reduction, there may still be significant benefits of critical habitat designation. As such, the FWS will weigh the benefits of inclusion against the benefits of exclusion (usually the maintenance or fostering of partnerships that provide existing conservation benefits or may result in future conservation actions).

If a plan under section 10 of the ESA is still under development when we undertake a discretionary 4(b)(2) exclusion analysis, we will evaluate these draft plans under regulations proposed at paragraph (d)(4).

Approach To Excluding Areas

We propose to reinstate paragraph (e) as set forth in the 2020 rule and in the proposed regulation promulgation portion of this document. Proposed paragraph (e) describes that the Secretary would exercise the broad discretion given under section 4(b)(2) by establishing as a principle that the FWS will exclude areas whenever it determines that the benefits of exclusion outweigh the benefits of inclusion, as long as exclusion will not result in the extinction of the species.

Request for Comments

We are seeking comments from all interested parties on the specific revisions we are proposing, as well as on any of our analyses or preliminary conclusions in the Required Determinations section of this document. All relevant information will

be considered prior to making a final determination regarding these regulations. Depending on the comments received, we may change the final regulations based upon those comments.

You must submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. Comments sent by any other method, or to any other address or individual, may not be considered. Comments must be submitted to <http://www.regulations.gov> before 11:59 p.m. (Eastern Time) on the date specified in **DATES**. We cannot guarantee that we will be able to consider hand-delivered comments that we do not receive, or mailed comments that are not postmarked, by the date specified in **DATES**. Comments and materials we receive will be posted and available for public inspection on <https://www.regulations.gov>. This generally means that we will post any personal information you provide us. If you provide personal identifying information in your comment, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Required Determinations

Regulatory Planning and Review—E.O.s 12866 and 13563

E.O. 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this proposed rule is significant and has reviewed it.

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13653 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this proposed rule in a manner consistent with these requirements.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 et seq.), as amended

by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; title II of Pub. L. 104–121, March 29, 1996), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare, and make available for public comment, a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency, or that person's designee, certifies that the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the RFA to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

We certify that, if adopted as proposed, this proposed rule would not have a significant economic impact on a substantial number of small entities. The following discussion explains our rationale.

This rulemaking proposes to revise the Service's regulations designating critical habitat for endangered and threatened species under the Act.

The Service is the only entity that is directly affected by this proposed regulation change at 50 CFR part 17 because changes to this section of the Code of Federal Regulations merely describe how we will designate critical habitat under the ESA. Since the only potential entities directly affected by this proposed regulation change are not small entities, including any small businesses, small organizations, or small governments, we certify that, if adopted as proposed, this rule would not have a significant economic effect on a substantial number of small entities.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.):

(a) On the basis of information contained above in the Regulatory Flexibility Act section, this proposed rule would not "significantly or uniquely" affect small governments. We have determined and certify pursuant to the Unfunded Mandates Reform Act that this proposed rule would not impose a cost of \$100 million or more in any given year on local or State governments or private entities. A small government agency plan is not required. As explained above, small governments would not be affected because the

proposed rule would not place additional requirements on any city, county, or other local municipalities.

(b) This proposed rule would not produce a Federal mandate on State, local, or Tribal governments or the private sector of \$100 million or greater in any year; that is, this proposed rule is not a "significant regulatory action" under the Unfunded Mandates Reform Act. This proposed rule would impose no obligations on State, local, or Tribal governments.

Takings (E.O. 12630)—E.O. 12630

In accordance with E.O. 12630, this proposed rule would not have significant takings implications. This proposed rule would not pertain to "taking" of private property interests, nor would it directly affect private property. A takings implication assessment is not required because this proposed rule (1) would not effectively compel a property owner to suffer a physical invasion of property and (2) would not deny all economically beneficial or productive use of the land or aquatic resources. This proposed rule would substantially advance a legitimate government interest (conservation and recovery of endangered species and threatened species) and would not present a barrier to all reasonable and expected beneficial use of private property.

Federalism—E.O. 13132

In accordance with E.O. 13132, we have considered whether this proposed rule would have significant federalism effects and have determined that a federalism summary impact statement is not required. This proposed rule pertains only to designation of critical habitat under the ESA and would not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government.

Civil Justice Reform—E.O. 12988

This proposed rule would not unduly burden the judicial system and meets the applicable standards provided in sections 3(a) and 3(b)(2) of E.O. 12988. This proposed rule would clarify factors for designating critical habitat under the ESA.

Government-to-Government Relationship With Tribes

In accordance with E.O. 13175, ("Consultation and Coordination with Indian Tribal Governments"), and the Department of the Interior's manual at 512 DM 2, we considered possible

effects of this proposed rule on federally recognized Indian Tribes. This proposed rule is general in nature and does not directly affect any specific Tribal lands, treaty rights, or Tribal trust resources. Therefore, we preliminarily conclude that this proposed rule does not have “tribal implications” under section 1(a) of E.O. 13175. Thus, formal government-to-government consultation is not required by E.O. 13175 and related policies of the Department of the Interior. We will continue to collaborate with Tribes on issues related to federally listed species and their habitats. See Joint Secretary’s Order 3206, “American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act,” June 5, 1997.

Paperwork Reduction Act (44 U.S.C. 3501 et seq.)

This proposed rule does not contain any new collection of information that requires approval by the OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

We are analyzing this proposed rule in accordance with the criteria of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), the Department of the Interior regulations on Implementation of the National Environmental Policy Act (43 CFR part 46), and the Department of the Interior Manual (516 DM 1).

We invite the public to comment on the extent to which these proposed regulations may have a significant impact on the human environment or fall within one of the categorical exclusions for actions that have no reasonably foreseeable effects on the quality of the human environment. We will complete our analysis, in compliance with NEPA, before finalizing this proposed rule.

Energy Supply, Distribution or Use—E.O. 13211

E.O. 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use) requires agencies to prepare statements of energy effects “to the extent permitted by law” when undertaking actions identified as significant energy actions (66 FR 28355; May 22, 2001). E.O. 13211 defines a “significant energy action” as an action that (i) is a significant regulatory action under E.O.

12866 (or any successor order); and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy. The proposed revised regulations are not expected to affect energy supplies, distribution, and use. Therefore, this action is not a significant energy action, and there is no requirement to prepare a statement of energy effects for this action.

Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)

In developing this proposed rule, the FWS is acting in our unique statutory role as administrator of the Act and is engaged in a legal exercise of interpreting the standards of the Act. The FWS’s administration of the Act is not in itself subject to the Act’s provisions, including section 7(a)(2). The FWS has a historical practice of issuing its general regulations under the ESA without undertaking section 7 consultation. This practice accords with the plain language, structure, and purposes of the ESA, which does not place a consultation obligation on the FWS’s administration of the Act. Although the FWS consults on actions through intra-agency consultations where appropriate (e.g., issuance of section 10 permits and actions under statutory authorities other than the ESA), in those instances the FWS is acting principally as an “action agency” implementing provisions of the Act or other statutes. Here, by contrast, the FWS is acting solely in our role as administrator of the ESA in interpreting the Act’s provisions; we are also not implementing the Act to propose or take a specific action. The FWS is carrying out the most fundamental exercise of our role as administrator of the ESA, and the Act cannot reasonably be construed as requiring the FWS to “consult” with ourselves under Section 7(a)(2) in such cases.

Clarity of the Proposed Rule

We are required by E.O.s 12866 and 12988 and by the Presidential memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (1) Be logically organized;
- (2) Use the active voice to address readers directly;
- (3) Use clear language rather than jargon;
- (4) Be divided into short sections and sentences; and
- (5) Use lists and tables wherever possible.

If you believe that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you

should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Authority

We issue this proposed rule under the authority of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation, and Wildlife.

Proposed Regulation Promulgation

For the reasons discussed in the preamble, we hereby propose to amend part 17 of chapter I, title 50 of the Code of Federal Regulations as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

- 1. The authority citation for part 17 continues to read as follows:

AUTHORITY: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

Subpart J—[Redesignated as Subpart K]

- 2. Subpart J, consisting of §§ 17.100 through 17.199, is redesignated as subpart K.

Subpart I—[Redesignated as Subpart J]

- 3. Subpart I, consisting of §§ 17.94 through 17.99, is redesignated as subpart J.
 ■ 4. New subpart I, consisting of § 17.90, is added to read as follows:

Subpart I—Considerations of Impacts and Exclusions from Critical Habitat

§ 17.90 Impact analysis and exclusions from critical habitat.

(a) At the time of publication of a proposed rule to designate critical habitat, the Secretary will make available for public comment the draft economic analysis of the designation. The draft economic analysis will be summarized in the **Federal Register** notice of the proposed designation of critical habitat. The Secretary will also identify any national security or other relevant impacts that the Secretary determines are contained in a particular area of proposed designation. Based on the best information available regarding economic, national security, and other relevant impacts, the proposed

designation of critical habitat will identify the areas that the Secretary has reason to consider for exclusion and explain why. The identification of areas in the proposed rule that the Secretary has reason to consider for exclusion is neither binding nor exhaustive. "Economic impacts" may include, but are not limited to, the economy of a particular area, productivity, jobs, and any opportunity costs arising from the critical habitat designation (such as those anticipated from reasonable and prudent alternatives that may be identified through a section 7 consultation), as well as possible benefits and transfers (such as outdoor recreation and ecosystem services). "Other relevant impacts" may include, but are not limited to, impacts to Tribes, States, local governments, public health and safety, community interests, the environment (such as increased risk of wildfire or pest and invasive species management), Federal lands, and conservation plans, agreements, or partnerships. The Secretary will consider impacts at a scale that the Secretary determines to be appropriate and will compare the impacts with and without the designation. Impacts may be qualitatively or quantitatively described.

(b) Prior to finalizing the designation of critical habitat, the Secretary will consider the probable economic, national security, and other relevant impacts of the designation upon proposed or ongoing activities.

(c)(1) Subject to paragraph (c)(2) of this section, the Secretary has discretion as to whether to conduct an exclusion analysis under 16 U.S.C. 1533(b)(2).

(2) The Secretary will conduct an exclusion analysis when:

(i) The proponent of excluding a particular area (including, but not limited to, permittees, lessees, or others with a permit, lease, or contract on federally managed lands) has presented credible information regarding the existence of a meaningful economic or other relevant impact supporting a benefit of exclusion for that particular area; or

(ii) The Secretary otherwise decides to exercise discretion to evaluate any particular area for possible exclusion.

(d) When the Secretary conducts a discretionary exclusion analysis pursuant to paragraph (c) of this section, the Secretary shall weigh the benefits of including or excluding particular areas in the designation of critical habitat, according to the following principles:

(1) When analyzing the benefits of including or excluding any particular area based on impacts identified by

experts in, or by sources with firsthand knowledge of, areas that may be outside the scope of the Service's expertise, the Secretary will give weight to those benefits consistent with the expert or firsthand information, unless the Secretary has knowledge or material evidence that rebuts that information. Impacts that may be outside the scope of the Service's expertise include, but are not limited to:

(i) Nonbiological impacts identified by federally recognized Indian Tribes, consistent with all applicable Executive and Secretary's orders;

(ii) Nonbiological impacts identified by State or local governments;

(iii) Impacts based on national security or homeland security implications identified by the Department of Defense, Department of Homeland Security, or any other Federal agency responsible for national security or homeland security; and

(iv) Nonbiological impacts identified by a permittee, lessee, or contractor applicant for a permit, lease, or contract on Federal lands.

(2) When analyzing the benefit of including or excluding any particular area based on economic impacts or other relevant impacts described in paragraph (b) of this section, the Secretary will weigh such impacts relative to the conservation value of that particular area. For benefits of inclusion or exclusion based on impacts that fall within the scope of the Service's expertise, the Secretary will assign weight to those benefits in light of the Service's expertise.

(3) When analyzing the benefits of including or excluding particular areas covered by conservation plans, agreements, or partnerships that have been authorized by a permit under section 10 of the Act, the Secretary will consider the following factors:

(i) Whether the permittee is properly implementing the conservation plan or agreement;

(ii) Whether the species for which critical habitat is being designated is a covered species in the conservation plan or agreement; and

(iii) Whether the conservation plan or agreement specifically addresses the habitat of the species for which critical habitat is being designated and meets the conservation needs of the species in the planning area.

(4) When analyzing the benefits of including or excluding particular areas covered by conservation plans, agreements, or partnerships that have not been authorized by a permit under section 10 of the Act, factors that the

Secretary may consider include, but are not limited to:

(i) The degree to which the record of the plan, or information provided by proponents of an exclusion, supports a conclusion that a critical habitat designation would impair the realization of the benefits expected from the plan, agreement, or partnership.

(ii) The extent of public participation in the development of the conservation plan.

(iii) The degree to which agency review and required determinations (e.g., State regulatory requirements) have been completed, as necessary and appropriate.

(iv) Whether National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) reviews or similar reviews occurred, and the nature of any such reviews.

(v) The demonstrated implementation and success of the chosen mechanism.

(vi) The degree to which the plan or agreement provides for the conservation of the physical or biological features that are essential to the conservation of the species;

(vii) Whether there is a reasonable expectation that the conservation management strategies and actions contained in a management plan or agreement will be implemented;

(viii) Whether the plan or agreement contains a monitoring program and adaptive management to ensure that the conservation measures are effective and can be modified in the future in response to new information.

(e) If the Secretary conducts an exclusion analysis under paragraph (c) of this section, and if the Secretary determines that the benefits of excluding a particular area from critical habitat outweigh the benefits of specifying that area as part of the critical habitat, then the Secretary shall exclude that area, unless the Secretary determines, based on the best scientific and commercial data available, that the failure to designate that area as critical habitat will result in the extinction of the species concerned.

Kevin Lilly,

Principal Deputy for Fish and Wildlife and Parks, Exercising the delegated authority of the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior.

[FR Doc. 2025-20550 Filed 11-19-25; 11:15 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 402**

[Docket No. FWS-HQ-ES-2025-0044, FXES11140900000-256-FF09E23000; Docket No. 251105-0167]

RIN 1018-BI75; 0648-BN79

Endangered and Threatened Wildlife and Plants; Interagency Cooperation Regulations

AGENCY: U.S. Fish and Wildlife Service, Interior; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Proposed rule; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS; collectively, the “Services”) propose to revise portions of our regulations for section 7 of the Endangered Species Act of 1973, as amended (ESA or Act). The proposed revisions to the interagency cooperation regulations confirm the Services’ application of statutory requirements for interagency cooperation, while continuing to provide for the conservation of listed species.

DATES: Comments must be received by December 22, 2025.

ADDRESSES: *Comment submission:* You may submit comments and information on this document by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <https://www.regulations.gov>. In the Search box, enter FWS-HQ-ES-2025-0044, which is the docket number for this rulemaking action. Then, click on the Search button. On the resulting page, in the panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. You may submit a comment by clicking on “Comment.” Please ensure that you have found the correct rulemaking before submitting your comment. Comments must be submitted to <https://www.regulations.gov> before 11:59 p.m. (Eastern Time) on the date specified in **DATES**.

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn:

FWS-HQ-ES-2025-0044; U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

We request that you send comments only by the methods described above. We will post all comments on <https://www.regulations.gov>. This generally means that we will post any personal information you provide us (see Request for Comments, below, for more information).

Availability of reference materials:

References and in accordance with 5 U.S.C. 553(b)(4) a summary of this proposed rule is available at <https://www.regulations.gov> at Docket No. FWS-HQ-ES-2025-0044.

FOR FURTHER INFORMATION CONTACT:

Craig Aubrey, Chief, U.S. Fish and Wildlife Service, Ecological Services, Division of Environmental Review, 5275 Leesburg Pike, Falls Church, VA 22041-3803, telephone 703-358-2442; or Tanya Dobrzynski, National Marine Fisheries Service, Office of Protected Resources, Endangered Species Act Interagency Cooperation Division, 1315 East-West Highway, Silver Spring, MD 20910, telephone 301-427-8400. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. Please see Docket No. FWS-HQ-ES-2025-0044 on <https://www.regulations.gov> for a document that summarizes this proposed rule.

SUPPLEMENTARY INFORMATION:**Background**

The Secretaries of the Interior and Commerce (the “Secretaries”) share responsibilities for implementing the Endangered Species Act, as amended (hereafter referred to as ESA or the Act; 16 U.S.C. 1531 *et seq.*), and authority to administer the Act has been delegated by the respective Secretaries to the Director of FWS and the Assistant Administrator for NMFS. Together, the Services have promulgated regulations that establish the procedures governing interagency cooperation under section 7 of the Act, which requires Federal agencies, in consultation with and with the assistance of the Secretaries of the Interior and Commerce, to insure that any action authorized, funded, or carried out by such agencies is not likely to jeopardize the continued existence of endangered or threatened

species or result in the destruction or adverse modification of critical habitat of such species. These joint regulations, which are codified in title 50 of the Code of Federal Regulations (CFR) at part 402 (50 CFR part 402), were revised in 2019 (84 FR 44976, August 27, 2019) and again in 2024 (89 FR 24268, April 5, 2024; hereafter, “the 2019 rule” and “the 2024 rule,” respectively).

States and environmental organizations challenged the 2019 regulations in the Northern District of California, with other States and industry participants intervening to support the regulations (*Ctr. for Biological Diversity v. Haaland*, No. 19-cv-5206 (N.D. Cal.) (related to *California v. Haaland*, 19-cv-6013, and *ALDF v. Haaland*, No. 19-cv-6812)). The district court remanded the regulations to the Services, and the Services developed the 2024 regulations, affirming some parts of the 2019 rule and revising or rescinding others. The 2024 rule became effective on May 6, 2024.

Like the 2019 rule, portions of the 2024 rule were challenged in several court cases (*National Hydropower Ass’n v. U.S. Fish & Wildlife Service*, No. 1:24-cv-02285 (D.D.C.) (challenges to the 2024 revisions to 50 CFR 402.14(i)(1)–(3), allowing the incorporation of offsets into reasonable and prudent measures); *Ctr. for Biological Diversity v. Dept. of the Interior*, No. 4:24-cv-04651–JST (N.D. Cal.) (substantive and procedural challenges to both the 2019 and 2024 regulations); *Am. Farm Bureau Fed’n v. U.S. Fish & Wildlife Service*, No. 1:25-cv-00947 (D.D.C.) (challenges to the 2024 rule and request to reinstate the 2019 rule)).

Additionally, months after the 2024 rule went into effect, the Supreme Court issued *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024). This case overruled *Chevron, U.S.A. v. Natural Resources Defense Council*, 467 U.S. 837 (1984), which previously allowed courts to defer to “permissible” agency interpretations of ambiguous statutory language, even where another, more reasonable interpretation existed (*Id.* at 843–44 and n.11).

Further, several Executive Orders (E.O.s) were issued following the 2024 rule’s promulgation and the *Loper Bright* decision that direct agencies to reconsider multiple aspects of the regulatory process. First, on January 20, 2025, President Donald Trump signed E.O. 14154, “Unleashing American Energy.” Section 3(b) of that E.O. requires that agency heads begin implementing action plans to suspend, revise, or rescind all agency actions

identified as unduly burdensome on the development of domestic energy sources. Second, on January 24, 2025, President Trump issued E.O. 14181, “Emergency Measures to Provide Water Resources in California and Improve Disaster Response in Certain Areas.” Section 2(e) of that E.O. directed the Secretary of the Interior to “promptly review, revise, or rescind any regulations or procedures specific to implementation of section 1536 of title 16 United States Code, as needed and consistent with applicable law, to conform with the plain meaning of the statute.” The 2024 rule includes regulations specific to the implementation of section 1536 of title 16 of the U.S. Code and is therefore directly implicated by this E.O. Third, on February 19, 2025, the Services were directed to review their regulations for consistency with statutory text through E.O. 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative.” The E.O. requires review of various classes of regulations, and section 2(a)(iii) specifically requires review of any “regulations that are based on anything other than the best reading of the underlying statutory authority or prohibition.”

Secretary of the Interior Burgum also issued Secretary’s Order (S.O.) 3418 to implement E.O. 14154. Section 4(b) of S.O. 3418 requires FWS to review the 2024 regulations and develop a plan to “suspend, revise, or rescind” the 2024 regulatory revisions, as appropriate.

In compliance with these directives, the Services immediately began coordinating to re-evaluate the 2024 rule. The agencies, as discussed further below, have since identified concerns with the 2024 regulations in light of the intervening *Loper Bright* Supreme Court decision and various E.O.s and S.O.s, including those noted above.

Consistent with these ongoing regulatory efforts and considerations, the Services in *National Hydropower Ass’n v. U.S. Fish & Wildlife Service*, No. 1:24-cv-02285 (D.D.C.), filed a motion on April 14, 2025, requesting a voluntary remand without vacatur of the 2024 rule to allow the Services to address the substantial and legitimate concerns that the Services have with the 2024 regulatory revisions that allowed for the incorporation of offsets into reasonable and prudent measures, as described in more detail below. Specifically, the Services noted concerns that certain aspects of the 2024 rule are not considered the “best reading” of the statute. The Services recognized that “offset” does not appear

in the statutory text, nor is the term “mitigation” employed in the portion of the statute related to reasonable and prudent measures. *See* 16 U.S.C. 1536. The Services also wished to reevaluate whether the offset provisions, described in 50 CFR 402.02 and 402.14(i)(1)–(3), are consistent with the regulatory requirement not to impose anything more than “minor changes” to a proposed action through reasonable and prudent measures (*See* 50 CFR 402.14(i)(2)).

Thus, in accordance with the various E.O.s and S.O.s and in consideration of recent case law, the Services have reviewed the 2024 rule and evaluated the specific regulatory revisions promulgated through that process. The Services now consider that parts of the 2024 rule are likely inconsistent with the best reading of the ESA. The Services also find that parts of the 2024 rule are likely unnecessary or inadvisable for various reasons, including their lack of clarity for the regulated Federal agencies and applicants engaged in the consultation process.

Regarding the offset provisions specifically, and as noted above, NMFS and FWS recognize that the term “offset” is not used in the statutory text, nor is the term “mitigation” employed in the portion of the statute related to reasonable and prudent measures. *See* 16 U.S.C. 1536. Therefore, NMFS and FWS propose removing the 2024 rule’s offset provisions, consistent with the best reading of the Act.

Based on our considerations described in this preamble, and taking into account *Loper Bright* and the E.O.s described above, the Services also propose to revise the regulations at 50 CFR part 402 by reinstating certain provisions that were promulgated in 2019, with proposed modifications to the definition of “environmental baseline” in § 402.02 and to provisions addressing the “reasonably certain to occur” standard in § 402.17. These proposed changes are further explained below. We are not, however, proposing to revise the 2024 revisions to § 402.16 (Reinitiation of consultation).

The regulations that the Services propose in this rule reaffirm the processes by which the Services will interpret and implement various statutory requirements set forth in section 7 of the Act, while continuing to provide for the conservation of listed species. This proposed rule is intended to provide the public with a transparent explanation of proposed revisions to the regulations in 50 CFR part 402 and the opportunity to comment on these proposed revisions.

Proposed Changes to 50 CFR Part 402 Resulting From Our Review of the 2024 Rule

Following a review of the 2024 rule, we propose to revise the regulations at 50 CFR part 402 by replacing all provisions of the regulations promulgated in 2024 with those promulgated or otherwise in existence in 2019, with the exception of § 402.16 (Reinitiation of consultation). In addition, we propose to make additional clarifying edits to the definition of “environmental baseline” in § 402.02 and to provisions addressing the “reasonably certain to occur” standard in § 402.17. Each of the proposed revisions is described below. The specific changes to the regulations proposed herein are intended to be prospective standards only. If finalized, these regulations would apply to section 7(a)(2) consultations finalized after the effective date of the final rule and would not apply retroactively to section 7(a)(2) consultations finalized prior to the effective date of the final rule. Nothing in these proposed revisions to the regulations is intended to require (at such time as the final rule becomes effective) that any previously completed section 7(a)(2) consultations be reevaluated to comply with any subsequent regulatory changes.

This proposed rule is one of four proposed rules publishing in today’s **Federal Register** affecting the regulations for the ESA. Two of these proposed rules, including this one and one on listing species and designating critical habitat at 50 CFR part 424, are joint between the Services, and two proposed rules related to critical habitat exclusions and threatened species protections at 50 CFR part 17 are specific to FWS.

Section 402.02—Definitions

Definition of “Effects of the Action”

The revisions we are proposing to the definition of “effects of the action” at 50 CFR 402.02 are discussed below under Proposed Reinstatement of Other Provisions.

Definition of “Environmental Baseline”

In 2019, we removed the definition of “environmental baseline” from the definition of “effects of the action” and established it as its own stand-alone definition at 50 CFR 402.02. We also added additional detail to the definition. In the new first sentence, we described environmental baseline as the condition of the listed species or critical habitat in the action area without the consequences caused by the proposed action. In the new third sentence, we

stated that the consequences to listed species or designated critical habitat from ongoing agency activities or existing agency facilities that are not within the agency's discretion to modify are part of the environmental baseline. In 2024, we did not make any changes to the first sentence and adopted minor revisions to the third sentence to replace the term "consequences" with the word "impacts," removed the word "ongoing," and added the word "Federal" in two locations to emphasize the central question of the Federal agency's discretion over their own activities and facilities in determining what is properly categorized as part of the environmental baseline. As we noted in the June 22, 2023, proposed rule, the Services consider "consequences," "impacts," and "effects" to be equivalent terms, and we modified the text to be consistent with the language in the previous sentences of the definition (88 FR 40753 at 40755). Because ongoing agency activities or existing agency facilities that are not within the agency's discretion to modify belong in the environmental baseline and not the proposed action, we revised the text to consistently use the term "impacts" throughout the definition for items that belong in the environmental baseline, while retaining the use of the term "consequences" in the first sentence for effects that are caused by the proposed action and not included in the environmental baseline. Further, we were concerned that the use of the term "ongoing" distracted from the intended focus on Federal agency discretion. These revisions in no way altered the intended meaning or application of the third sentence of the definition of environmental baseline.

We are now proposing revisions to the first and third sentence of environmental baseline. For the first sentence, the Services are proposing clarifying revisions so the sentence would read: "Environmental baseline is evaluated at the time of the proposed action and refers to the current condition of the listed species or its designated critical habitat in the action area as would reasonably be expected to occur without the consequences to the listed species or designated critical habitat caused by the proposed action." Because defining the environmental baseline can be one of the most challenging aspects of section 7 consultation, the Services are taking this opportunity to provide more detail on the approach to its establishment. The proposed revisions reflect the Services' existing practice. As we noted in the 2019 final rule, environmental baseline

should be used to compare the condition of the listed species and the designated critical habitat in the action area with and without the effects of the proposed action, and this comparison is the effects of the action. (84 FR at 44976). The additions of "is evaluated at the time of the proposed action," the term "current," and "as they would be reasonably expected to occur" emphasize that the agency looks to the best available scientific information at the time of the consultation to inform its understanding of the condition of the listed species or its designated critical habitat, and to draw the necessary comparison described in the 2019 final rule.

For the third sentence, the Services are proposing to reinstate the 2019 definition of "environmental baseline" which describes "consequences" to listed species as part of "ongoing agency activities." As we noted in 2023 and reaffirm here, when we refer to an "agency," "action agency," or "Federal agency," it is in reference to the Federal agency that has proposed the action undergoing section 7 consultation. Consistent with § 402.03, the obligation of a Federal agency to consult on a Federal action pursuant to section 7 and the requirements of the part 402 regulations apply to all actions in which there is discretionary Federal involvement or control. Therefore, those components of Federal activities or Federal facilities in which there is no discretionary involvement or control of the Federal agency are not subject to the requirement to consult, and, as a result, the impacts of those nondiscretionary activities and facilities to listed species and critical habitat are not a consequence of a proposed discretionary Federal action (88 FR 40753 at 40755–40756, June 22, 2023). This is supported by the Supreme Court's conclusion in *National Ass'n of Home Builders v. Defenders of Wildlife*, 551 U.S. 644, 667–71 (U.S. 2007) ("Home Builders"), where the Court held that it was reasonable for the Services to narrow the application of section 7 to a Federal agency's discretionary actions because "[t]he regulation's focus on 'discretionary' actions accords with the commonsense conclusion that, when an agency is required to do something by statute, it simply lacks the power to 'insure' that such action will not jeopardize endangered species." *Id.* Thus, the final sentence of the definition of "environmental baseline" is applicable only to Federal agency facilities and Federal activities that are not within the Federal agency's discretion to modify.

While the intent in 2024 was to further refine the 2019 definition of "environmental baseline," upon review, we believe the minor revisions in 2024 were unnecessary as they do not meaningfully clarify or change the definition, and that the prior version is already consistent with longstanding practice. Therefore, the Services find that reverting back to the third sentence in the 2019 definition adheres to the plain meaning in the statute, follows longstanding practice, and does not change our understanding and application of the environmental baseline to the jeopardy and destruction or adverse modification analyses.

Definition of "Reasonable and Prudent Measures"

The revisions we are proposing to the definition of "reasonable and prudent measures" at 50 CFR 402.02 are discussed below under Proposed Changes to Reasonable and Prudent Measures.

Proposed Changes to Reasonable and Prudent Measures

Section 402.02, Definition of "Reasonable and Prudent Measures," and Section 402.14, Formal Consultation

In the 2024 rule, we made amendments to the regulatory provisions relating to the scope of reasonable and prudent measures (RPMs) in an incidental take statement (ITS) and the definition of RPMs to facilitate "offsetting" RPMs, *i.e.*, measures intended to compensate for the impacts of incidental take on listed species.

Upon further review and in accordance with the E.O.s and S.O.s described above, we have determined that the 2024 regulation's use of the terms "offset" and "mitigation" is not sufficiently rooted in express statutory language in section 7 of the ESA. After reconsidering the statutory and regulatory text in view of *Loper Bright*, the Services propose to rescind all changes made in 2024 that created the option for offsetting RPMs. We therefore propose to revert to these provisions as they existed prior to 2024 in 50 CFR part 402, in particular in the regulatory text at § 402.14(i)(1)–(3) and in the definition of RPMs at § 402.02.

Proposed Reinstatement of Other Provisions

Section 402.17, Other Provisions, and Section 402.02, Definition of "Effects of the Action"

In the 2019 and 2024 rules, the Services explained that the regulatory

revisions of § 402.17 were intended to provide additional clarity to the interagency consultation process and did not change the various standards and requirements of the statutory or regulatory framework. The 2019 rulemaking, which added § 402.17, and the subsequent 2024 rulemaking, which removed § 402.17, both discussed the meaning and application of this provision and, in 2024, reasons for revoking the provision. Readers are directed to those **Federal Register** publications (84 FR 44976, August 27, 2019; 89 FR 24268, April 5, 2024) for a full explanation. Our reasons for removal in 2024 included (1) avoiding a need for reference to multiple sections of the regulations for a full definition of “effects of the action”; (2) a potential source of confusion and tension between the phrase “clear and substantial information” and the statutory requirement to use the best scientific and commercial information available; and (3) a stated intent to include the type of guidance encompassed within § 402.17 in a planned revision of the 1998 Consultation Handbook.

However, the Services are now proposing to reinstate § 402.17 to prevent confusion and provide more clarity in the regulatory text. Additionally, the Services are proposing to add a fourth factor to § 402.17(a) for consideration when evaluating whether activities are reasonably certain to occur. In § 402.17(b), the Services are proposing to add two additional factors to consider for determining that a consequence is not caused by the proposed action.

The term “reasonably certain to occur” is found in the regulatory definitions (§ 402.02) of “effects of the action” and “cumulative effects” and is also an important concept for identifying “activities that are caused by the proposed action” within “effects of the action.” We established a separate provision (§ 402.17) in 2019 to provide a non-exclusive list of factors to consider when it is unclear if a consequence or activity is reasonably certain to occur. The proposed text addresses the basis upon which a conclusion of reasonably certain to occur may be reached and is intended to help practitioners avoid inclusion of consequences or activities whose occurrence would be considered remote, but also does not require that the consequence or activity be absolutely certain to occur. While the proposed reinstatement of § 402.17 will again require practitioners to reference two separate sections of the regulations in their consideration of either “effects of

the action” or “cumulative effects,” we now believe the previous concern regarding reference to two separate sections was overstated. In particular, the proposed definition of “effects of the action” includes an express reference to § 402.17, making it clear to any reader that this section should be consulted in addition to the definition itself. Similarly, the entire 50 CFR part 402 regulations are intended to work in concert with one another to administer the express statutory language of the ESA. Federal agencies and applicants engaged in the consultation process cannot effectively apply any of the specific sections in isolation but must consult all relevant sections in order to appropriately engage in effective consultation. To the extent there are lingering questions of how one provision of the regulations may fit with another, the Services will continue working with other Federal agencies to minimize the risk of confusion.

When the Services removed § 402.17 in 2024, the supporting discussion in both the 2023 proposed rule and the 2024 final rule noted potential confusion and tension between the phrase “clear and substantial information” and the statutory requirement for the Services and all Federal agencies to use the “best scientific and commercial information available” (16 U.S.C. 1536 (a)(2)). Largely, this confusion and tension stemmed from the appearance that the phrase added a second and potentially higher standard for the information and supporting basis used to determine if a consequence or activity was “reasonably certain to occur.”

Although we are proposing to reinstate § 402.17, it is important to note that there is no actual tension between the use of “best available scientific information” and an expectation that “clear and substantial information” assists in the determination of “reasonably certain to occur.” The key sentence reads “[a] conclusion of reasonably certain to occur must be based on clear and substantial information, using the best scientific and commercial data available.” Thus, as an initial matter, the standard expressly recognizes, consistent with the Act, that we use the best scientific and commercial data available to determine whether a particular consequence is reasonably certain to occur or not. Similarly, the standard does not limit what information and data the Services will consider in making that determination. Given the definition of “effects of the action” requires reasonable certainty that a consequence or activity will occur,

relying on “clear and substantial” information is appropriate.

We additionally note as we did in 2019 that the inclusion of § 402.17 would neither raise nor lower the bar on application of the “effects of the action” test. We also reiterate that the proposed reinsertion of § 402.17 as revised is not intended to require a certain numerical amount of data; rather, it is simply to illustrate that the determination of a consequence or activity to be reasonably certain to occur must be rooted in the best scientific and commercial information available, and should not be based on speculation or conjecture. The proposed reinserted section also does not mean the nature of the information would have to support that a consequence or activity is guaranteed to occur. The Services will continue to follow accepted scientific methods and evaluate all lines of best available evidence to arrive at principled scientific determinations, including as to what consequences and activities are or are not reasonably certain to occur. When understood in this manner, it becomes evident there is not a tension in the key sentence guiding the application of the “reasonably certain to occur” standard.

The Services also noted in both the 2023 proposed rule and 2024 final rule (88 FR 40753, June 22, 2023, and 89 FR 24268, April 5, 2024, respectively) that portions of the § 402.17 text from the 2019 rulemaking were unnecessary in regulatory text because we intended to discuss those considerations and other examples, as appropriate, in a revised Consultation Handbook. The Services are still working on a revised Handbook, and absent a specific timeline for completing that work, we have determined that the set of factors originally included in § 402.17(a) and (b) in the 2019 rulemaking should also be reinstated and expanded upon to clarify the regulatory requirements for section 7 practitioners and to avoid confusion due to lack of guidance to Federal agencies and applicants engaged in the consultation process.

Section 402.17(a) includes a non-exclusive list of factors intended to guide determinations as to what activities (either for purposes of “effects of the action” or “cumulative effects”) are reasonably certain to occur. The factors originally included in 2019 in § 402.17(a) that we propose to reinsert focus on considerations such as past experience, existing plans, and remaining requirements related to a potential activity. These considerations are similar to those mentioned in the preamble to the 1986 final rule on interagency cooperation (51 FR 19926 at

19933, June 3, 1986) and in the Services' 1998 Consultation Handbook (Handbook at 4–32). To those three factors, we also propose to add a fourth factor in § 402.17(a)(4): “[t]he amount of State, tribal, territorial, or local administrative discretion remaining to be exercised.” This factor is a relevant consideration because the less administrative discretion that remains relative to an activity, the more likely it is to be considered reasonably certain to occur and, correspondingly, greater remaining discretion suggests greater uncertainty. The factor operates in a manner similar to § 402.17(a)(3), which considers the remaining economic, administrative, and legal requirements related to an activity.

The text at § 402.17(b) similarly describes a non-exclusive list of factors to determine when a consequence may not be reasonably certain to occur for purposes of applying the “effects of the action” definition. The factors originally included in 2019 in § 402.17(b) that we propose to reinsert focus on whether a consequence is remote in time, geographically remote, or may only be reached through a lengthy causal chain. As we noted in 2019, these are relevant considerations that help determine whether a particular consequence may or may not be considered reasonably certain to occur and are consistent with our longstanding practices (84 FR at 44981).

To those three considerations, we are proposing to add two additional provisions that are also relevant in determining whether a consequence is reasonably certain to occur. Section 402.17(b)(4) focuses on whether “the agency has no ability to prevent the consequence due to its limited statutory authority.” Like 402.17(b)(1)–(3), considering the extent of an action agency’s authority applies normal principles of proximate causation and helps determine whether a consequence is appropriately attributable to the proposed action. In the 2019 final rule, we noted that our two-part causation test reflected in our definition of “effects of the action” (but-for causation plus reasonably certain to occur) adopts analogous principles to those of proximate causation (84 FR at 44991). While we declined to adopt an express third element in our effects test for the “jurisdiction or control” of the action agency in 2019 (84 FR at 44991), *Seven County Infrastructure Coalition vs. Eagle County, Colorado* recently confirmed that “a mere ‘but-for’ causal relationship is insufficient to make an agency responsible for a particular effect.” 221 L.Ed.2d.820, 841 (2025) (citing *Department of Transportation v.*

Public Citizen, 541 U.S. 752, 767 (2004)). The principles of proximate causation articulated in *Seven County* are trans-substantive and make clear that an agency’s action cannot be considered a cause of an environmental effect when the agency has no authority to prevent the effect. As such, it is appropriate to consider the statutory authority of an action agency. Additionally, we are proposing to add § 402.17(b)(5) that examines “[i]f the consequence would occur regardless of whether the proposed action goes forward.” If a consequence will happen irrespective of the proposed action, then it cannot be caused by the proposed action, *i.e.*, it would not be a reasonably certain result of the proposed action. For this reason, we believe it is a useful addition to the non-exclusive list of considerations that action agencies and the Services should examine in determining what consequences of the proposed action are reasonably certain to occur.

One final proposed change to note is that in 2024, the Services removed § 402.17 from the regulations and revised the definition of “effects of the action” at 50 CFR 402.02 to remove the parenthetical reference to that section. Additionally, to retain a complete “effects of the action” definition, the Services moved the phrase “but that are not part of the action” from § 402.17 to the “effects of the action” definition in § 402.02.

Therefore, in coordination with our proposed reinstatement of § 402.17, the Services propose to remove “but that are not part of the action” from the “effects of the action” definition in § 402.02 and add the parenthetical reference to § 402.17 back to the end of that definition. The phrase “but that are not part of the action” is in proposed § 402.17. The proposed definition for “effects of the action” would therefore reinstate the 2019 version, as set forth below under Proposed Regulation Promulgation.

Overall, as provided in our explanation in the 2019 final rule and as discussed in more detail above, the reinsertion and revision of § 402.17 provides helpful guidance consistent with the plain meaning of the statute and agency practice. This proposed change does not revise the scope of the “effects of the action” nor change the application of the “but for” and “reasonably certain to occur” causation test to determine consequences or activities caused by the proposed action.

Request for Comments

We seek public comments from all interested parties on the specific

revisions we are now proposing to 50 CFR part 402, as well as the regulatory revisions we made in the 2019 and 2024 rules, and any of our analyses or conclusions discussed under Required Determinations, below. All relevant information will be considered prior to making a final determination regarding these regulations.

Based on comments received and on our experience in administering the Act, the final rule may include revisions to any provisions in part 402 that are a logical outgrowth of this proposed rule, consistent with the Administrative Procedure Act (5 U.S.C. subchapter II).

In proposing the above revisions, we also are considering whether there are legitimate reliance interests (*e.g.*, commercial, economic, environmental, or aesthetic interests) on the regulations under reexamination. *Dep’t of Homeland Sec. v. Regents of the Univ. of California*, 591 U.S. 1, 30 (2020). We therefore solicit public comment on reliance interests.

You may submit your comments concerning this proposed rule by one of the methods listed in **ADDRESSES**. Comments sent by any other method, to any other address or individual, may not be considered. Comments must be submitted to <https://www.regulations.gov> before 11:59 p.m. (eastern time) on the date specified in **DATES**. We will not consider hand-delivered or mailed comments that we do not receive by the date specified in **DATES**.

Comments and materials we receive will be posted and available for public inspection on <https://www.regulations.gov>. This generally means that we will post any personal information you provide us. If you provide personal identifying information in your comment, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Required Determinations

Regulatory Planning and Review—E.O.s 12866 and 13563

E.O. 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this proposed rule is significant and has reviewed it.

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation’s regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O.

13653 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this proposed rule in a manner consistent with these requirements.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; title II of Pub. L. 104–121, March 29, 1996), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare, and make available for public comment, a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency, or that person's designee, certifies that the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the RFA to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

We certify that, if adopted as proposed, this proposed rule would not have a significant economic impact on a substantial number of small entities. The following discussion explains our rationale.

This proposed rule, if made final, would be applied in determining whether a Federal agency has insured, in consultation with the Services, that any action it would authorize, fund, or carry out is not likely to jeopardize listed species or result in the destruction or adverse modification of critical habitat. The proposed rule would serve to confirm the Services' longstanding application of statutory requirements for interagency cooperation pursuant to section 7 of the ESA. Therefore, we certify that, if adopted as proposed, this rule would not have a significant economic effect on a substantial number of small entities.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*):

(a) On the basis of information contained above in the Regulatory Flexibility Act section, this proposed rule would not “significantly or uniquely” affect small governments. We have determined and certify pursuant to the Unfunded Mandates Reform Act that this proposed rule would not impose a cost of \$100 million or more in any given year on local or State governments or private entities. A small government agency plan is not required. As explained above, small governments would not be affected because the proposed rule would not place additional requirements on any city, county, or other local municipalities.

(b) This proposed rule would not produce a Federal mandate on State, local, or Tribal governments or the private sector of \$100 million or greater in any year; that is, this proposed rule is not a “significant regulatory action” under the Unfunded Mandates Reform Act. This proposed rule would impose no obligations on State, local, or Tribal governments.

Takings—E.O. 12630

In accordance with E.O. 12630, this proposed rule would not have significant takings implications. This proposed rule would not pertain to “taking” of private property interests, nor would it directly affect private property. A takings implication assessment is not required because this proposed rule (1) would not effectively compel a property owner to suffer a physical invasion of property and (2) would not deny all economically beneficial or productive use of the land or aquatic resources. This proposed rule would substantially advance a legitimate government interest (conservation and recovery of endangered species and threatened species) and would not present a barrier to all reasonable and expected beneficial use of private property.

Federalism—E.O. 13132

In accordance with E.O. 13132, we have considered whether this proposed rule would have significant federalism effects and have determined that a federalism summary impact statement is not required. This proposed rule pertains only to interagency consultation processes under the ESA and would not have substantial direct effects on the States, on the relationship between the Federal Government and

the States, or on the distribution of power and responsibilities among the various levels of government.

Civil Justice Reform—E.O. 12988

This proposed rule would not unduly burden the judicial system and meets the applicable standards provided in sections 3(a) and 3(b)(2) of E.O. 12988. This proposed rule would reaffirm the interagency consultation processes under the ESA.

Government-to-Government Relationship With Tribes

In accordance with E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”), the Department of the Interior’s manual at 512 DM 2, the Department of Commerce (DOC) “Tribal Consultation and Coordination Policy” (May 21, 2013), DOC Departmental Administrative Order (DAO) 218–8, and National Oceanic and Atmospheric Administration (NOAA) Administrative Order (NAO) 218–8 (April 2012), we considered possible effects of this proposed rule on federally recognized Tribes. This proposed rule is general in nature and does not directly affect any specific Tribal lands, treaty rights, or Tribal trust resources. Therefore, we preliminarily conclude that this proposed rule does not have Tribal implications under section 1(a) of E.O. 13175. Thus, formal government-to-government consultation is not required by E.O. 13175 and related policies of the Departments of Commerce and the Interior. We will continue to collaborate with Tribes on issues related to federally listed species and their habitats. See Joint Secretary’s Order 3206 (“American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act,” June 5, 1997).

Paperwork Reduction Act (44 U.S.C. 3501 et seq.)

This proposed rule does not contain any new collection of information that requires approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

We are analyzing this proposed rule in accordance with the criteria of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), the Department of the Interior regulations

on Implementation of National Environmental Policy Act (43 CFR part 46.), the Department of the Interior Manual (516 DM 1), the NOAA Administrative Order (NAO) 216–6A, and the NOAA Companion Manual, “Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities”, which became effective June 30, 2025.

We invite the public to comment on the extent to which these proposed regulations may have a significant impact on the human environment or fall within one of the categorical exclusions for actions that have no reasonably foreseeable effects on the quality of the human environment. We will complete our analysis, in compliance with NEPA, before finalizing this proposed rule.

Energy Supply, Distribution or Use—E.O. 13211

E.O. 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use) requires agencies to prepare statements of energy effects “to the extent permitted by law” when undertaking actions identified as significant energy actions (66 FR 28355; May 22, 2001). E.O. 13211 defines a “significant energy action” as an action that (i) is a significant regulatory action under E.O. 12866 (or any successor order); and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy. The proposed revised regulations are not expected to affect energy supplies, distribution, and use. Therefore, this action is not a significant energy action, and there is no requirement to prepare a statement of energy effects for this action.

Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)

In developing this proposed rule, the Services are acting in their unique statutory role as administrators of the Act and are engaged in a legal exercise of interpreting the standards of the Act. The Services’ promulgation of rules that govern their implementation of the Act itself is not an action that is subject to the Act’s provisions, including section 7(a)(2). The Services have a historical practice of issuing their regulations under the ESA without undertaking section 7 consultation. This practice accords with the plain language, structure, and purposes of the ESA. Nothing in the statute places a consultation obligation on the Services’ promulgation of regulations. Although the Services consult on actions through intra-agency consultations where appropriate (e.g., issuance of section 10

permits and actions under statutory authorities other than the ESA), the Services in those instances are acting principally as an “action agency” implementing provisions of the Act or other statutes. Here, by contrast, the Services are acting solely in their role as administrators of the ESA; we are not also implementing the Act to propose or take a specific action. The Services are carrying out the most fundamental exercise of our roles as administrators of the ESA, and the Act cannot reasonably be construed as requiring the Services to “consult” with themselves under section 7(a)(2) in such cases.

Clarity of the Proposed Rule

We are required by E.O.s 12866 and 12988 and by the Presidential memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (1) Be logically organized;
- (2) Use the active voice to address readers directly;
- (3) Use clear language rather than jargon;
- (4) Be divided into short sections and sentences; and
- (5) Use lists and tables wherever possible.

If you believe that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Authority

We issue this proposed rule under the authority of the Endangered Species Act, as amended (16 U.S.C. 1531 et seq.).

List of Subjects in 50 CFR Part 402

Endangered and threatened species.

Proposed Regulation Promulgation

For the reasons set out in the preamble, we hereby propose to amend part 402, subchapter A of chapter IV, title 50 of the Code of Federal Regulations, as set forth below:

PART 402—INTERAGENCY COOPERATION—ENDANGERED SPECIES ACT OF 1973, AS AMENDED

- 1. The authority citation for part 402 continues to read as follows:

Authority: 16 U.S.C. 1531 et seq.

- 2. Amend § 402.02 by revising the definitions of “Effects of the action,” “Environmental baseline,” and

“Reasonable and prudent measures” to read as follows:

§ 402.02 Definitions.

* * * * *

Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Environmental baseline is evaluated at the time of the proposed action and refers to the current condition of the listed species or its designated critical habitat in the action area as would reasonably be expected to occur, without the consequences to the listed species or designated critical habitat caused by the proposed action. The environmental baseline includes the past and present impacts of all Federal, State, or private actions and other human activities in the action area, the anticipated impacts of all proposed Federal projects in the action area that have already undergone formal or early section 7 consultation, and the impact of State or private actions which are contemporaneous with the consultation in process. The consequences to listed species or designated critical habitat from ongoing agency activities or existing agency facilities that are not within the agency’s discretion to modify are part of the environmental baseline.

* * * * *

Reasonable and prudent measures refer to those actions the Director believes necessary or appropriate to minimize the impacts, i.e., amount or extent, of incidental take.

* * * * *

- 3. Amend § 402.14 by:
 ■ a. Revising paragraphs (i)(1) and (2);
 ■ b. Removing paragraph (i)(3); and
 ■ c. Redesignating paragraphs (i)(4) through (7) as paragraphs (i)(3) through (6).

The revisions read as follows:

§ 402.14 Formal consultation.

* * * * *

(i) *Incidental take*. (1) In those cases where the Service concludes that an action (or the implementation of any reasonable and prudent alternatives) and the resultant incidental take of listed species will not violate section 7(a)(2), and, in the case of marine mammals, where the taking is

authorized pursuant to section 101(a)(5) of the Marine Mammal Protection Act of 1972, the Service will provide with the biological opinion a statement concerning incidental take that:

(i) Specifies the impact, *i.e.*, the amount or extent, of such incidental taking on the species. A surrogate (*e.g.*, similarly affected species or habitat or ecological conditions) may be used to express the amount or extent of anticipated take provided that the biological opinion or incidental take statement describes the causal link between the surrogate and take of the listed species, explains why it is not practical to express the amount or extent of anticipated take or to monitor take-related impacts in terms of individuals of the listed species, and sets a clear standard for determining when the level of anticipated take has been exceeded. (ii) Specifies those reasonable and prudent measures that the Director considers necessary or appropriate to minimize such impact; (iii) In the case of marine mammals, specifies those measures that are necessary to comply with section 101(a)(5) of the Marine Mammal Protection Act of 1972 and applicable regulations with regard to such taking;

(iv) Sets forth the terms and conditions (including, but not limited to, reporting requirements) that must be complied with by the Federal agency or any applicant to implement the measures specified under paragraphs (i)(1)(ii) and (i)(1)(iii) of this section; and

(v) Specifies the procedures to be used to handle or dispose of any individuals of a species actually taken.

(2) Reasonable and prudent measures, along with the terms and conditions that implement them, cannot alter the basic design, location, scope, duration, or timing of the action, and may involve only minor changes.

* * * * *

■ 4. Add § 402.17 to read as follows:

§ 402.17 Other provisions.

(a) *Activities that are reasonably certain to occur.* A conclusion of reasonably certain to occur must be based on clear and substantial information, using the best scientific and commercial data available. Factors to consider when evaluating whether activities caused by the proposed action (but not part of the proposed action) or activities reviewed under cumulative effects are reasonably certain to occur include, but are not limited to:

(1) Past experiences with activities that have resulted from actions that are similar in scope, nature, and magnitude to the proposed action;

(2) Existing plans for the activity; and

(3) Any remaining economic, administrative, and legal requirements necessary for the activity to go forward; and

(4) The amount of State, tribal, territorial, or local administrative discretion remaining to be exercised.

(b) *Consequences caused by the proposed action.* To be considered an effect of a proposed action, a consequence must be caused by the proposed action (*i.e.*, the consequence would not occur but for the proposed action and is reasonably certain to occur). A conclusion of reasonably certain to occur must be based on clear and substantial information, using the best scientific and commercial data available. Considerations for determining that a consequence to the species or critical habitat is not caused by the proposed action include, but are not limited to:

(1) The consequence is so remote in time from the action under consultation that it is not reasonably certain to occur; or

(2) The consequence is so geographically remote from the immediate area involved in the action that it is not reasonably certain to occur; or

(3) The consequence is only reached through a lengthy causal chain that involves so many steps as to make the consequence not reasonably certain to occur; or

(4) The agency has no ability to prevent the consequence due to its limited statutory authority; or

(5) If the consequence would occur regardless of whether the proposed action goes forward.

(c) *Required consideration.* The provisions in paragraphs (a) and (b) of this section must be considered by the action agency and the Services.

* * * * *

Kevin Lilly,

Principal Deputy for Fish and Wildlife and Parks, Exercising the delegated authority of the Assistant Secretary for Fish and Wildlife and Parks. Department of the Interior.

Neil A. Jacobs,

Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator.

[FR Doc. 2025–20551 Filed 11–19–25; 11:15 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 424

[Docket No. FWS–HQ–ES–2025–0039, FXES11110900000–256–FF09E23000; Docket No. 251105–0168]

RIN 1018–B173; 0648–BN70

Endangered and Threatened Wildlife and Plants; Listing Endangered and Threatened Species and Designating Critical Habitat

AGENCY: U.S. Fish and Wildlife Service, Interior; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Proposed rule; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS; collectively, the “Services”), propose to revise portions of our regulations for section 4 of the Endangered Species Act of 1973, as amended (ESA or Act). The proposed revisions to the regulations clarify and interpret portions of the Act concerning the procedures and criteria used for listing, reclassifying, and delisting species on the Lists of Endangered and Threatened Wildlife and Plants and designating critical habitat.

DATES: Comments must be received by December 22, 2025.

ADDRESSES: *Comment submission:* You may submit comments and information on this document by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <https://www.regulations.gov>. In the Search box, enter FWS–HQ–ES–2025–0039, which is the docket number for this rulemaking action. Then, click on the Search button. On the resulting page, in the panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. You may submit a comment by clicking on “Comment.” Please ensure that you have found the correct rulemaking before submitting your comment. Comments must be submitted to <https://www.regulations.gov> before 11:59 p.m. (Eastern Time) on the date specified in **DATES**.

(2) *By hard copy*: Submit by U.S. mail to: Public Comments Processing, Attn: FWS-HQ-ES-2025-0039; U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

We request that you send comments only by the methods described above. We will post all comments on <https://www.regulations.gov>. This generally means that we will post any personal information you provide us (see Request for Comments, below, for more information).

Availability of reference materials: References and, in accordance with 5 U.S.C. 553(b)(4), a summary of this proposed rule are available at <https://www.regulations.gov> at Docket No. FWS-HQ-ES-2025-0039.

FOR FURTHER INFORMATION CONTACT: FWS/NMFS, U.S. Fish and Wildlife Service, Division of Conservation and Classification, fws@fws.gov, 703-358-2163; or FWS/NMFS, National Marine Fisheries Service, Office of Protected Resources, FWS/NMFS, 301-427-8466. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. Please see Docket No. FWS-HQ-ES-2025-0039 on <https://www.regulations.gov> for a document that summarizes this proposed rule.

SUPPLEMENTARY INFORMATION:

Background

The Secretaries of the Interior and Commerce (the “Secretaries”) share responsibilities for administering most of the provisions of the Endangered Species Act, as amended (hereafter referred to as ESA or the Act; 16 U.S.C. 1531 *et seq.*), and authority to administer the Act has been delegated by the respective Secretaries to the Director of FWS and the Assistant Administrator for NMFS. Together, the Services have promulgated regulations that interpret aspects of the listing and critical habitat designation provisions of section 4 of the Act. These joint regulations, which are codified in the Code of Federal Regulations (CFR) at 50 CFR part 424, were revised in 2019 (84 FR 45020, August 27, 2019, effective September 26, 2019) and again most recently in 2024 (89 FR 24300, April 5, 2024; hereafter, “the 2019 rule” and “the 2024 rule,” respectively). The 2024 rule became effective on May 6, 2024.

Portions of the 2024 rule are subject to pending litigation in three different courts. First, the 2024 rule, along with other revisions to the ESA regulations finalized in 2019, are subject to both substantive and procedural challenges in *Center for Biological Diversity et al. v. Dep’t of Interior et al.*, 4:24-cv-4651 (N.D. Cal.). In addition, the 2019 and 2024 amendments to 50 CFR 424.12(a)(1) have been challenged in *Defenders of Wildlife v. U.S. Fish & Wildlife Service*, 25-cv-45 (E.D. Cal.). Lastly, the 2024 rule changes to 50 CFR 424.11(e)(2) and 50 CFR 424.12(b)(2) have been challenged in *American Farm Bureau Federation et al. v. U.S. Fish & Wildlife Service et al.*, 1:25-cv-00947 (D. DC); plaintiffs in that case seek to have the 2019 rule reinstated. Prior litigation over the 2019 rule was not resolved on the merits (*Animal Legal Defense Fund v. Haaland, et al.* 4:19-cv-06812-JST (N.D. Cal.); *State of California et al. V. Haaland, et al.*, 4:19-cv-06013-JST (N.D. Cal.); *Center for Biological Diversity et al. V. Haaland, et al.*, 4:19-cv-05206-JST (N.D. Cal.)); rather, on November 16, 2022, the district court issued orders remanding the 2019 regulations to the Services without vacating them, as the Services had voluntarily asked the court to do. Accordingly, the Services developed the 2024 regulations to amend some aspects of the 2019 rule.

Executive Order (E.O.) 14154, “Unleashing American Energy,” issued January 20, 2025, directed all departments and agencies to immediately review agency actions to identify those actions that potentially impose an undue burden on the identification, development, or use of domestic energy resources, and, as appropriate and consistent with applicable law, consider suspending, revising, or rescinding agency actions identified as unduly burdensome that conflict with this national objective. To administer provisions of E.O. 14154, the Secretary of the Interior subsequently issued Secretary’s Order (S.O.) 3418, which indicated that FWS would work with NMFS to suspend, revise, or rescind the ESA regulations that had been revised in 2024. E.O. 14219 also directs all departments and agencies to review and rescind unlawful regulations that are “based on anything other than the best reading of the underlying statutory authority.” See also *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024). In response to these orders, and in light of recent case law and ongoing litigation, the Services have reviewed the 2024 rule and evaluated the specific regulatory revisions

promulgated through that process. Now, as discussed below, we propose to revise the regulations at 50 CFR part 424 by replacing the regulations promulgated in 2024 with those promulgated in 2019.

The regulations we propose in this document provide criteria or otherwise clarify the processes by which the Services will interpret various statutory requirements set forth in section 4 of the Act. This proposed rule is intended to provide the public with a clear, transparent explanation of how we are proposing to revise the regulations in 50 CFR part 424 and the opportunity to comment on these proposed revisions.

We interpret our authorities under the statutory scheme consistent with the best reading of the ESA. For example, the meaning of the term “foreseeable future,” which is used in the definition of “threatened species” and thus an innate part of making a listing decision under section 4(a), is not set out in the Act. By contrast, where the Act contains clear direction, regulatory text is less necessary to ensure that we efficiently and effectively apply the statute in our decision-making processes. While the regulations at 50 CFR part 424 are process-oriented regulations, they nonetheless are useful for administering the Act in a consistent manner, and for informing the public about those processes.

Section 2 of the Act states that the purposes of the ESA include providing a means to conserve the ecosystems upon which endangered and threatened species depend, developing a program for the conservation of listed species, and achieving the purposes of certain treaties and conventions (16 U.S.C. 1531(b)). Section 2 of the Act also makes explicit that it is the policy of Congress that all Federal agencies and departments seek to conserve endangered and threatened species and use their authorities to further the purposes of the Act (16 U.S.C. 1531(c)).

To receive the protections afforded by the Act, a species must first be listed as either an endangered or a threatened species. Whether a species warrants listing under the Act depends upon its risk of extinction. To determine whether listing a species is warranted, the Act requires that the Services conduct a review of the species’ status and consider any efforts being made by any State or foreign nation (or subdivision thereof) to protect the species. The Act also requires that determinations of whether a species meets the definition of an endangered or threatened species be based solely on the best scientific and commercial data available (16 U.S.C. 1533(b)(1)(A)).

When the Services determine that a species warrants listing, the Act requires the Services to designate critical habitat concurrently with the listing rule to the maximum extent prudent and determinable, or up to 1 year following listing if critical habitat was not initially determinable. Critical habitat is defined in section 3 of the Act as: (1) the specific areas within the geographical area occupied by the species at the time it is listed on which are found those physical and biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (2) specific areas outside the geographic area occupied by the species at the time it is listed upon a determination by the Secretary that such areas are essential for the conservation of the species (16 U.S.C. 1532(5)). Thus, and as explained in the 2019 and 2024 rules, the Act lays out two distinct types of areas that may be designated as critical habitat for a given species. For simplicity, throughout this document we will refer to the former type as “occupied” critical habitat and the latter type as “unoccupied” critical habitat.

In passing the Act, Congress viewed habitat loss as a significant factor contributing to species endangerment, and the “present or threatened destruction, modification, or curtailment” of a species’ habitat or range is specifically listed in section 4(a)(1) of the Act as the first of the factors that may underlie a determination that a species meets the definition of an endangered species or a threatened species. The designation of critical habitat is a regulatory tool designed to further the conservation of a listed species, *i.e.*, to help bring the endangered or threatened species to the point at which protection under the Act is no longer necessary. More broadly, designation of critical habitat also serves as a tool for meeting one of the Act’s stated purposes: providing a means for conserving the ecosystems upon which endangered and threatened species depend. Once critical habitat is designated, Federal agencies must ensure that any actions they authorize, fund, or carry out are not likely to result in destruction or adverse modification of the critical habitat (16 U.S.C. 1536(a)(2)).

Proposed Changes to 50 CFR Part 424

Following a review of the specific regulatory revisions made in the 2024 rule, the Services propose to revise the regulatory provisions in 50 CFR part 424 that were promulgated in 2024 and return to the version of these regulations promulgated in 2019. Each of the

proposed revisions is described in the sections below. The specific changes to the regulations proposed herein are intended to be prospective standards only. If finalized, these regulations would apply to classification and critical habitat rules finalized after the effective date of the final rule and would not apply retroactively to classification and critical habitat rules finalized prior to the effective date of the final rule. Nothing in these proposed revisions to the regulations is intended to require (at such time as this rule becomes final) that any prior final listing, delisting, or reclassification determinations or previously completed critical habitat designations be reevaluated on the basis of any final regulations.

This proposed rule is one of four proposed rules publishing in today’s **Federal Register** that affect the regulations for the ESA. Two of these proposed rules, including this one, are joint between the Services, and two proposed rules are specific to FWS.

Section 424.11—Factors for Listing, Delisting, or Reclassifying Species

Economic Impacts

The Act states that determinations under section 4(a)(1) are to be made solely on the basis of the best scientific and commercial data available after conducting a review of the status of the species.

To be consistent with the plain language of the statute requiring that classification determinations must be made solely on the basis of the best scientific and commercial data available, we are proposing to remove the phrase “without reference to possible economic or other impacts of such determination” from the end of 50 CFR 424.11(b). In 2019, this phrase was removed to more closely align with the statutory language. In 2024, we reinserted this phrase into the regulations. Based on our subsequent review of the 2024 rule, the language of the Act, and recent case law, we have concluded that reverting to the 2019 regulatory text best aligns with the Act.

Foreseeable Future

Section 3(20) of the Act defines a “threatened species” as any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range (16 U.S.C. 1532(20)). The term “foreseeable future” is not further described within the Act, and until 2019, it was not further described in the Services’ regulations either. The “foreseeable

future” concept is a fundamentally important one, as it sets the analytical timeframe over which the Services must apply the best scientific data available when determining whether a species meets the Act’s definition of a threatened species. How this term is interpreted and applied dictates whether species are listed and whether they are listed as an endangered species or a threatened species.

In 2019, as part of a larger effort to improve, clarify, and streamline the administration of the Act, we finalized the first regulatory framework for the statutory term “foreseeable future” to explain how the Services will consider and apply this term when making classification decisions under the Act. The foreseeable future regulatory framework that was finalized in 2019 was subsequently revised in the 2024 rule. That revised, and now current, version of the foreseeable future regulation reads as follows:

In determining whether a species is a threatened species, the Services must analyze whether the species is likely to become an endangered species within the foreseeable future. The foreseeable future extends as far into the future as the Services can make reasonably reliable predictions about the threats to the species and the species’ responses to those threats. The Services 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. The Services need not identify the foreseeable future in terms of a specific period of time. (See 50 CFR 424.11(d).)

After re-evaluating the current regulation and the justifications for the 2024 revisions, we propose reverting to the original regulation as finalized in 2019 to align with the best meaning of the Act and our best policy judgment about how to administer the Act. Thus, we propose to remove the current regulatory text in § 424.11(d) and replace it with the version of § 424.11(d) that was promulgated in 2019. (See 84 FR 45020 at 45052, August 27, 2019, and the proposed regulatory text in this document for 50 CFR 424.11(d).)

Both the 2019 and the current interpretations of the “foreseeable future” were based directly on a 2009 memorandum opinion from the Department of the Interior, Office of the Solicitor (M–37021, January 16, 2009; “M–Opinion”), which provides guidance on addressing the concept of the foreseeable future within the context of determining the status of species under the ESA. The M–Opinion, which the Services have relied on since 2009, includes a detailed analysis of the Act,

legislative history, and case law, and—based on that analysis—develops a set of considerations for determining the extent of the foreseeable future. In initially developing the 2019 rule, the Services specifically worked to capture the guidance and considerations provided in the M-Opinion in a clear, concise, and understandable regulation.

A comparison between the 2019 and the current regulation describing the “foreseeable future” demonstrates that the text of the two regulations is largely the same but for a rewording of the second sentence of this regulation.

Compare:

“The foreseeable future extends as far into the future as the Services can make reasonably reliable predictions about the threats to the species and the species’ responses to those threats.” (Current regulation).

Versus:

“The term foreseeable future extends only so far into the future as the Services can reasonably determine that both the future threats and the species’ responses to those threats are likely.” (2019 version).

Returning to “only so far into the future,” from “extends as far into the future,” and to “reasonably determine” from “reasonably reliable predictions” more clearly expresses an interpretation of “foreseeable future” that is bounded by what is foreseeable based on the best scientific and commercial data available. Also, stating that “foreseeable future” requires a determination that “both the future threats and the species’ responses to those threats must be likely” would clarify that these requirements are conjunctive. The language in the 2024 rule, by contrast, is insufficiently clear and risks (mistakenly) encouraging a reading of them as disjunctive.

Thus, after re-evaluating the revisions to the foreseeable future framework made in 2024, we now find it appropriate to revert to the regulation as finalized in 2019.

Factors Considered in Delisting Species

In 2019, the Services made revisions to § 424.11(e) to better clarify the procedure and standards that the Services apply when making delisting decisions. Prior to 2019, this section of the regulations, which had been unchanged since 1984 (see 49 FR 38900, October 1, 1984; see also 45 FR 13010 at 13022–13023, February 27, 1980), identified three main circumstances in which delisting a species was appropriate: (1) extinction of the species, (2) recovery of the species, and (3) error in the original classification data or their interpretation. Additional

text in the regulations elaborated on these three circumstances but used some imprecise and unclear terms. For instance, to be considered extinct, the regulations stated that a “sufficient period of time must be allowed before delisting to indicate clearly that the species is extinct” (49 FR 38900 at 38909, October 1, 1984). What qualified as a “sufficient period of time” thus required additional interpretation. In addition, inclusion of the recovery circumstance in these regulations led to some later interpretations that, in order to delist a species due to its recovery, the criteria established under section 4(f)(1)(B)(ii) of the ESA as part of a species’ recovery plan must be met.

In 2019, after accruing significant experience administering these regulations, the Services revised them to better clarify the circumstances in which species should be delisted (see, e.g., *Friends of Blackwater v. Salazar*, 691 F.3d 428 (D.C. Cir. 2012)). In making those revisions, the Services explained that some of the text of the regulations in place at that time had, in some instances, been misinterpreted as establishing criteria for delisting (83 FR 35193 at 35196, July 25, 2018). To streamline, simplify, and better align the regulatory text with section 4(a) of the Act, we also removed some of the unnecessary and potentially confusing language that had been in the regulations (See 84 FR 45020 at 45052, August 27, 2019, and the proposed regulatory text in this document for 50 CFR 424.11(e).)

As revised, the 2019 regulations achieved the Services’ stated goal of aligning the regulations more closely with the text of the Act by making clear that the standards for delisting a species are the same as the standards for a decision not to list it in the first instance. In other words, they made clear that the parameters for both listing determinations and delisting determinations are the same—and that those parameters are reflected in the factors listed in section 4(a)(1) of the Act, the requirements of section 4(b) of the Act, and the definitions of “endangered species” and “threatened species” in sections 3(6) and 3(20) of the Act.

These regulations were revised again in 2024. After reviewing these regulations in response to E.O. 14154 and S.O. 3418, we now propose to revert to the 2019 regulations in § 424.11(e) that list three circumstances in which it is appropriate to delist a species: (1) the species is extinct, (2) the species does not meet the definition of an endangered species or a threatened species, and (3) the listed entity does

not meet the definition of a species. We have considered that the revisions made in 2019 reflect the single, best meaning of the Act. *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024).

Fundamentally, the statute must be read to have the same criteria for delisting as for listing, and the regulations cannot artificially constrain the decisionmaker. In addition, as there is no express reference to “recovery” in section 4(c)(2) of the Act, we find that including mention of recovery in these regulations is not necessary, nor is it necessarily helpful. If a species has in fact recovered to the point at which the measures provided pursuant to the Act are no longer necessary, then it would no longer meet the definition of an endangered or threatened species and would warrant delisting. Accordingly, it is more straightforward to simply state that delisting is appropriate when the species no longer meets the definition of an endangered or threatened species. Thus, this proposed revision better aligns the regulations with the statute and better achieves the fundamental objective of clarifying the standards and requirements that apply to delisting decisions.

Section 424.12—Criteria for Designating Critical Habitat

Not-Prudent Determinations

We propose to revise § 424.12(a)(1), which provides circumstances in which the Services may, but are not required to, find it is not prudent to designate critical habitat. Section 4(a)(3) of the Act requires that, to the maximum extent prudent and determinable, we designate a species’ critical habitat concurrently with listing the species. The statute does not define or further clarify the term “not prudent”; this term and its application are instead clarified in § 424.12(a)(1), which identifies circumstances when it may not be prudent to designate critical habitat for a listed species. The first not-prudent circumstance—when the species is threatened by taking or other human activity and identification of critical habitat can be expected to increase the degree of such threat to the species—has been included in the regulations continuously for 40 years and has not been invalidated by the courts (see *Building Industry Ass’n v. Babbitt*, 979 F. Supp. 893, 906 (D.D.C. July 25, 1997)).

Other not-prudent circumstances have been added or removed at different times. For example, the additional circumstance in which no areas meet the definition of critical habitat was added to these regulations in 2016 (81

FR 7414, February 11, 2016). This circumstance was retained in both the 2019 and 2024 rules. Another example is the removal in 2024 of the circumstance that had been inserted in 2019 indicating that critical habitat designation may not be prudent when threats to the species' habitat stem solely from causes that cannot be addressed through management actions resulting from section 7 consultations. Some revisions made in 2024 merely involved reorganization of text; in particular, the 2024 rule moved what had been listed as a fifth circumstance (the "Secretary otherwise determines that designation of critical habitat would not be prudent based on the best scientific data available") into the opening paragraph of this section of the regulations. While the 2024 rule used different phrasing, it captured the same non-exhaustive nature of the list of not-prudent circumstances.

After re-evaluating the 2019 and 2024 revisions to the not-prudent regulations, we find it appropriate to revert to the regulations as finalized in 2019. This proposed revision would entail two changes to the text of 424.12(a)(1): (1) reinserting the specific circumstance into the regulations that had been removed in 2024 (*i.e.*, "threats to a species' habitat that lead to endangered-species or threatened-species status stem solely from causes that cannot be addressed by management actions identified in a section 7(a)(2) consultation"); and (2) moving the language regarding non-exhaustive circumstances as one of the specific circumstances when a designation of critical habitat may not be prudent ("The Secretary otherwise determines that designation of critical habitat would not be prudent based on the best scientific data available"), instead of including this phrase in the introductory language at 50 CFR 424.12(a)(1).

The first of these two proposed changes would explicitly identify a circumstance when designation of critical habitat may not be prudent. As we explained during the rulemaking for the revisions in 2019, we have encountered situations in which the threats to a species' habitat that lead to endangered-species or threatened-species status stem solely from causes that cannot be addressed by management actions identified in a section 7(a)(2) consultation. Although listing this circumstance would not make a not-prudent finding mandatory or preclude a critical habitat designation, a not-prudent finding may nevertheless be appropriate in this circumstance (84 FR 45020 at 45042,

August 27, 2019). We find it is clearer and more transparent to include this possible situation in the enumerated list of circumstances when designating critical habitat may not be prudent. As stated in the 2019 rule, we reiterate here that a not-prudent determination relying on this provision would need to take into account the specific factual circumstances at issue for the particular species, and that we anticipate not-prudent determinations will continue to be rare.

The second proposed change would not alter the non-exhaustive nature of the list of circumstances when a designation of critical habitat may not be prudent. As this concept was included in both the 2019 and 2024 rules, it does not represent a change in the Services' interpretation or administration of these regulations. However, we find that the text, as framed in the 2019 regulations, more clearly explained that any such determination must be based on the best available data. Thus, we propose to remove the current regulatory text in § 424.12(a)(1) and replace it with the version of § 424.12(a)(1) that was promulgated in 2019. (See 84 FR 45020 at 45053, August 27, 2019, and the proposed regulatory text below in this document for 50 CFR 424.12(a)(1).)

None of these revisions will affect the opportunity for public involvement in, or outcome of, either agency's analyses or decisions regarding critical habitat. Although reverting to the 2019 version of the regulation would increase the regulatory list of circumstances when designation of critical habitat may be not prudent, the changes to the regulations are not intended to increase the occurrence of not-prudent determinations, and as stated previously, the Services anticipate that not prudent determinations will continue to be rare. Rather, these revisions are intended to provide clarity and specificity with respect to the circumstances in which it may not be prudent to designate critical habitat. We emphasize that the circumstances that the regulations identify for when not-prudent findings may be appropriate are not mandatory, and a designation may nevertheless be prudent even if one of the enumerated not-prudent circumstances is present. The Services recognize the value of critical habitat as a conservation tool and, as demonstrated by past practice, expect to designate it in most cases.

Designating Unoccupied Areas

Section 4(a)(3) of the Act requires that, to the maximum extent prudent and determinable, we designate a

species' critical habitat concurrently with listing the species. Section 3(5)(A) of the Act defines the term "critical habitat" as (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

The regulations governing the designation of unoccupied critical habitat at 50 CFR 424.12(b)(2) have been amended multiple times within recent years, once through a 2016 rule (81 FR 7414, February 11, 2016), then through the 2019 rule (84 FR 45020, August 27, 2019), and then again through the 2024 rule (89 FR 24300, April 5, 2024), which we are now revisiting. In all of these rules, the Services addressed the concept of prioritizing or sequencing how occupied and unoccupied areas should be considered when designating critical habitat.

In the 2019 rule, we revised the criteria for designating unoccupied critical habitat to explicitly require a two-step process that prioritizes the designation of occupied areas over unoccupied areas by adding the following sentence: The Secretary will only consider unoccupied areas to be essential where a critical habitat designation limited to geographical areas occupied would be inadequate to ensure the conservation of the species (84 FR 45020 at 45053, August 27, 2019). This requirement was included in the initial 1984 regulations but was removed from the regulations in 2016, because, at that time, we made a policy determination that it was an unnecessary and unintentionally limiting requirement (81 FR 7414 at 7434, February 11, 2016). The revisions made in 2016 instead allowed for simultaneous consideration of occupied and unoccupied habitat according to the definition of critical habitat in the Act.

In justifying the adoption of new regulations for designating unoccupied areas in 2019, which included a two-step prioritization process, we explained that we were responding to concerns that the Services would inappropriately designate overly expansive areas of unoccupied critical habitat (83 FR 35193 at 35197–35198,

July 25, 2018), and that a two-step approach would help further Congress' intent to place greater importance on habitat within the geographical area occupied by the species (84 FR 45020 at 45043, August 27, 2019). In the revisions made in 2024, the two-step process was again removed from the regulations. There was also a new change finalized in 2019 that, in order for an area to be considered "essential," the Secretary was required to make a determination that there was reasonable certainty both that a particular unoccupied area will contribute to the conservation of the species and that the area contains one or more of those physical or biological features essential to the conservation of the species.

After re-evaluating the revisions to the unoccupied critical habitat regulations made in 2024, we now propose reverting to the regulation as finalized in 2019. (See 84 FR 45020 at 45053, August 27, 2019, and see proposed regulatory text below in this document for 50 CFR 424.12(b)(2).) These proposed revisions would result in again requiring the two-step process of first evaluating occupied areas before considering unoccupied areas for designation. As a practical matter, we have always begun the process of identifying critical habitat by first evaluating occupied areas and then considering whether there may be any unoccupied areas that are essential for the conservation of the species. We find that requiring an express determination that a critical habitat designation limited to occupied areas would be inadequate to conserve the species more appropriately reflects how areas are prioritized biologically—*i.e.*, areas needed for survival of the species within its occupied range must be identified as critical habitat before we can determine what, if any, additional, unoccupied areas are necessary for future expansion of recovering populations.

In addition, this approach furthers Congress's intent to place greater importance on habitat within the geographical area occupied by the species when it originally defined "critical habitat" in 1978. The Conference Report accompanying the amendments specified that Congress was defining "critical habitat" as "specific areas *within* the geographical area occupied by the species at the time it is listed that is essential to the species conservation and requires special management consideration" (H.R. Rept. No. 95–1804, at 18 (emphasis in the original)). The report went on to state, "In addition, the Secretary *may* designate critical habitat outside the

geographical area occupied by the species at the time it is listed if he determines such areas are essential for the conservation of the species" (emphasis added).

Reverting to the 2019 version of this regulation would also reinstate the requirement that, to designate unoccupied areas as critical habitat, the Secretary must make a determination that there is reasonable certainty both that the area will contribute to the conservation of the species and that the area contains one or more of those physical or biological features essential to the conservation of the species.

This proposed change would align the regulations with the best meaning of the Act. *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024). To begin, the Supreme Court recently held that an area must be habitat before an area can meet the definition of critical habitat. *Weyerhaeuser Company v. United States Fish & Wildlife Service*, 586 U.S. 9, 19–20 (2018) (interpreting Section 4(a)(3)(A)(i)). To say that an area that is currently *uninhabitable* for a species at the time of listing is "essential" for the conservation of such species defies logic. And to meet the definition of "critical habitat," the "specific areas outside the geographical area occupied by the species" must be "essential for the conservation of the species." Section 3(5)(A)(ii) (emphasis added). It follows, then, that when determining whether unoccupied areas are "essential," the Services should determine that "there is a *reasonable certainty* both that the area will contribute to the conservation of the species and that the area contains one or more physical or biological features essential to the conservation of the species." A "reasonable certainty" determination precludes designations of unoccupied land based upon mere potential or speculation; it requires high confidence that the unoccupied areas are essential. This reading accords with the language of other, related provisions in the Act. For example, the use of the present tense—"are essential"—in section 3(5)(A)(ii) indicates that for an unoccupied area to qualify as "critical habitat," it must currently be essential for the conservation of the species.

Congress has also made clear that it intended for designation of unoccupied areas as critical habitat to meet a higher standard than designating occupied areas and that the Services should be exceedingly circumspect in the designation of critical habitat outside of the presently occupied areas of the species (43 FR 870, January 4, 1978). Courts agree. *See, e.g., Home Builders Ass'n v. U.S. Fish & Wildlife Serv.*, 616

F.3d 983 (9th Cir. 2010). Therefore, including these two express requirements of reasonable certainty—that an area will contribute to the conservation of the species and that the area contains one or more of the physical or biological features essential for the conservation of the species—is a way to demonstrate that designations of unoccupied critical habitat will meet this higher bar and be consistent with the best reading of the Act, congressional intent, and case law. This proposed change would also represent the Services' best policy judgment about how to administer the Act. We also note that any designation of critical habitat must still be based on the best scientific data available and comply with the statutory definition of critical habitat in section 3(5)(A) of the Act.

Request for Comments

We are seeking comments from all interested parties on the specific revisions we are now proposing to 50 CFR part 424, as well as the regulatory revisions we made in the 2019 rule and in the 2024 rule, and any of our analyses or conclusions in the Required Determinations section of this document. All relevant information will be considered prior to making a final determination regarding these regulations. Depending on the comments received, we may change the final regulations based upon those comments.

You may submit your comments concerning this proposed rule by one of the methods listed in **ADDRESSES**. Comments sent by any other method, to any other address or individual, may not be considered. Comments must be submitted to <https://www.regulations.gov> before 11:59 p.m. (eastern time) on the date specified in **DATES**. We cannot guarantee that we will have time to consider hand-delivered or mailed comments that we do not receive by the date specified in **DATES**.

Comments and materials we receive will be posted and available for public inspection on <https://www.regulations.gov>. This generally means that we will post any personal information you provide us. If you provide personal identifying information in your comment, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Required Determinations

Regulatory Planning and Review—E.O.s 12866 and 13563

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this proposed rule is significant and has reviewed it.

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this proposed rule in a manner consistent with these requirements.

Unleashing Prosperity Through Deregulation—E.O. 14192

This proposed rule is expected to be an E.O. 14192 deregulatory action.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 et seq.), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; title II of Pub. L. 104–121, March 29, 1996), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare, and make available for public comment, a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency, or that person's designee, certifies that the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the RFA to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities. We certify that, if adopted as proposed, this proposed rule would not have a significant economic impact on a

substantial number of small entities. The following discussion explains our rationale.

This proposed rule would revise and clarify requirements for NMFS and FWS in classifying species and designating critical habitat under the Act. The proposed regulations would not expand the reach of species protections or designations of critical habitat. No external entities, including any small businesses, small organizations, or small governments, will experience any direct economic impacts from this proposed rule. Therefore, we certify that, if adopted as proposed, this rule would not have a significant economic effect on a substantial number of small entities.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.):

(a) On the basis of information contained above in the Regulatory Flexibility Act section, this proposed rule would not “significantly or uniquely” affect small governments. We have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502, that this proposed rule would not impose a cost of \$100 million or more in any given year on local or State governments or private entities. A small government agency plan is not required. As explained above, small governments would not be affected because the proposed rule would not place additional requirements on any city, county, or other local municipalities.

(b) This proposed rule would not produce a Federal mandate on State, local, or Tribal governments or the private sector of \$100 million or greater in any year; that is, this proposed rule is not a “significant regulatory action” under the Unfunded Mandates Reform Act. This proposed rule would impose no obligations on State, local, or Tribal governments.

Takings—E.O. 12630

In accordance with E.O. 12630, this proposed rule would not have significant takings implications. This proposed rule would not pertain to “taking” of private property interests, nor would it directly affect private property. A takings implication assessment is not required because this proposed rule (1) would not effectively compel a property owner to suffer a physical invasion of property and (2) would not deny all economically beneficial or productive use of the land or aquatic resources. This proposed rule

would substantially advance a legitimate government interest (conservation and recovery of endangered species and threatened species) and would not present a barrier to all reasonable and expected beneficial use of private property.

Federalism—E.O. 13132

In accordance with E.O. 13132, we have considered whether this proposed rule would have significant federalism effects and have determined that a federalism summary impact statement is not required. This proposed rule pertains only to factors for listing, delisting, or reclassifying species and designation of critical habitat under the ESA and would not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government.

Civil Justice Reform—E.O. 12988

This proposed rule would not unduly burden the judicial system and meets the applicable standards provided in sections 3(a) and 3(b)(2) of E.O. 12988. This proposed rule would clarify factors for listing, delisting, or reclassifying species and designation of critical habitat under the ESA.

Government-to-Government Relationship With Tribes

In accordance with E.O. 13175 “Consultation and Coordination with Indian Tribal Governments,” the Department of the Interior’s manual at 512 DM 2, and the Department of Commerce (DOC) “Tribal Consultation and Coordination Policy” (May 21, 2013), DOC Departmental Administrative Order (DAO) 218–8, and NOAA Administrative Order (NAO) 218–8 (April 2012), we considered possible effects of this proposed rule on federally recognized Indian Tribes. This proposed rule is general in nature and does not directly affect any specific Tribal lands, treaty rights, or Tribal trust resources. Therefore, we preliminarily conclude that this proposed rule does not have “tribal implications” under section 1(a) of E.O. 13175. Thus, formal government-to-government consultation is not required by E.O. 13175 and related policies of the Departments of Commerce and the Interior. We will continue to collaborate with Tribes on issues related to federally listed species and their habitats. See Joint Secretary’s Order 3206 (“American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act,” June 5, 1997).

Paperwork Reduction Act (44 U.S.C. 3501 et seq.)

This proposed rule does not contain any new collection of information that requires approval by the OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

We are analyzing this proposed rule in accordance with the criteria of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), the Department of the Interior regulations on Implementation of the National Environmental Policy Act (43 CFR part 46), the Department of the Interior Manual (516 DM 1), the NOAA Administrative Order 216–6A, and the companion manual, “Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities,” (June 30, 2025).

We invite the public to comment on the extent to which these proposed regulations may have a significant impact on the human environment or fall within one of the categorical exclusions for actions that have no reasonably foreseeable effects on the quality of the human environment. We will complete our analysis, in compliance with NEPA, before finalizing this proposed rule.

Energy Supply, Distribution or Use—E.O. 13211

E.O. 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use) requires agencies to prepare statements of energy effects “to the extent permitted by law” when undertaking actions identified as significant energy actions (66 FR 28355; May 22, 2001). E.O. 13211 defines a “significant energy action” as an action that (i) is a significant regulatory action under E.O. 12866 (or any successor order); and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy. The proposed revised regulations are not expected to affect energy supplies, distribution, and use. Therefore, this action is not a significant energy action, and there is no requirement to prepare a statement of energy effects for this action.

Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)

In developing this proposed rule, the Services are acting in their unique statutory role as administrators of the

Act and are engaged in a legal exercise of interpreting the standards of the Act. The Services’ administration of the Act is not in itself subject to the Act’s provisions, including section 7(a)(2). The Services have a historical practice of issuing their general regulations under the ESA without undertaking section 7 consultation. This practice accords with the plain language, structure, and purposes of the ESA, which does not place a consultation obligation on the Services’ administration of the Act. Although the Services consult on actions through intra-agency consultations where appropriate (*e.g.*, issuance of section 10 permits and actions under statutory authorities other than the ESA), the Services in those instances are acting principally as an “action agency” carrying out provisions of the Act or other statutes. Here, by contrast, the Services are acting solely in their role as administrators of the ESA; we are also not administering the Act to propose or take a specific action. The Services are carrying out the most fundamental exercise of our role as administrators of the ESA, and the Act cannot reasonably be construed as requiring the Services to “consult” with themselves under section 7(a)(2) in such cases.

Clarity of the Proposed Rule

We are required by E.O.s 12866 and 12988 and by the Presidential memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (1) Be logically organized;
- (2) Use the active voice to address readers directly;
- (3) Use clear language rather than jargon;
- (4) Be divided into short sections and sentences; and
- (5) Use lists and tables wherever possible.

If you believe that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Authority

We issue this proposed rule under the authority of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*).

List of Subjects in 50 CFR Part 424

Administrative practice and procedure, Endangered and threatened species.

Proposed Regulation Promulgation

For the reasons set out in the preamble, we hereby propose to amend part 424, subchapter A of chapter IV, title 50 of the Code of Federal Regulations, as set forth below:

PART 424—LISTING ENDANGERED AND THREATENED SPECIES AND DESIGNATING CRITICAL HABITAT

■ 1. The authority citation for part 424 continues to read as follows:

Authority: 16 U.S.C. 1531 *et seq.*

■ 2. Amend § 424.11 by revising paragraphs (b), (d), and (e) to read as follows:

§ 424.11 Factors for listing, delisting, or reclassifying species.

* * * * *

(b) The Secretary shall make any determination required by paragraphs (c), (d), and (e) of this section solely on the basis of the best available scientific and commercial information regarding a species’ status.

* * * * *

(d) In determining whether a species is a threatened species, the Services must analyze whether the species is likely to become an endangered species within the foreseeable future. The term foreseeable future extends only so far into the future as the Services can reasonably determine that both the future threats and the species’ responses to those threats are likely. The Services 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. The Services need not identify the foreseeable future in terms of a specific period of time.

(e) The Secretary shall delist a species if the Secretary finds that, after conducting a status review based on the best scientific and commercial data available:

- (1) The species is extinct;
- (2) The species does not meet the definition of an endangered species or a threatened species. In making such a determination, the Secretary shall consider the same factors and apply the same standards set forth in paragraph (c) of this section regarding listing and reclassification; or
- (3) The listed entity does not meet the statutory definition of a species.

* * * * *

■ 3. Amend § 424.12 by revising paragraphs (a)(1) and (b)(2) to read as follows:

§ 424.12 Criteria for designating critical habitat.

(a) * * *

(1) The Secretary may, but is not required to, determine that a designation would not be prudent in the following circumstances:

(i) The species is threatened by taking or other human activity and identification of critical habitat can be expected to increase the degree of such threat to the species;

(ii) The present or threatened destruction, modification, or curtailment of a species' habitat or range is not a threat to the species, or threats to the species' habitat stem solely from causes that cannot be addressed through management actions resulting from consultations under section 7(a)(2) of the Act;

(iii) Areas within the jurisdiction of the United States provide no more than negligible conservation value, if any, for

a species occurring primarily outside the jurisdiction of the United States;

(iv) No areas meet the definition of critical habitat; or

(v) The Secretary otherwise determines that designation of critical habitat would not be prudent based on the best scientific data available.

* * * * *

(b) * * *

(2) The Secretary will designate as critical habitat, at a scale determined by the Secretary to be appropriate, specific areas outside the geographical area occupied by the species only upon a determination that such areas are essential for the conservation of the species. When designating critical habitat, the Secretary will first evaluate areas occupied by the species. The Secretary will only consider unoccupied areas to be essential where a critical habitat designation limited to

geographical areas occupied would be inadequate to ensure the conservation of the species. In addition, for an unoccupied area to be considered essential, the Secretary must determine that there is a reasonable certainty both that the area will contribute to the conservation of the species and that the area contains one or more of those physical or biological features essential to the conservation of the species.

* * * * *

Kevin Lilly,

Principal Deputy for Fish and Wildlife and Parks, exercising the delegated authority of the Assistant Secretary for Fish and Wildlife and Parks. Department of the Interior.

Neil A. Jacobs,

Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator.

[FR Doc. 2025–20549 Filed 11–19–25; 11:15 am]

BILLING CODE 4333–15–P

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Survey of State Government Research and Development

AGENCY: Census Bureau, Department of Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed extension of the Survey of State Government Research and Development, prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before January 20, 2026.

ADDRESSES: Interested persons are invited to submit written comments by email to Thomas.J.Smith@census.gov. Please reference Survey of State Government Research and Development in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2025–0170, to the Federal e-Rulemaking Portal: <http://www.regulations.gov>. All comments received are part of the public record. No comments will be posted to <http://www.regulations.gov> for public viewing until after the comment period has closed. Comments will generally be posted without change. All

Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or specific questions related to collection activities should be directed to Michael Flaherty, Chief Research, Development & Innovation Surveys Branch, 301–763–7699, Michael.J.Flaherty@census.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau conducts the Survey of State Government Research and Development (SGRD) to measure research and development performed and funded by state government agencies in the United States. The Census Bureau conducts the survey on behalf of the National Center for Science and Engineering Statistics (NCSES) within the U.S. National Science Foundation.

The National Science Foundation Act of 1950, as amended, includes a statutory charge to “provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources and to provide a source of information for policy formulation by other agencies in the Federal Government.” This mandate was further codified in the America COMPETES Reauthorization Act of 2010 § 505, which requires NCSES to “collect, acquire, analyze, report, and disseminate . . . statistical data on (A) research and development trends. . . .” Under the aegis of these legislative mandates, NCSES has sponsored surveys of research and development (R&D) since 1951, including the SGRD since 2006. The Census Bureau’s authorization to undertake this work is found at 13 U.S.C. 8(b) which provides that the Census Bureau “may make special statistical compilations and surveys for departments, agencies, and establishments of the Federal government, the government of the District of Columbia, the government of any possession or area (including political subdivisions thereof) . . . State

or local agencies, or other public and private persons and agencies.”

The SGRD is the only comprehensive source of state government research and development expenditure data collected on a nationwide scale using uniform definitions, concepts, and procedures. The collection covers the expenditures of all agencies in the fifty state governments, the District of Columbia, and Puerto Rico that perform or fund R&D. The NCSES coordinates with the Census Bureau for the data collection. The NCSES uses this collection to satisfy, in part, its need to collect research and development expenditures data.

Fiscal data provided by respondents aid data users in measuring the effectiveness of R&D resource allocation. The products of this data collection make it possible for data users to obtain information on such things as R&D expenditures according to source of funding (e.g., federal funds or state funds), by performer of the work (e.g., intramural and extramural to state agencies), by function (e.g., agriculture, energy, health, transportation, etc.), by type of work (e.g., basic research, applied research, or experimental development) for intramural performance of R&D, and by R&D plant (e.g., construction projects). Final results produced by NCSES contain state and national estimates useful to a variety of data users interested in R&D performance including: The National Science Board; the Office of Management and Budget; the Office of Science and Technology Policy and other science policy makers; institutional researchers; and private organizations. SGRD and all NCSES R&D statistics are used by the Bureau of Economic Analysis (BEA) to fully and accurately reflect the impact of R&D spending on the U.S. economy. BEA uses NCSES R&D data to make estimates of R&D investment in Gross Domestic products and in the National, Regional, Industry, and International Economic Accounts.

The survey announcements and forms used in the SGRD are:

Survey Announcement. An introductory email is sent to Chief of Staff of Governor’s Office to announce the survey collection and to solicit assignment of a State Coordinator. The State Coordinator’s Announcement is sent via email at the beginning of each

survey period to solicit assistance in identifying state agencies which may perform or fund R&D activities.

Form SRD-1. This form contains item descriptions and definitions of the research and development items collected by the Census Bureau on behalf of the NCSES. All states supply their data via email or phone.

II. Method of Collection

The Census Bureau emails the Chief of Staff for the 50 state governors, the mayor of DC, and the governor of Puerto Rico requesting that they appoint a state coordinator for the survey. The Census Bureau then emails the state coordinators a spreadsheet asking them to identify state agencies that may have the capacity to perform or fund R&D. The Census Bureau subsequently emails the survey form to each state agency identified by the respective state coordinators. The form contains embedded data checks and auto-summing functionality. Agencies are asked to complete and email back the form. Alternatively, agencies are able to report to the Census Bureau by telephone.

III. Data

OMB Control Number: 0607-0933.

Form Number(s): SRD-1.

Type of Review: Regular submission, Request for an Extension, without Change, of a Currently Approved Collection.

Affected Public: State government agencies.

Estimated Number of Respondents: 51 governors, 1 mayor, 52 state coordinators, and approximately 700 state government agencies.

Estimated Time per Response: 5 minutes for each governor, 1 hour for each state coordinator, and 2 hours for each state agency surveyed.

Estimated Total Annual Burden Hours: 1,456.

Estimated Total Annual Cost to Public: \$0 (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: National Science Foundation Act of 1950 as amended and the America COMPETES Reauthorization Act of 2010, Title 42 U.S.C. 1861-76; Title 13, U.S.C. 8(b).

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a)

Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2025-20555 Filed 11-20-25; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Special Census Program

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on July 11, 2025, during a 60-day comment period.

This notice allows for an additional 30 days for public comments.

Agency: U.S. Census Bureau, Department of Commerce.

Title: Special Census Program.

OMB Control Number: 0607-0368.

Form Number(s): SC-Q, SC-Q(S), SC-CQ, SC-CQ(S), SC-Q-TL, SC-Q-TL(S), SC-CQ-TL, SC-CQ-TL(S), SC-Q-GE, SC-Q-GE(S), SC-RQ, SC-900 RCE, SC-50.1a, SC-693.2(ETL), SC-QE-ISR 1, SC-688(TLAC).

Type of Request: Regular submission, Request for an Extension, without Change, of a Currently Approved Collection.

Number of Respondents: 357,080.

Average Hours per Response:

Approximately 10 minutes for the Special Census data collection and 45 minutes for the Governmental Unit Cost Estimate Request form.

Burden Hours: 59,560.

Needs and Uses: A special census is an enumeration of population, housing units, group quarters, and transitory locations, conducted by the Census Bureau at the request of a governmental unit (GU). The special census questionnaires will collect the same information that was gathered during the 2020 Census. Title 13, United States Code, Section 196 authorizes the Census Bureau to conduct special censuses on a cost reimbursable basis for the government of any state, county, city, or other political subdivision within a state. This includes the District of Columbia, American Indian Reservations, Alaskan Native villages, Puerto Rico, the Island Areas (*e.g.*, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands), and other GUs that require current population data between decennial censuses. Local officials frequently request a special census when there has been a significant population change in their community because of annexation, growth, or the addition of new group quarters facilities. Communities may also consider a special census if there was a significant number of vacant housing units during the previous decennial census that are now occupied.

A full special census is a basic enumeration of population, housing units, and group quarters for the entire area within the jurisdiction of a local GU. A partial special census is conducted using the same methodologies and procedures as a regular or full special census, but it is for an area or section within the jurisdiction of the local GU. For example, GUs may choose to conduct a partial special census for just those areas that might have experienced a

large population growth or a boundary change.

Many states use special census population statistics to determine the distribution of state funds to local jurisdictions. The local jurisdictions may also use the data to plan new schools, transportation systems, housing programs, or water treatment facilities. GUs that request a special census will receive the data files containing housing unit and population counts by email when data processing and disclosure avoidance have been completed for the special census. The data will also be posted at data.census.gov for public use. These data will not be used to update official 2020 Census data products and apportionment counts, but they may be used to update data in the Census Bureau's Population Estimates Program.

The Special Census Program accepts requests for cost estimates from GUs with the Request for Cost Estimate form (SC-900 RCE), which is available on the Census Bureau website. There is no fee to submit a request form. Once this form has been reviewed by the Census Bureau, the GU and the Census Bureau coordinate to identify the exact geographic boundaries for the special census. Then the Special Census Program coordinates with participating divisions within the Census Bureau and regional offices to determine a cost estimate and timeline for the special census and presents them to the GU. The cost of a special census varies depending on the GU's housing and population counts and whether a government requests a full or partial special census. The cost estimate outlines the anticipated costs to the sponsoring government for staffing, materials, data processing and tabulation. Included with the cost estimate is a Memorandum of Agreement (MOA). Once a signed MOA and initial payment are transmitted to the Census Bureau, the special census process will begin. When data collection, processing, disclosure avoidance, and tabulation have been completed, the GU will receive official census statistics on the population and housing unit counts for the entire jurisdiction or parts of the jurisdiction, as defined in the MOA at the beginning of the special census process. All special census statistics will be subject to disclosure avoidance using differential privacy methods, consistent with the processes and methods used for 2020 Census data products, prior to their release to the public. Requests for cost estimates from GUs will be accepted through May 2027.

The Census Bureau uses an internet self-response instrument for

respondents to respond online to the questionnaire. At the start of the special census, the Census Bureau will send an invitation letter to housing units in the GU's special census area with information needed to respond online. Respondents will have a number of weeks to respond to the questionnaire using the internet self-response instrument. Reminder letters and postcards will be sent to each housing unit to encourage self-response and provide information needed to do so.

Approximately 2 weeks after the end of the Special Census self-response period, the Census Bureau will conduct follow-up operations in the field to enumerate housing units that did not respond using the internet self-response instrument. Housing units that do not respond online will be contacted by a field representative who will conduct an interview using a paper questionnaire. Additionally, nonresponding housing units may be contacted by telephone for their response.

The field operations will also enumerate group quarters and transitory locations in the GU's special census area. The Census Bureau uses a paper questionnaire to conduct interviews at transitory locations and group quarters. During the field operations, field representatives also update the addresses of living quarters as needed, based on their observation of housing units, transitory locations, and group quarters.

Several quality assurance measures are implemented for each special census to ensure that high-quality data are gathered using the most efficient and cost-effective procedures. These include edits incorporated into the online questionnaire and the ability to validate potentially erroneous responses in the field. Independent quality assurance checks and reinterview of a sample of field questionnaires will also be implemented to ensure the quality of the data collected in the field.

At this time, the Special Census Program does not plan on implementing additional automated tools and methods for data collection. If anything changes in the future, a revision or a non-substantive change can be submitted at that time.

To make it easier for commenters to identify all questionnaires and other collection instruments, this 30-day **Federal Register** Notice includes several form numbers that were omitted from the 60-day **Federal Register** Notice.

Affected Public: Individuals or households; Business or other for-profit organizations; Not-for-profit institutions.

Frequency: Once.

Respondent's Obligation: Voluntary.
Legal Authority: Title 13 U.S.C. 196.

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0607-0368.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2025-20553 Filed 11-20-25; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; International Import Certificate

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on July 28, 2025, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: Bureau of Industry and Security, Commerce.

Title: International Import Certificate.

OMB Control Number: 0694-0017.

Form Number(s): BIS-645P.

Type of Request: Regular submission, extension of a currently approved collection.

Number of Respondents: 550.

Average Hours per Response: 16 minutes.

Burden Hours: 146.7 hours.

Needs and Uses: The United States and several other countries have increased the effectiveness of their respective controls over international trade in strategic commodities by means of an Import Certificate procedure. For the U.S. importer, this procedure provides that, where required by the exporting country, the importer submits an international import certificate to the U.S. Government to certify that he/she will import commodities into the United States and will not reexport such commodities, except in accordance with the export control regulations of the United States. The U.S. Government, in turn, certifies that such representations have been made.

Affected Public: Business or other for-profit organizations.

Frequency: On Occasion.

Respondent's Obligation: Voluntary.

Legal Authority: Section 1761(h) of the Export Control Reform Act of 2018 (Title XVII, Subtitle B of Pub. L. 115–232) (ECRA).

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the collection or the OMB Control Number 0694–0017.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2025–20564 Filed 11–20–25; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Delivery Verification Procedure for Imports

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance

with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on July 28, 2025, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: Bureau of Industry and Security, Commerce.

Title: Delivery Verification Procedure for Imports.

OMB Control Number: 0694–0016.

Form Number(s): BIS–647P.

Type of Request: Regular submission, extension of a currently approved collection.

Number of Respondents: 21.

Average Hours per Response: 40 minutes.

Burden Hours: 14 hours.

Needs and Uses: Foreign governments, on occasions, require U.S. importers of strategic commodities to furnish their foreign supplier with a U.S. Delivery Verification Certificate validating that the commodities shipped to the U.S. were in fact received. This procedure increases the effectiveness of controls on the international trade of strategic commodities.

Affected Public: Business or other for-profit organizations.

Frequency: On Occasion.

Respondent's Obligation: Voluntary.

Legal Authority: Public Law 95–223 Sec 203. International Emergency Economic Powers Act (IEEPA).

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the collection or the OMB Control Number 0694–0016.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2025–20562 Filed 11–20–25; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; NIST Invention Disclosure and Inventor Information Collection

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before January 20, 2026.

ADDRESSES: Interested persons are invited to submit written comments by mail to Maureen O'Reilly, Management Analyst, NIST, 100 Bureau Drive, MS 1710, Gaithersburg, MD 20899 or by email to PRANIST@nist.gov. Please reference OMB Control Number 0693–0085 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Jeffrey DiVietro, Deputy Director, Technology Partnerships Office, NIST, 100 Bureau Drive, MS 2200, Gaithersburg, MD 20899–2200 or Jeffrey.DiVietro@nist.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The NIST DN–45 Invention Disclosure Form is used to collect information pertaining to inventions created by Federal employees or by non-Federally employed individuals who have created an invention using NIST laboratory facilities as NIST Associates. The collection of this information is required to protect the United States rights to inventions created using Federal resources. The information collected on the form allows the Government to determine: (1) if an

invention has been created; (2) the status of any statutory bar that pertains to the potential invention or that may pertain to the invention in the future. The information collected may allow the Government to begin a patent application process.

The Inventor Information Sheet is used to collect from individuals who have been named as potential inventors on a NIST Invention Disclosure Form. The collection of this information is used for multiple purposes:

(1) Some of the information may be required to file a patent application, if NIST seeks to protect a federally owned invention, pursuant to 35 U.S.C. 207.

(2) The form, in part, is a statement made by the respondent declaring whether the respondent considers herself/himself to be an inventor.

(3) Some of the information is needed for NIST to determine potential assignees with which NIST would potentially negotiate consolidation of rights and other patent related matters.

(4) Some of the information helps NIST determine under which statutory authority NIST may consolidate rights in an invention with other potential assignees.

(5) Country citizenship information is required to determine whether a Scientific and Technology agreement or treaty with the respondent's country may impact the U.S. Government's rights to the invention.

The information is collected by the Technology Partnerships Office and shared with the Office of Chief Counsel at NIST. The information may also be shared with non-Governmental entities that may have ownership rights to the potential invention. The Government collects this information to execute the policy and objective of the Congress expressed at 35 U.S.C. 200. 35 U.S.C. 207 authorizes Federal agencies to apply for, obtain, and maintain patents or other forms of protection . . . on inventions in which the Federal Government owns a right, title, or interest. 35 U.S.C. 207 also authorizes each Federal agency to undertake all other suitable and necessary steps to protect and administer rights to federally owned inventions on behalf of the Federal government. The information collected through the NIST DN-45 is necessary for NIST to execute the authority granted at 35 U.S.C. 207.

The proposed changes update contact information, clarify instructions, mention a submission portal, delete one question that wasn't being used, and add a question about potential licensees or collaborators.

II. Method of Collection

Information is collected by completing the NIST DN-45 form. The form can be completed either by entering information into a Microsoft Word template, or by entering information via an online portal.

III. Data

OMB Control Number: 0693-0085.

Form Number(s): NIST DN-45.

Type of Review: Revision of a currently approved information collection.

Affected Public: Individuals.

Estimated Number of Respondents: Invention Disclosure Form—10 per year. Inventor Information Form—100 per year.

Estimated Time per Response: Invention Disclosure Form: 3 hours. Inventor Information Form: 30 minutes.

Estimated Total Annual Burden Hours: Invention Disclosure Form: 30 hours. Inventor Information Form: 50 hours.

Estimated Total Annual Cost to Public: \$500.

Respondent's Obligation: Voluntary.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we

cannot guarantee that we will be able to do so.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2025-20554 Filed 11-20-25; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Public Meeting of the National Sea Grant Advisory Board

AGENCY: Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Sea Grant Advisory Board (Board), a Federal Advisory Committee. Board members will discuss and provide advice on the National Sea Grant College Program (Sea Grant) in the areas of program evaluation, strategic planning, education and extension, science and technology programs, and other matters as described in the agenda found on the Sea Grant website. For more information on this Federal Advisory Committee please visit the Federal Advisory Committee database: <https://www.facadatabase.gov/FACA/FACAPublicPage>.

DATES: The announced meeting is scheduled for Tuesday December 16, 2025 from 3 p.m.–6 p.m. and Wednesday December 17, 2025 from 3 p.m.–6 p.m. (EST).

ADDRESSES: The meeting will be held virtually. For more information about the virtual meeting see below in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: For any questions concerning the meeting, please contact Ms. Susan Holmes, National Sea Grant College Program. Email: oar.sg-feedback@noaa.gov Phone Number (301) 734-1077.

SUPPLEMENTARY INFORMATION:

Status: The meeting will be open to public participation with a public comment period on Tuesday, December 16 at 3:15 p.m. The Board expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation

will be limited to a total time of three (3) minutes. Written comments should be received by Ms. Susan Holmes by Tuesday, December 9, 2025 to provide sufficient time for Board review. Written comments received after the deadline will be distributed to the Board, but may not be reviewed prior to the meeting date.

Special Accommodations: The Board meeting is virtually accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Susan Holmes by Tuesday, December 9, 2025.

The Board, which consists of a balanced representation from academia, industry, state government and citizens groups, was established in 1976 by Section 209 of the Sea Grant Improvement Act (Pub. L. 94-461, 33 U.S.C. 1128). The Board advises the Secretary of Commerce and the Director of the National Sea Grant College Program with respect to operations under the Act, and such other matters as the Secretary refers to them for review and advice.

Matters To Be Considered: Board members will discuss and vote on a couple of reports regarding program evaluation, the selection of new committee membership, and other topics that need Board feedback: <https://seagrants.noaa.gov/About/Advisory-Board>.

David Holst,

Chief Financial Officer/Administrative Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2025-20487 Filed 11-20-25; 8:45 am]

BILLING CODE 3510-KA-P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Legal Processes

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

ACTION: Notice of information collection; request for comments.

SUMMARY: The United States Patent and Trademark Office (hereafter “USPTO” or “Agency”) will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork

Reduction Act of 1995, on or after the date of publication of this notice. The USPTO invites comments on the information collection renewal of 0651-0046, which helps the USPTO assess the impact of its information collection requirements and minimize the reporting burden to the public. Public comments were previously requested via the **Federal Register** on July 8, 2025, during a 60-day comment period (90 FR 30053). This notice allows for an additional 30 days for public comments.

DATES: To ensure consideration, you must submit comments regarding this information collection on or before December 22, 2025.

ADDRESSES: Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website, <http://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the information collection or the OMB Control Number, 0651-0046. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT:

- This information collection request may be viewed at <http://www.reginfo.gov>. Follow the instructions to view the Department of Commerce, USPTO information collections currently under review by OMB.

- **Email:** InformationCollection@uspto.gov. Include “0651-0046 information request” in the subject line of the message.

- **Mail:** Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

- **Telephone:** Kyu Lee, Office of General Law, 571-272-3000.

SUPPLEMENTARY INFORMATION:

Title: Legal Processes.

OMB Control Number: 0651-0046.

Abstract: This collection covers information requirements related to civil actions and claims involving current and former employees of the United States Patent and Trademark Office (USPTO). The rules for these legal processes may be found under 37 CFR part 104, which outlines procedures for service of process, demands for employee testimony and production of documents in legal proceedings, reports of unauthorized testimony, employee indemnification,

and filing claims against the USPTO under the Federal Tort Claims Act (28 U.S.C. 2672) and the corresponding Department of Justice regulations (28 CFR part 14). The public may also petition the USPTO Office of General Counsel under 37 CFR 104.3 to waive or suspend these rules in extraordinary cases.

The procedures under 37 CFR part 104 ensure that service of process intended for current and former employees of the USPTO is handled properly. The USPTO will accept service of process only for an employee acting in an official capacity. This collection is necessary so that respondents or their representatives can serve a summons or complaint on the USPTO, demand employee testimony and documents related to a legal proceeding, or file a claim under the Federal Tort Claims Act. Respondents may also petition the USPTO to waive or suspend these rules. This collection is also necessary so that current and former USPTO employees may properly forward service and demands to the Office of General Counsel, report unauthorized testimony, and request indemnification. The USPTO covers current employees as respondents under this information collection even though their responses do not require approval under the Paperwork Reduction Act. In those instances where both current and former employees may respond to the USPTO, the agency estimates that the number of respondents will be low.

For filing claims under the Federal Tort Claims Act, the public may use Standard Form 95 “Claim for Damage, Injury, or Death,” which is provided by the Department of Justice. Since the publication of the 60-day **Federal Register** notice, the USPTO has updated the postage costs associated with this information collection to reflect correct postage usage and rates, therefore the non-hourly cost burden for this information collection is revised from \$1,379 to \$6,002.

Forms:

- Standard Form 95 (Claim for Damage, Injury, or Death).

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Private sector.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Estimated Number of Annual Respondents: 309 respondents.

Estimated Number of Annual Responses: 309 responses.

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the

public approximately 5 minutes (0.08 hours) to 6 hours to complete. This includes the time to gather the necessary information, create the document, and submit the completed item to the USPTO.

Estimated Total Annual Respondent Burden Hours: 131 hours.

Estimated Total Annual Respondent Non-hourly Cost Burden: \$6,002.

Justin Isaac,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2025–20516 Filed 11–20–25; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Patent Cooperation Treaty

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

ACTION: Notice of information collections; request for comments.

SUMMARY: The United States Patent and Trademark Office (USPTO) will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The USPTO invites comments on this information collection renewal of 0651–0021 (Patent Cooperation Treaty), which helps the USPTO assess the impact of its information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on June 23, 2025 during a 60-day comment period (90 FR 26555). This notice allows for an additional 30 days for public comment.

ADDRESSES: 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, 0651–0021. Do not submit Confidential Business

Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT:

• This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Commerce, USPTO information collections currently under review by OMB.

• *Email:* InformationCollection@uspto.gov. Include “0651–0021 information request” in the subject line of the message.

• *Mail:* Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

• *Telephone:* Rafael Bacares, Senior Legal Advisor, International Patent Legal Administration, 571–272–3276.

SUPPLEMENTARY INFORMATION:

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

Title: Patent Cooperation Treaty.

OMB Control Number: 0651–0021.

Needs and Uses: This collection of information is required by the Patent Cooperation Treaty (PCT), which became operational in June 1978 and is administered by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) in Geneva, Switzerland. The provisions of the PCT have been implemented by the United States in part IV of title 35 of the U.S. Code (chapters 35–37) and subpart C of title 37 of the Code of Federal Regulations (37 CFR 1.401–1.499). The purpose of the PCT is to provide a standardized filing format and procedure that allows an applicant to seek protection for an invention in several countries by filing one international application in one location, in one language, and paying one initial set of fees.

The USPTO acts as the Receiving Office (RO/US) for international applications filed by residents and nationals of the United States. These applicants send most of their correspondence directly to the USPTO, but they may also file certain documents directly with the IB. The USPTO serves as an International Search Authority (ISA) to perform searches and issue international search reports (ISR) and the written opinions of international applications. The USPTO also issues international preliminary reports on patentability (IPRP Chapter II) when acting as an International Preliminary Examining Authority (IPEA).

The RO reviews the application and, if it contains all of the necessary information, assigns a filing date to the

application. The RO maintains the home copy of the international application and forwards the record copy of the application to the IB and the search copy to the ISA. The IB maintains the record copy of all international applications and publishes them 18 months after the earliest priority date, which is the earliest date for which a benefit is claimed. The ISA performs a search to determine whether there is any prior art relevant to the claims of the international application and will issue an international search report and written opinion as to whether each claim is novel, involves an inventive step, and is industrially applicable. The ISA then forwards the international search report and written opinion to the applicant and the IB. The IB will normally publish the application and search report 18 months after the priority date, unless early publication is requested by the applicant. Until international publication, no third person or national or regional office is allowed access to the international patent application unless so requested or authorized by the applicant. If the applicant wishes to withdraw the application (and does so before international publication), international publication does not take place.

Under optional Chapter II of the Treaty, an applicant who has filed an international application in an RO must file a Demand for an international preliminary examination of the application by an IPEA, such as the USPTO. A Demand, including the form and required fees, must be filed within a prescribed time period. Usually, a Demand is filed with amendments and/or arguments under PCT Article 34 addressing objections raised in the Written Opinion of the International Search Authority (WOISA). The International preliminary examination is a second evaluation of the potential patentability of the claimed invention (usually the claims have been amended), using the same standards on which the written opinion of the ISA was based. A copy of the examination report is sent to the applicant and to the IB. The IB then forwards a copy of the examination report to each Office elected by the applicant.

The information in this collection is used by the public to submit a patent application under the PCT and by the United States Patent and Trademark Office (USPTO), to fulfill its obligation to process, search, and examine the application as directed by the treaty.

Forms: (IB = International Bureau; IPEA = International Preliminary Examination Authority; RO = Receiving Office; SB = Specimen Book)

- PCT/RO/101 (Request and Fee Calculation Sheet)
- PCT/RO/134 (Indications Relating to Deposited Microorganism or Other Biological Material)
- PCT/IB/372 (Notice of Withdrawal)
- PCT/IPEA/401 (Demand and Fee Calculation Sheet)
- PTO/SB/64/PCT (Petition for Revival of an International (PCT) Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(a))
- PTO-1382 (Transmittal Letter to the United States Receiving Office (RO/US))
- PTO-1390 (Transmittal Letter to the United States Designation/Elected Office (DO/E.O./US) Concerning a Filing Under 35 U.S.C. 371)

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Private sector.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Estimated Number of Annual

Respondents: 412,493 respondents.

Estimated Number of Annual Responses: 412,493 responses.

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public between 15 minutes (0.25 hours) and 4 hours to complete. This includes the time to gather the necessary information, create the document, and submit the completed item(s) to the USPTO.

Estimated Total Annual Respondent Burden Hours: 343,739 hours.

Estimated Total Annual Respondent Non-hourly Cost Burden: \$452,878,858.

The postage costs have increased since the 60-day **Federal Register** notice from \$10.40 to \$11.20 for the Priority Mail legal flat rate envelope used for mailed submissions. As a result, the estimated postage costs have increased from \$42,900 to \$46,200. This accounts for the added \$3,300 to the estimated total annual non-hourly cost burden.

Justin Isaac,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2025-20515 Filed 11-20-25; 8:45 am]

BILLING CODE 3510-16-P

CONSUMER FINANCIAL PROTECTION BUREAU

Consumer Advisory Board Meeting

AGENCY: Consumer Financial Protection Bureau.

ACTION: Notice of public meeting.

SUMMARY: Under the Federal Advisory Committee Act (FACA), this notice sets forth the announcement of a public meeting of the Consumer Advisory Board (CAB or Board) of the Consumer Financial Protection Bureau (CFPB or Bureau). The notice also describes the functions of the Board.

DATES: The meeting date is Wednesday, December 10, 2025, from approximately 11 a.m. to 12:30 p.m., eastern standard time. This meeting will be held virtually and is open to the general public. Members of the public will receive the agenda and dial-in information when they RSVP.

FOR FURTHER INFORMATION CONTACT: Kim George, Outreach and Engagement Associate, Advisory Board and Councils, External Affairs Division, at 202-450-8617, or email: CFPB_CABandCouncilsEvents@cfpb.gov. If you require this document in an alternative electronic format, please contact CFPB_Accessibility@cfpb.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Section 3 of the Charter of the Board states that: The purpose of the CAB is outlined in section 1014(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, which states that the CAB shall “advise and consult with the Bureau in the exercise of its functions under the Federal consumer financial laws” and “provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information.”

To carry out the CAB’s purpose, the scope of its activities shall include providing information, analysis, and recommendations to the CFPB. The CAB will generally serve as a vehicle for trends and themes in the consumer finance marketplace for the CFPB. Its objectives will include identifying and assessing the impact on consumers and other market participants of new, emerging, and changing products, practices, or services.

II. Agenda

The CAB will discuss broad policy matters related to the Bureau’s Unified Regulatory Agenda and general scope of authority. During this meeting, the topic of discussion will be Fair Lending/Debanking.

If you require any additional reasonable accommodation(s) in order to attend this event, please contact the Reasonable Accommodations team at CFPB_ReasonableAccommodations@cfpb.gov

48 hours prior to the start of this event.

Written comments will be accepted from interested members of the public and should be sent to CFPB_CABandCouncilsEvents@cfpb.gov, a minimum of seven (7) days in advance of the meeting. The comments will be provided to the CAB members for consideration. Individuals who wish to join this meeting must RSVP via this link <https://events.gcc.teams.microsoft.com/event/08ab633c-32b7-4bd1-8444-93f8ef9776c5@c817bf69-ef41-4ed6-ac5f-1f44da3798c0>.

III. Availability

The Board’s agenda will be made available to the public on Tuesday, December 9, 2025, via consumerfinance.gov.

A recording and summary of this meeting will be available after the meeting on the Bureau’s website consumerfinance.gov.

Jocelyn Sutton,

Deputy Chief of Staff, Consumer Financial Protection Bureau.

[FR Doc. 2025-20557 Filed 11-20-25; 8:45 am]

BILLING CODE 4810-25-P

CONSUMER PRODUCT SAFETY COMMISSION

Performance Review Board Members

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Revised/correction notice.

SUMMARY: The U.S. Consumer Product Safety Commission is hereby giving notice of the names of the members appointed to the Commission’s Performance Review Board. The function of the Board is to make recommendations to the appropriate appointing authority relating to the performance of senior executives in the agency.

FOR FURTHER INFORMATION CONTACT:

Margaret A. Evans, Chief Human Capital Officer, Office of the Executive Director, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; Phone: (301) 504-7204.

SUPPLEMENTARY INFORMATION: Sections 4314(c)(1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The PRB shall review and evaluate the initial appraisal of a senior executive’s performance by the supervisor, along with any response by the senior

executive, and make recommendations to the final rating authority relative to the performance of the senior executive.

The members of the Performance Review Board are:

1. Brien A. Lorenze, Executive Director
2. Jerry D. Ray, Deputy Executive Director for Safety Operations
3. Margaret A. Evans, Deputy Executive Director for Operations Support
4. Matthew A. Campbell, General Counsel (Alternate)
5. Jennifer S. Blumenthal (Alternate)

Correction

In FR Doc. No. 2025-20254, Jennifer S. Blumenthal was inadvertently excluded from the notice.

Alberta Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2025-20619 Filed 11-20-25; 8:45 am]

BILLING CODE 6355-01-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-85]

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 24-85, Policy Justification, and Sensitivity of Technology.

Dated: November 18, 2025.

Stephanie J. Bost,

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 15, 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. 24-85, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Italy for defense articles and services estimated to cost \$738 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 [Signature]
Michael F. Miller
Acting Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001-FR-C

Transmittal No. 24–85

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 Italy

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$212 million
Other	\$526 million

TOTAL	\$738 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Six (6) Unmanned Aerial System

(UAS) MQ–9 Block 5 Aircraft

Three (3) Unmanned Aerial System

(UAS) MQ–9 Mobile Ground

Control Stations (MGCS)

Twelve (12) AN/DAS–4 Multi-spectral Target Systems

Nine (9) LYNX AN/APY–8 Block 20A

Synthetic Aperture Radars with

Maritime Wide Area Surveillance

(MWAS) capability

One (1) Embedded Global Positioning & Inertial Navigation System (EGI)

Non-Major Defense Equipment:

The following non-MDE items will also be included: Reaper/Predator engines; Ruggedized Aircraft Maintenance Test Stations (RAMTS); AN/ARC–210 Ultra High Frequency (UHF)/Very High Frequency (VHF) Radios (RT–2036); Ground Data Terminals (GDT) (line of sight link); AN/PYQ–10 Simple Key Loaders; KIV–77 Identification Friend or Foe (IFF) Cryptographic Applique; Transponder IFF AN/APX–119; KY100M Narrowband/Wideband terminal communications security (COMSEC) device; UAS MQ–9 Fixed Ground Control System (FGCS); satellite communications (SATCOM) Earth Terminal Subsystems (SETSS); precision navigation; integration and test support and equipment; aircraft or engine support equipment; spare parts, consumables and accessories, and repair and return support; major modifications, maintenance, and maintenance support; facilities and construction support; transportation and airlift support; classified and unclassified software delivery and support; classified and unclassified publications and technical documentation; personnel training and training equipment; special insurance and warranties; studies and surveys; United States (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 (IT–D–SAB)

(v) *Prior Related Cases, if any:* IT–D–SAG

(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 15, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Italy—MQ–9 Block 5 Aircraft

The Government of Italy has requested to buy six (6) Unmanned Aerial System (UAS) MQ–9 Block 5 Aircraft; three (3) Unmanned Aerial System (UAS) MQ–9 Mobile Ground Control Stations (MGCS); twelve (12) AN/DAS–4 Multi-spectral Target Systems; nine (9) LYNX AN/APY–8 Block 20A Synthetic Aperture Radars with Maritime Wide Area Surveillance (MWAS) capability; and one (1) Embedded Global Positioning & Inertial Navigation System (EGI). The following non-MDE items will also be included: Reaper/Predator engines; Ruggedized Aircraft Maintenance Test Stations (RAMTS); AN/ARC–210 Ultra High Frequency (UHF)/Very High Frequency (VHF) Radios (RT–2036); Ground Data Terminals (GDT) (line of sight link); AN/PYQ–10 Simple Key Loaders; KIV–77 Identification Friend or Foe (IFF) Cryptographic Applique; Transponder IFF AN/APX–119; KY100M Narrowband/Wideband terminal communications security (COMSEC) device; UAS MQ–9 Fixed Ground Control System (FGCS); satellite communications (SATCOM) Earth Terminal Subsystems (SETSS); precision navigation; integration and test support and equipment; aircraft or engine support equipment; spare parts, consumables and accessories, and repair and return support; major modifications, maintenance, and maintenance support; facilities and construction support; transportation and airlift support; classified and unclassified software delivery and support; classified and unclassified publications and technical documentation; personnel training and training equipment; special insurance and 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 \$738 million.

This proposed sale will support the foreign policy goals and national security objectives of the U.S. 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 Italy's capability to meet current and future threats by expanding and improving the Italian Air Force's MQ–9 fleet and advancing U.S. and NATO policy goals of security and interoperability. Italy already has MQ–9 Block 5 aircraft with strike capabilities in its inventory and will have no difficulty absorbing these articles 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 Atomics, located in San Diego, CA. 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 Italy.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24–85

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 MQ–9A Block 5 is a Medium Altitude Long-Endurance (MALE) Unmanned Aerial System (UAS) that can be used for surveillance, military reconnaissance, and targeting missions. Real-time missions are flown under the control of a pilot in a Ground Control Station (GCS). A datalink is maintained that uplinks control commands and downlinks video with telemetry data. Line-of-Sight (LOS) communication is enabled through C-Band datalink and Beyond-Line-of-Sight (BLOS) communication is enabled through Ku-Band Satellite Communication (SATCOM). Control of the aircraft and payload are done through direct manual inputs by the crew or through preprogrammed mission. Preprogrammed missions are planned and uploaded by the pilots via the GCS and are executed through the control of an onboard suite of redundant computers and sensors. Payload imagery

and data are downlinked to the GCS. The pilot may initiate pre-programmed missions once the aircraft is airborne and lands the aircraft when the mission is completed. Pilots can change preprogrammed mission parameters as often as required. When operated BLOS, aircraft control is given to other strategically placed Ground Control Stations—permitting remote split operations (RSO). The MQ-9A Block 5 is designed to carry 850 pounds of internal payload with maximum fuel and can carry multiple mission payloads aloft. The MQ-9A Block 5 will be configured for the following payloads: Electro-Optical/Infrared (E.O./IR), Synthetic Aperture Radar (SAR), Electronic Support Measures (ESM), Signals Intelligence (SIGINT), laser designators, and various weapons packages.

a. The GCS can be either fixed or mobile; both versions incorporate workstations that allow operators to control and monitor the aircraft, as well as record and exploit downlinked payload data.

b. The M-Code capable Embedded Global Positioning System/Inertial Navigation System (GPS/INS) (EGI), with an embedded GPS Precise Positioning Service (PPS) Receiver Application Module-Standard Electronic Module (GRAM-S/M), 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 (UTC) 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.

c. The C-Band Line-of-Sight (LOS) Ground Data Terminals and Ku-Band SATCOM GA-ASI Transportable Earth Stations (GATES), or equivalent,

provide command, control, and data acquisition for the MQ-9.

2. The Ruggedized Aircraft Maintenance Test Station (RAMTS) is a mobile test station used to perform diagnostic and operational checks on the MQ-9.

3. The AN/APY-8 Lynx Synthetic Aperture Radar (SAR) and Ground Moving Target Indicator (GMTI) system provides all-weather surveillance, tracking and targeting for military and commercial customers from manned and unmanned vehicles.

4. 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. It also provides safe access to civilian airspace.

5. The KIV-77 is a cryptographic applique for IFF. It can be loaded with Mode 5 classified elements.

6. The KY-100M is a cryptographic-modernized lightweight terminal for secure voice and data communications. The KY-100M provides wideband as well as narrowband half-duplex communication. Operating in tactical ground, marine, and airborne applications, the KY-100M enables secure communication with a broad range of radio and satellite equipment.

7. 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.

8. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

9. 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.

10. A determination has been made that Italy 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.

11. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Italy.

[FR Doc. 2025-20510 Filed 11-20-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-89]

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 24-89, Policy Justification, and Sensitivity of Technology.

Dated: November 18, 2025.

Stephanie J. Bost,

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 20, 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. 24-89, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Sweden for defense articles and services estimated to cost \$31.5 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001-FR-C

Transmittal No. 24-89

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 Sweden

(ii) *Total Estimated Value:*

Major Defense Equipment* ..	\$27.5 million
Other	\$ 4.0 million
TOTAL	\$31.5 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* Foreign Military Sales (FMS) case SW-P-LBK was implemented below congressional notification threshold at \$13.7 million (\$10.9 million in Major Defense Equipment (MDE)) and included forty-five (45) AN/USQ-190 Multifunctional Information Distribution System Joint Tactical Radio Systems (MIDS JTRS). The Government of Sweden has

requested the case be amended to include an additional seventy-five (75) AN/USQ-190 MIDS JTRS. This amendment will cause the case to exceed the congressional notification threshold, and thus notification of the entire program is required. The above notification requirements are combined as follows:

Major Defense Equipment (MDE):

One hundred twenty (120) AN/USQ-190 MIDS JTRS

Non-Major Defense Equipment:

The following non-MDE items will also be included: communications equipment; support equipment; engineering and technical support and assistance; non-warranty repair and return; training; and other related elements of logistics and program support.

(iv) *Military Department:* Navy (SW-P-LBK)

(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:* September 20, 2024

*as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Sweden—Multifunctional Information Distribution System Joint Tactical Radio Systems

The Government of Sweden has requested to buy one hundred twenty (120) AN/USQ-190 Multifunctional Information Distribution System Joint Tactical Radio Systems (MIDS JTRS). The following non-Major Defense Equipment (MDE) items will also be included: communications equipment; support equipment; engineering and

technical support and assistance; non-warranty repair and return; training; and other related elements of logistics and program support. The estimated total cost is \$31.5 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States (U.S.) 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 Sweden's capability to meet current and future threats by modernizing its existing Link 16 capability to interoperate with U.S. forces and to exchange secure, jam-resistant tactical data via Link 16. Sweden will use the enhanced capability as a deterrent to regional threats and strengthen its homeland defense. Sweden 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 is Data Link Solutions, located in Cedar Rapids, IA. 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 Sweden; however, U.S. Government Engineering and Technical Services may be required on an interim basis for training and technical assistance.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24–89

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 AN/USQ–190 Multifunctional Information Distribution System Joint Tactical Radio Systems (MIDS JTRS) builds on MIDS-Low Volume Terminal (LVT)'s capabilities with the addition of Concurrent Multi-Netting (CMN) and Concurrent Contention Receive (CCR) functions. CMN and CCR dramatically expand the number of platforms and network-enabled systems that can be reliably included in a Link 16 network. These enhancements allow a single MIDS JTRS terminal to simultaneously receive messages on up to four nets (compared with only a single net in terminals without CMN and CCR) within a single Link 16 time slot, allowing a user to “hear” messages from up to three additional sources at once.

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 Sweden 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 Sweden.

[FR Doc. 2025–20507 Filed 11–20–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–87]

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 24–87, Policy Justification, and Sensitivity of Technology.

Dated: November 18, 2025.

Stephanie J. Bost,

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. 24-87, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Canada for defense articles and services estimated to cost \$264.6 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. 24-87

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) (U) *Prospective Purchaser:*
Government of Italy

(ii) (U) *Total Estimated Value:*

Major Defense Equipment*	\$212 million
Other	\$526 million
TOTAL	\$738 million

(iii) (U) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

- Six (6) MQ-9 Block 5 Aircraft
- Three (3) UAV MQ-9 Mobile Ground Control Stations (MGCS)
- Twelve (12) AN/DAS-4 Multi-spectral Target Systems
- Nine (9) LYNX AN/APY-8 Block 20A Synthetic Aperture Radars with Maritime Wide Area Surveillance (MWAS) capability
- One (1) Embedded Global Positioning

& Inertial Navigation System (EGI)
Non-Major Defense Equipment:

The following non-MDE items will also be included: Reaper/Predator engines; Ruggedized Aircraft Maintenance Test Stations (RAMTS); AN/ARC-210 UHF/VHF Radios (RT-2036); Ground Data Terminals (GDT) (line of sight link); AN/PYQ-10 Simple Key Loaders; KIV-77 Identification friend or foe Cryptographic Applique; Transponder Identification friend or foe AN/APX-119; KY100M Narrowband/Wideband terminal COMSEC device; UAV MQ-9 Fixed Ground Control System (FGCS); SATCOM Earth Terminal Subsystems (SETSS); precision navigation; integration and test support and equipment; aircraft or engine support equipment; spare parts, consumables and accessories, and repair and return support; major modifications, maintenance, and maintenance support; facilities and construction support;

transportation and airlift support; classified and unclassified software delivery and support; classified and unclassified publications and technical documentation; personnel training and training equipment; special insurance and 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) (U) *Military Department:* Air Force (IT-D-SAB)

(v) (U) *Prior Related Cases, if any:* IT-D-SAG

(vi) (U) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) (U) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) (U) *Date Report Delivered to Congress:*

* as defined in Section 47(6) of the Arms Export Control Act.

Transmittal No. 24–87

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(ix) *Prospective Purchaser:*

Government of Canada

(x) *Total Estimated Value:*

Major Defense Equipment*	\$219.9 million
Other	\$ 44.7 million

TOTAL	\$264.6 million

(xi) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Forty-eight (48) AIM–9X Sidewinder Block II+ Tactical Missiles

One hundred twenty (120) AIM–9X Sidewinder Block II Tactical Missiles

Forty-eight (48) AIM–9X Sidewinder Block II Captive Air Training Missiles

Forty-eight (48) AIM–9X Sidewinder Block II Special Air Training Missiles

Four (4) AIM–9X Sidewinder Block II+ Tactical Guidance Units

Twelve (12) AIM–9X Sidewinder Block II Tactical Guidance Units

Eight (8) AIM–9X Sidewinder Block II Captive Air Training Guidance Units

Non-Major Defense Equipment:

The following non-MDE items will also be included: Active Optical Target Detectors; KGV–135A COMSEC chips; missile containers; training aids; spares; support equipment; training; missile software; United States (U.S.) Government and contractor technical, engineering, and logistical and program support; and other related elements of logistics and program support.

(xii) *Military Department:* Navy (CN–P–AQE)

(xiii) *Prior Related Cases, if any:* None

(xiv) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(xv) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(xvi) *Date Report Delivered to Congress:* August 15, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Canada—AIM–9X Sidewinder Block II+ and Block II Tactical Missiles

The Government of Canada has requested to buy forty-eight (48) AIM–

9X Sidewinder Block II+ Tactical Missiles; one hundred twenty (120) AIM–9X Sidewinder Block II Tactical Missiles; forty-eight (48) AIM–9X Sidewinder Block II Captive Air Training Missiles; forty-eight (48) AIM–9X Sidewinder Block II Special Air Training Missiles; four (4) AIM–9X Sidewinder Block II+ Tactical Guidance Units; twelve (12) AIM–9X Sidewinder Block II Tactical Guidance Units; and eight (8) AIM–9X Sidewinder Block II Guidance Units. The following non-MDE items will also be included: Active Optical Target Detectors; KGV–135A COMSEC chips; missile containers; training aids, spares; support equipment; training, missile software; and U.S. Government and contractor technical, engineering, logistical, and program support; and other related elements of logistics and program support. The estimated total cost is \$264.6 million.

This proposed sale will support the foreign policy and national security objectives of the U.S. by helping to improve the military capability of a NATO Ally that is an important force for ensuring political stability and economic progress and is a contributor to military, peacekeeping, and humanitarian operations around the world.

The proposed sale will improve Canada's credible defense capability to deter aggression in the region, ensure interoperability with U.S. forces, and strengthen its homeland defense. Canada 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 RTX Corporation, located in Tucson, AZ. The purchaser typically requests offsets. Any offset agreement(s) will be defined in negotiations between the purchaser and the contractor.

Implementation of the proposed sale will require travel of four (4) U.S. Government and four (4) contractor representatives to Canada on a temporary basis in conjunction with program technical oversight and support requirements.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24–87

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–9X Sidewinder Block II and Block II+ missile represents a substantial increase in missile acquisition and kinematics performance over the AIM–9M and replaces the AIM–9X Block I configuration. The missile includes a high off-boresight seeker, enhanced countermeasure rejection capability, low drag/high angle of attack airframe, and the ability to integrate the Helmet Mounted Cueing System. The most current AIM–9X Block II/II+ Operational Flight Software developed for all international partner countries, which is authorized for export by U.S. Government export policy, provides fifth-generation infrared capabilities such as Lock-On-After-Launch, Weapons Data Link, and Surface Launch. No software source code or algorithms will be released.

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 Canada 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 Canada.

[FR Doc. 2025–20508 Filed 11–20–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–94]

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.rsrgmgt.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 24-94, Policy Justification, and Sensitivity of Technology.

Dated: November 18, 2025.
Stephanie J. Bost,
*Alternate OSD Federal Register Liaison
 Officer, Department of Defense.*



DEFENSE SECURITY COOPERATION AGENCY
 2800 Defense Pentagon
 Washington, DC 20301-2800

September 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. 24-94, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Romania for defense articles and services estimated to cost \$7.2 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
 Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 24-94

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 Romania

(ii) *Total Estimated Value:*

Major Defense Equipment* ..	\$4.1 billion
Other	\$3.1 billion

TOTAL \$7.2 billion

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Thirty-two (32) F-35A Lightning II

Joint Strike Fighter Conventional Take Off and Landing (CTOL) Aircraft

Thirty-three (33) Pratt & Whitney F135-PW-100 engines (32 installed, 1 spare)

Non-Major Defense Equipment:

The following non-MDE items will also be included: AN/PYQ-10 Simple Key Loaders (SKL); Identification Friend or Foe (IFF) equipment, secure communications, precision navigation, and cryptographic equipment; Cartridge Actuated Devices/Propellant Actuated Devices (CAD/PAD); multi-purpose missile equipment; ammunition and weapons

components; aircraft and munitions support and support equipment; integration and test support and equipment; spare and repair parts, consumables and accessories, and repair and return support; training aids and devices, and spare parts; major and minor modifications, maintenance, and maintenance support; integrated computer system; electronic warfare data and Reprogramming Lab support; Electronic Combat International Security Assistance Program (ECISAP) software support; aircraft engine Component Improvement Program (CIP) support; classified and unclassified software and

software development, delivery, and integration support; classified and unclassified publications and technical documentation; classified and unclassified personnel training, and training gear and equipment; transportation, ferry, and refueling support; facilities and construction support; studies and surveys; Contractor Logistics Support (CLS); United States (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 (RO-D-SAG)*

(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: September 13, 2024*

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Romania—F-35 Aircraft

The Government of Romania has requested to buy thirty-two (32) F-35A Lightning II Joint Strike Fighter Conventional Take Off and Landing (CTOL) aircraft; and thirty-three (33) Pratt & Whitney F135-PW-100 engines (32 installed, 1 spare). The following non-MDE items will also be included: AN/PYQ-10 Simple Key Loaders (SKL); Identification Friend or Foe (IFF) equipment, secure communications, precision navigation, and cryptographic equipment; Cartridge Actuated Devices/ Propellant Actuated Devices (CAD/ PAD); multi-purpose missile equipment; ammunition and weapons components; aircraft and munitions support and support equipment; integration and test support and equipment; spare and repair parts, consumables and accessories, and repair and return support; training aids and devices, and spare parts; major and minor modifications, maintenance, and maintenance support; integrated computer system; electronic warfare data and Reprogramming Lab support; Electronic Combat International Security Assistance Program (ECISAP) software support; aircraft engine Component Improvement Program (CIP) support; classified and unclassified software and software development, delivery, and integration support; classified and unclassified publications and technical documentation; classified

and unclassified personnel training, and training gear and equipment; transportation, ferry, and refueling support; facilities and construction support; studies and surveys; Contractor Logistics Support (CLS); 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 \$7.2 billion.

This proposed sale will support the foreign policy goals and national security objectives of the U.S. 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 Romania's capability to meet current and future threats by further equipping it to conduct self-defense and regional security missions while enhancing interoperability with the U.S. and other NATO members. Romania 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 Lockheed Martin Aeronautics Company, located in Fort Worth, 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 Romania.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24-94

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-35A Conventional Take Off and Landing (CTOL) aircraft is a single seat, single engine, all-weather, stealth, fifth-generation, multirole aircraft. It contains sensitive technology including the low observable airframe/outer mold line, the Pratt & Whitney F135 engine, AN/APG-81 radar, an integrated core processor central computer, a mission systems/electronic warfare suite, a multiple sensor suite, technical data/documentation and associated software.

a. The Pratt & Whitney F135 engine is a single 40,000-pound thrust class engine designed for the F-35 and assures highly reliable, affordable performance. The engine is designed to

be utilized in all F-35 variants, providing unmatched commonality and supportability throughout the worldwide base of F-35 users.

b. The AN/APG-81 Active Electronically Scanned Array (AESA) is a high processing power/high transmission power electronic array capable of detecting air and ground targets from a greater distance than mechanically scanned array radars. It also contains a synthetic aperture radar (SAR), which creates high-resolution ground maps and provides weather data to the pilot, and air and ground tracks to the mission system, which uses it as a component to fuse sensor data.

c. The Electro-Optical Targeting System (EOTS) provides long-range detection and tracking, as well as an infrared search and track (IRST), and forward-looking infrared (FLIR) capability for precision tracking, weapons delivery, and bomb damage assessment (BDA). The EOTS replaces multiple separate internal or podded systems typically found on legacy aircraft.

d. The Electro-Optical Distributed Aperture System (EODAS) provides the pilot with full spherical coverage for air-to-air and air-to-ground threat awareness, day/night vision enhancements, a fire control capability, and precision tracking of wingmen/friendly aircraft. The EODAS provides data directly to the pilot's helmet as well as to the mission system.

e. The F-35 Electronic Warfare (EW) system is a reprogrammable, integrated system that provides radar warning and electronic support measures (ESM), along with a fully integrated countermeasures (CM) system. The EW system is the primary subsystem used to enhance situational awareness, targeting support, and self-defense through the search, intercept, location, and identification of in-band emitters and to automatically counter IR and RF threats.

f. The F-35 Command, Control, Communications, Computers, and Intelligence/Communications, Navigation, and Identification (C4I/CNI) system provides the pilot with unmatched connectivity to flight members, coalition forces, and the battlefield. It is an integrated subsystem designed to provide a broad spectrum of secure, anti-jam voice and data communications, precision radio navigation and landing capability, self-identification, beyond visual range target identification, and connectivity to off-board sources of information. It also includes an inertial navigation and global positioning system (GPS) provided by Selective Availability Anti-Spoofing Module (SAASM) and/or M-

code for precise location information. The functionality is tightly integrated within the mission system to enhance efficiency.

g. The F-35 C4I/CNI system includes two data links: the Multi-Function Advanced Data Link (MADL), and Link 16. The MADL is designed specifically for the F-35 and allows for stealthy communications between F-35s. Link 16 is an advanced command, control, communications, and intelligence (C3I) system incorporating jam-resistant, digital communication links for exchange of near real-time tactical information, including both data and voice, among air, ground, and sea elements. It provides the warfighter key theater functions such as surveillance, identification, air control, weapons engagement coordination, and direction for all services and allied forces. Link-16 equipment allows the F-35 to communicate with legacy aircraft using widely distributed J-series message protocols.

h. The F-35 Autonomic Logistics Global Sustainment (ALGS) provides a fully integrated logistics management solution. ALGS integrates a number of functional areas, including supply chain management, repair, support equipment, engine support, and training. The ALGS infrastructure employs a state-of-the-art information system that provides real-time, decision-worthy information for sustainment decisions by flight line personnel. Prognostic health monitoring technology is integrated with the air system and is crucial to predictive maintenance of vital components.

i. The F-35 Autonomic Logistics Information System (ALIS) provides an intelligent information infrastructure that binds all the key concepts of ALGS into an effective support system. ALIS establishes the appropriate interfaces among the F-35 Air Vehicle, the warfighter, the training system, government information technology (IT) systems, and supporting commercial enterprise systems. Additionally, ALIS provides a comprehensive tool for data

collection and analysis, decision support, and action tracking.

j. Other subsystems, features, and capabilities include the F-35's low observable air frame, Integrated Core Processor (ICP) Central Computer, Helmet Mounted Display System (HMDS), Pilot Life Support System (PLSS), Off-Board Mission Support (OMS) System, and publications/maintenance manuals. The HMDS provides a fully sunlight readable, bi-ocular display presentation of aircraft information projected onto the pilot's helmet visor. The use of a night vision camera integrated into the helmet eliminates the need for separate Night Vision Goggles. The PLSS provides a measure of Pilot Chemical, Biological, and Radiological Protection through use of an On-Board Oxygen Generating System (OBOGS); and an escape system that provides additional protection to the pilot. OBOGS takes the Power and Thermal Management System (PTMS) air and enriches it by removing gases (mainly nitrogen) by adsorption, thereby increasing the concentration of oxygen in the product gas and supplying breathable air to the pilot. The OMS provides a mission planning, mission briefing, and a maintenance/intelligence/tactical debriefing platform for the F-35.

2. The Electronic Warfare Reprogramming Lab is used by U.S. Government engineers in the reprogramming and creation of shareable Mission Data Files for foreign F-35 customers.

3. The AN/PYQ-10 Simple Key Loader is a portable, hand-held device used for securely receiving, storing, and transferring data between compatible cryptographic and communications equipment.

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 Romania 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 the Government of Romania.

[FR Doc. 2025-20505 Filed 11-20-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-83]

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) 695-6523, 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 24-83, Policy Justification, and Sensitivity of Technology.

Dated: November 18, 2025.

Stephanie J. Bost,

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

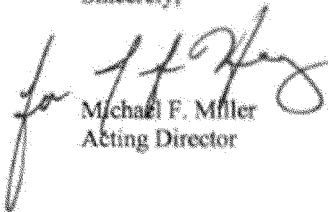
September 9, 2024

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. 24-83, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Singapore for defense articles and services estimated to cost \$133 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

BILLING CODE 6001-FR-C

Transmittal No. 24-83

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 Singapore

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$110 million
Other	\$ 23 million

TOTAL \$133 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Fifty-four (54) AIM-120 C8 Advanced Medium Range Air-to-Air-Missiles (AMRAAM)

Two (2) AIM-120C-8 AMRAAM guidance sections

Non-Major Defense Equipment:

The following non-MDE items will also be included: AMRAAM control

section spares, missile containers, and support equipment; Common Munitions Built-In-Test (BIT)/Reprogramming Equipment (CMBRE); ADU-89/E Adapter Group Computer Test Set; spare parts, consumables and accessories, and repair and return support; weapon system support and software, and classified software delivery and support; classified and unclassified publications and technical documentation; training support and equipment; 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 (SN-D-YAK)

(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:* September 9, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Singapore—AIM-120C-8 Advanced Medium Range Air-to-Air Missiles

The Government of Singapore has requested to buy fifty-four (54) AIM-120C-8 Advanced Medium Range Air-to-Air Missiles (AMRAAM) and two (2) AIM-120C-8 AMRAAM guidance sections. The following non-MDE items will also be included: AMRAAM control section spares, missile containers, and support equipment; Common Munitions Built-In-Test (BIT)/Reprogramming Equipment (CMBRE); ADU-89/E Adapter Group Computer Test Set; spare parts, consumables and accessories, and

repair and return support; weapon system support and software, and classified software delivery and support; classified and unclassified publications and technical documentation; training support and equipment; studies and surveys; United States (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 \$133 million.

This proposed sale will support the foreign policy and national security objectives of the U.S. by improving the security of a strategic partner that is an important force for political stability and economic progress in Asia.

The proposed sale will meet Singapore's need to maintain operational readiness and interoperability with U.S. and coalition forces. This sale increases Singapore's effectiveness in both training and combat operations and contributes to stability and deterrence in the Indo-Pacific region. Singapore will have no difficulty absorbing these weapons 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 Singapore.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24–83

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.

2. The Common Munitions Built-In-Test (BIT)/Reprogramming Equipment (CMBRE) is support equipment used to interface with weapon systems to initiate and report BIT results, and upload/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 (GPS) cryptographic keys, and declassification of munitions memory.

3. The ADU–891 Adapter Group Test Set provides the physical and electrical interface between the CMBRE and missile.

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 the Government of Singapore 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 the Government of Singapore.

[FR Doc. 2025–20511 Filed 11–20–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–106]

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 24–106, Policy Justification, and Sensitivity of Technology.

Dated: November 18, 2025.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

September 27, 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. 24-106, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Australia for defense articles and services estimated to cost \$405 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

Transmittal No. 24-106

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 * ..	\$300 million
Other	\$105 million

TOTAL \$405 million

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment:

Up to one hundred (100) Advanced Anti-Radiation Guided Missiles-Extended Range (AARGM-ER) with global positioning system (GPS) precise positioning system (PPS) provided by Selective Availability Anti-Spoofing Module (SAASM) or M-Code

Up to twenty-four (24) AGM-88G AARGM-ER guidance sections (spares)

Up to twenty-four (24) AGM-88G AARGM-ER control sections (spares)

Non-Major Defense Equipment:

The following non-MDE items will also be included: missile containers; component parts and support equipment; repair; software (classified and unclassified); publications (Classified and Unclassified); training (classified and unclassified); transportation; United States (U.S.) Government and contractor engineering support; and other related elements of logistics and program support.

(iv) *Military Department:* Navy (AT-P-ASV)

(v) *Prior Related Cases, if any:* AT-P-ASA

(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:* September 27, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Australia—Advanced Anti-Radiation Guided Missiles-Extended Range

The Government of Australia has requested to buy up to one hundred (100) Advanced Anti-Radiation Guided Missiles-Extended Range (AARGM-ER) with global positioning system (GPS) precise positioning system (PPS) provided by Selective Availability Anti-Spoofing Module (SAASM) or M-Code; up to twenty-four (24) AGM-88G AARGM-ER guidance sections (spares); and up to twenty-four (24) AGM-88G AARGM-ER control sections (spares). The following non-MDE items will also be included: missile containers; component parts and support equipment; repair; software (classified and unclassified); publications (classified and unclassified); training (classified and unclassified);

transportation; U.S. Government and contractor engineering support; and other related elements of logistics and program support. The estimated total cost is \$405 million.

This proposed sale will support the foreign policy and national security objectives of the U.S. 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 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 the Government of Australia's capability to meet current and future threats by providing the capability to suppress and destroy land or sea-based radar emitters associated with enemy air defenses, thereby improving survivability of tactical aircraft. 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 principal contractor will be Northrop Grumman 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 require approximately four U.S. Government and one contractor representative to travel to Australia on a temporary basis in conjunction with program technical oversight and support requirements, including program and technical reviews.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24–106

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 AGM–88G Advanced Anti-Radiation Guided Missile-Extended Range (AARGM–ER) weapon system is an air-to-ground missile intended for suppression of enemy air defenses (SEAD) and destruction of enemy air defenses (DEAD) missions. AARGM–ER provides suppression or destruction of enemy radar and denies the enemy the use of air defense systems, thereby improving the survivability of tactical aircraft. AGM–88G AARGM–ER Captive Air Training Missiles (CATM) are used by pilots when training for SEAD/DEAD missions.

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 Australia can provide substantially the same degree of protection for the 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 Australia.

[FR Doc. 2025–20501 Filed 11–20–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–86]

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 24–86, Policy Justification, and Sensitivity of Technology.

Dated: November 18, 2025.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P



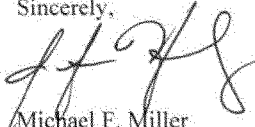
DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

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. 24-86, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Norway for defense articles and services estimated to cost \$405 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

BILLING CODE 6001-FR-C

Transmittal No. 24-86

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 Norway

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$374 million
Other	\$ 31 million

TOTAL \$405 million

(iii) *Major Defense Equipment (MDE):*

One hundred (100) Advanced
Medium Range Air-to-Air Missiles-
Extended Range (AMRAAM-ER)
Four (4) AMRAAM AIM-120C-8
guidance sections

Non-Major Defense Equipment:

The following non-MDE items will also be included: AMRAAM containers and support equipment; spare parts, consumables, accessories, and repair and return support; weapons software and support equipment, and classified

software delivery and support; transportation support; classified publications and technical documentation; training equipment and support; studies and surveys; United States (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 (NO-D-YAJ)

(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:* August 22, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Norway—Advanced Medium Range Air-to-Air Missiles—Extended Range

The Government of Norway has requested to buy one hundred (100) Advanced Medium Range Air-to-Air Missiles-Extended Range (AMRAAM-ER) and four (4) AMRAAM AIM-120C-8 guidance sections. The following non-MDE items will also be included: AMRAAM containers and support equipment; spare parts, consumables, accessories, and repair and return support; weapons software and support equipment, and classified software delivery and support; transportation support; classified publications and technical documentation; training equipment and 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 \$405 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 Norway's capability to meet current and future threats by supplementing and replacing Air Intercept Missile 120B (AIM-120B) AMRAAMs with the more capable AMRAAM-ER. The newly acquired missiles will be used for ground-based air defense in the Norwegian Advanced Surface to Air Missile System (NASAMS). Norway already has AMRAAMs in its inventory and will have no difficulty absorbing these articles 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 Norway.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24-86

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-or-surface-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.

a. The Advanced Medium Range Air-to-Air Missile-Extended Range (AMRAAM-ER) utilizes an AIM-120C-7 or C-8 seeker and warhead joined with a new control section and rocket motor, applicable only for surface-launch mode applications. This provides extended range and altitude as well as higher speed and maneuverability.

2. The KGV-135A is a high-speed, general purpose encryptor/decryptor module used for wide-band data encryption.

3. The Common Munitions Built-In-Test (BIT)/Reprogramming Equipment (CMBRE) is support equipment used to interface with weapon systems to initiate and report BIT results, and upload/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 (GPS) cryptographic keys, and declassification of munitions memory.

4. The ADU-891 Adapter Group Test Set provides the physical and electrical interface between the CMBRE and the missile.

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 Norway 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 Norway.

[FR Doc. 2025-20509 Filed 11-20-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-95]

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 24-95, Policy Justification, and Sensitivity of Technology.

Dated: November 18, 2025.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

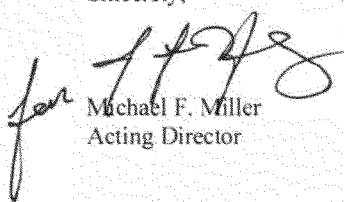
August 30, 2024

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. 24-95, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Croatia for defense services estimated to cost \$390 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. 24-95

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 Croatia

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$340 million
Other	\$ 50 million
TOTAL	\$390 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Eight (8) M142 High Mobility Artillery Rocket Systems (HIMARS)

Twenty-four (24) M30A2 Guided Multiple Launch Rocket System (GMLRS) Alternative Warhead (AW) Pods with Insensitive Munitions Propulsion System (IMPS)

Twenty-four (24) M31A2 GMLRS-Unitary High Explosive (HE) Pods

with IMPS

Two (2) M1152 High Mobility Multipurpose Wheeled Vehicles (HMMWV) with Next Generation SECM (NG SECM)

Eight (8) M1152 HMMWVs with Command-and-Control Communications Shelters

Thirty-six (36) Defense Advanced GPS Receivers (DAGR)

Non-Major Defense Equipment:

The following non-MDE items will also be included: Low Cost Reduced Range Practice Rocket (LCRRPR) pods; AN/PRC-117G radios; AN/PRC-158 radios; AN/PRC-160 radios; Common Fire Control Systems (CFCSS); International Field Artillery Tactical Data Systems (IFATDS); software; training; resupply vehicles; technical assistance; and other related elements of program and logistic support.

(iv) *Military Department:* Army (HR-B-UCK)

(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 30, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Croatia—M142 High Mobility Artillery Rocket Systems

The Government of Croatia has requested to buy eight (8) M142 High Mobility Artillery Rocket Systems (HIMARS); twenty-four (24) M30A2 Guided Multiple Launch Rocket System (GMLRS) Alternative Warhead (AW) Pods with Insensitive Munitions Propulsion System (IMPS); twenty-four (24) M31A2 GMLRS-Unitary High Explosive (HE) Pods with IMPS; two (2) M1152 High Mobility Multipurpose

Wheeled Vehicles (HMMWV) with Next Generation SECM (NG SECM); eight (8) M1152 HMMWVs with Command and Control Communications Shelters; and thirty-six (36) Defense Advanced GPS Receivers (DAGR). The following non-MDE items will also be included: Low Cost Reduced Range Practice Rocket (LCRRPR) pods; AN/PRC-117G radios; AN/PRC-158 radios; AN/PRC-160 radios; Common Fire Control Systems (CFCS); International Field Artillery Tactical Data Systems (IFATDS); software; training; resupply vehicles; technical assistance; and other related elements of program and logistic support. The estimated total program cost is \$390 million.

This proposed sale will support the foreign policy and national security of the United States (U.S.) by improving the security of a NATO Ally that continues to be an important force for political stability and economic progress in Europe.

The proposed sale will improve Croatia's capability to deter current and future threats and support coalition operations as well as promote interoperability with the U.S. and other NATO forces. Croatia 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 Lockheed Martin, located in Grand Prairie, TX. There are no known offset agreements in connection with this potential sale.

Implementation of this proposed sale will require the assignment of four U.S. Government and four contractor representatives to travel to Croatia for program management reviews to support the program. Travel is expected to occur approximately twice per year as needed to support equipment fielding and training.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24-95

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 M142 High Mobility Artillery Rocket System (HIMARS) is a C-130 transportable wheeled launcher mounted on a 5-ton Family of Medium Tactical Vehicles truck chassis. HIMARS is the modern Army-fielded version of the Multiple Launch Rocket System (MLRS) M270 launcher and can fire all the MLRS Family of Munitions (FOM) including Guided Multiple Launch Rocket System (GMLRS) variants and the Army Tactical Missile System (ATACMS). Utilizing the MLRS FOM, the HIMARS can engage targets between 15 and 300 kilometers with Global Positioning System (GPS)-aided precision accuracy.

2. The GMLRS M31A2 Unitary is the Army's primary munition for units fielding the M142 HIMARS and M270A1 Multiple Launcher Rocket System (MLRS) launchers. The M31 Unitary is a solid propellant artillery rocket that uses Global Positioning System/Precise Positioning Service (GPS/PPS)-aided inertial guidance provided by Selective Availability Anti-Spoofing Module (SAASM) or M-Code. It accurately and quickly delivers a single high-explosive blast fragmentation warhead to targets at ranges from 15-70 kilometers. The rockets are fired from a launch pod container that also serves as the storage and transportation container for the rockets. Each rocket pod holds six (6) total rockets.

3. The M30A2 GMLRS Alternative Warhead shares a greater than ninety percent commonality with the M31A1 Unitary. The primary difference between the GMLRS-U and GMLRS-AW is the replacement of the Unitary's high explosive warhead with a 200-pound fragmentation warhead of pre-formed tungsten penetrators which are optimized for effectiveness against large area and imprecisely located targets. The munitions otherwise share a common motor, GPS/PPS-aided inertial guidance and control system, fusing mechanism, multi-option height of burst capability, and effective range of 15-70 kilometers.

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 Croatia can provide 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 are authorized for release and export to the Government of Croatia.

[FR Doc. 2025-20504 Filed 11-20-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-91]

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 24-91, Policy Justification, and Sensitivity of Technology.

Dated: November 18, 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 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. 24-91, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Japan for defense articles and services estimated to cost \$4.1 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
Director

- Enclosures:
- 1. Transmittal
 - 2. Policy Justification
 - 3. Sensitivity of Technology

Transmittal No. 24-91
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 * ..	\$3.4 billion
Other	\$0.7 billion
TOTAL	\$4.1 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

- Up to nine (9) KC-46A aircraft
- Up to eighteen (18) PW4062 turbofan engines
- Up to sixteen (16) AN/ALR-69A radar warning receivers
- Up to thirty-three (33) Large Aircraft Infrared Countermeasure (LAIRCM) Guardian Laser Turret Assemblies (GLTAs)
- Up to eighteen (18) LAIRCM system

processor replacements

Non-Major Defense Equipment:

The following non-MDE items will also be included: missile warning sensors; Cartridge Actuated Devices and Propellant Actuated Devices (CAD/PADs); control interface units; User Data Module (UDM) cards; electronic warfare database support; KIV-77 crypto modules; KY-100 crypto terminals; AN/PYQ-10 Simple Key Loaders (SKL); AN/APX-119 Identification Friend or Foe (IFF) transponders; communications equipment; Computer Program Identification Numbers (CPINS); integration and test support and equipment; aircraft components, parts, and accessories; support and support equipment; spare parts, consumables and accessories, and repair and return support; training aids, devices, and spare parts; minor modifications and maintenance support;

instruments and lab equipment; classified and unclassified software delivery and support; facilities and construction support; unclassified publications and technical documentation; personnel training and training equipment; jet fuel; transportation and airlift support; warranties; studies and surveys; United States (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 (JA-D-SAP)

(v) *Prior Related Cases; if any:* JA-D-SAJ

(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*: September 13, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Japan—KC-46A Aerial Refueling Aircraft

The Government of Japan has requested to buy up to nine (9) KC-46A aircraft; up to eighteen (18) PW4062 turbofan engines; up to sixteen (16) AN/ALR-69A radar warning receivers (RWRs); up to thirty-three (33) Large Aircraft Infrared Countermeasure (LAIRCM) Guardian Laser Turret Assemblies (GLTAs); and up to eighteen (18) LAIRCM system processor replacements. The following non-MDE items will also be included: missile warning sensors; Cartridge Actuated Devices and Propellant Actuated Devices (CAD/PADs); control interface units; User Data Module (UDM) cards; electronic warfare database support; KIV-77 crypto modules; KY-100 crypto terminals; AN/PYQ-10 Simple Key Loaders (SKL); AN/APX-119 Identification Friend or Foe (IFF) transponders; communications equipment; Computer Program Identification Numbers (CPINS); integration and test support and equipment; aircraft components, parts, and accessories; support and support equipment; spare parts, consumables and accessories, and repair and return support; training aids, devices, and spare parts; minor modifications and maintenance support; instruments and lab equipment; classified and unclassified software delivery and

support; facilities and construction support; unclassified publications and technical documentation; personnel training and training equipment; jet fuel; transportation and airlift support; 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 \$4.1 billion.

This proposed sale will support the foreign policy goals and national security objectives of the

U.S. 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 Japan's aerial refueling capability and passenger transport operations, which will contribute to enhanced deterrence of current and future threats in the region. Japan already has KC-46A aircraft tankers in its inventory and will have no difficulty absorbing these articles 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 Corporation, located in Everett, WA; Pratt & Whitney Military Engines, located in East Hartford, CT; RTX Corporation, located in Goleta, CA; and Northrop Grumman Corporation, located in Rolling Meadows, IL. 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 Japan.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2025-20506 Filed 11-20-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-98]

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 24-98, Policy Justification, and Sensitivity of Technology.

Dated: November 18, 2025.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
2800 DEFENSE PENTAGON
WASHINGTON, DC 20301-2800

October 7, 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. 24-98, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Italy for defense articles and services estimated to cost \$680 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

Transmittal No. 24-98

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 Italy

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$0
Other	\$680 million

TOTAL \$680 million

(iii) *Description and Quantity of Quantities of Articles or Services under Consideration for Purchase:* The Government of Italy has requested to buy the Electronic Attack (EA)-37B mission system, consisting of:

Major Defense Equipment (MDE):
None

Non-Major Defense Equipment:

The following non-MDE items:
Network Centric Collaborative Targeting (NCCT) systems; System Control and Monitoring subsystems;

Radio Frequency Receiver (RFR) subsystems; Software-defined Radio (SDR) subsystems; Counter Radar Assembly; Array Panels; AN/ARC-210 RT-2036 radios; KG-250 In-line Network Encryptors; KY-100 Narrow/wideband Terminals; KIV-77 Mode 4/5 Identification Friend or Foe (IFF); AN/PYQ-10C Simple Key Loaders; integration and test support and equipment; aircraft support and support equipment; secure communications equipment, precision navigation, and cryptographic devices; major and minor modifications, maintenance, and maintenance support; spare parts, consumables and accessories, and repair and return support; classified and unclassified software delivery and support; classified and unclassified publications and technical documentation; personnel training and training equipment; facilities and construction support;

transportation and airlift support; warranties; studies and surveys; United States (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 (IT-D-QBA)

(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:* October 7, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION*Italy—Electronic Attack Mission System*

The Government of Italy has requested to buy the Electronic Attack (EA)–37B mission system, consisting of the following non-Major Defense Equipment: Network Centric Collaborative Targeting (NCCT) systems; System Control and Monitoring subsystems; Radio Frequency Receiver (RFR) subsystems; Software-defined Radio (SDR) subsystems; Counter Radar Assembly; Array Panels; AN/ARC–210 RT–2036 radios; KG–250 In-line Network Encryptors; KY–100 Narrow/wideband Terminals; KIV–77 Mode 4/5 Identification Friend or Foe (IFF); AN/PYQ–10C Simple Key Loaders; integration and test support and equipment; aircraft support and support equipment; secure communications equipment, precision navigation, and cryptographic devices; major and minor modifications, maintenance, and maintenance support; spare parts, consumables and accessories, and repair and return support; classified and unclassified software delivery and support; classified and unclassified publications and technical documentation; personnel training and training equipment; facilities and construction support; transportation and airlift support; 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 \$680 million.

This proposed sale will support the foreign policy goals and national security objectives of the U.S. 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 Italy's capability to meet current and future threats by increasing interoperability with the United States Air Force (USAF) and disrupting enemy command and control communications when Italy is contributing to overseas contingency operations. Italy will have no difficulty absorbing these articles 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 BAE Systems, located in Hudson, NH. 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 Italy.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24–98

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 Electronic Attack (EA)–37B mission system is a wide-area airborne EA weapon system utilizing a heavily modified Gulfstream G550 airframe. It is comprised of specialized equipment for jamming early warning radars.

a. The array panels are mounted to the side of the EA–37B fuselage. Its purpose is to receive and transmit radio frequency (RF) energy during electronic attack missions. The array panel houses the Line Replaceable Units (LRUs) for the transmitter active electronically scanned arrays (AESAs) and the receiver direction finding (DF) arrays.

b. The counter-radar (CR) assembly is comprised of the advanced radar countermeasure subsystem (ARCS) chassis and the radar geolocation (R–GEO) chassis. These two subsystems combine to provide full-spectrum CR operations.

c. The system control and monitoring (SCM) subsystem component is part of the EA–37B aircraft and contains the core operational flight program (OFP) and provides an interface between the OFP and the prime mission equipment (PME). It also provides the classified data at rest (CDAR) solution for the PME.

d. The radio frequency receiver (RFR) subsystem provides RF conditioning and distribution to the software-defined radio (SDR) and CR subsystems.

e. The SDR subsystem contains the hardware and software that includes the computing environment for signal processing functions and additional RF translation.

2. Network-Centric Collaborative Targeting (NCCT) is the USAF program of record for collaborative geolocation of time-sensitive targets within and across intelligence disciplines. NCCT correlation and fusion SW and HW collect data and perform multi-domain sensor integration to produce a single composite track (geo-location and identification) for high-value targets.

3. ARC–210 and ARC–238 radios are voice communications radio systems equipped with Second Generation Antijam Tactical ultra-high frequency (UHF) Radio for NATO (SATURN), which employ cryptographic

technology. Other waveforms may be included as needed.

4. The KG–250 in-line network encryptor offers foreign interoperability and programmable information assurance. This device is a high-speed IP network encryptor.

5. The KY–100M is a cryptographic-modernized lightweight terminal for secure voice and data communications. The KY–100M provides wideband/narrowband half-duplex communication. Operating in tactical ground, marine, and airborne applications, the KY–100M enables secure communication with a broad range of radio and satellite equipment.

6. The KIV–77 is a cryptographic applique for Identification Friend or Foe (IFF). It can be loaded with Mode 5 classified elements.

7. The AN/PYQ–10C Simple Key Loaders is a handheld device used for securely receiving, storing, and transferring data between compatible cryptographic and communications equipment.

8. The highest level of classification of defense articles, components, and services included in this potential sale is TOP SECRET.

9. 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.

10. A determination has been made that Italy 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.

11. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Italy.

[FR Doc. 2025–20503 Filed 11–20–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE**Office of the Secretary**

[Transmittal No. 24–78]

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) 695-6523, 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 24-78, Policy Justification, and Sensitivity of Technology.

Dated: November 18, 2025.

Stephanie J. Bost,

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 6, 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. 24-78, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of the Netherlands for defense articles and services estimated to cost \$691 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. 24-78

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 *	\$591.7 million
Other	\$ 99.3 million
TOTAL	\$691.0 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Two hundred forty-six (246) AIM-9X Sidewinder Block II tactical missiles

Six (6) AIM-9X Block II Sidewinder captive air training missiles (CATM)

Two (2) AIM-9X Block II Sidewinder special air training missiles (NATM)

Fourteen (14) AIM-9X Block II

Sidewinder tactical guidance units
Two (2) AIM-9X Block II Sidewinder CATM guidance units

Non-MDE:

Also included are missile containers; spares; personnel training and training equipment; classified and unclassified publications and technical documents; warranties; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

- (iv) *Military Department*: Navy (NE–P–AGQ)
- (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*: September 6, 2024
- * as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

The Netherlands—AIM–9X Sidewinder Block II Missiles

The Government of the Netherlands has requested to buy two hundred forty-six (246) AIM–9X Sidewinder Block II tactical missiles; six (6) AIM–9X Block II sidewinder captive air training missiles (CATM); two (2) AIM–9X Block II Sidewinder special air training missiles; fourteen (14) AIM–9X Block II Sidewinder tactical guidance units; and two (2) AIM–9X Block II Sidewinder CATM guidance units. Also included are missile containers; spares; personnel training and training equipment; classified and unclassified publications and technical documents; warranties; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total program cost is \$691 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States (U.S.) 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' capability to meet current and future threats and enhance interoperability with the U.S. and other NATO members. The Netherlands will have no difficulty absorbing these weapons 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 the Netherlands; however, U.S. Government Engineering and Technical Services may be required on an interim basis for training and technical assistance.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24–78

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–9X Block II Sidewinder missile represents a substantial increase in performance over the AIM–9M and replaces the AIM–9X Block I missile configuration. The missile includes a high off-boresight seeker, enhanced countermeasure rejection capability, a low drag/high angle of attack airframe and the ability to integrate the Helmet Mounted Cueing System. The most current AIM–9X Block II operational flight software developed for all international partner countries and authorized by U.S. export policy provides fifth-generation infrared missile capabilities such as Lock-On-After-Launch, Weapons Data Link, surface attack, and surface launch. No software source code or algorithms will be released.

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 Netherlands 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 Netherlands.

[FR Doc. 2025–20513 Filed 11–20–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–81]

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 24–81 and Policy Justification.

Dated: November 18, 2025.

Stephanie J. Bost,

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 16, 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. 24-81, concerning the Air Force'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 \$228 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

BILLING CODE 6001-FR-C

Transmittal No. 24-81

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	\$228 million

TOTAL \$228 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:

Return, repair, and reshipment of classified and unclassified spare parts for aircraft and related equipment; United States (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 (TW-D-MBO)

(v) *Prior Related Cases, if any:* TW-D-MBH

(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 16, 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—Return, Repair, and Reshipment of Spare Parts

The Taipei Economic and Cultural Representative Office in the U.S. (TECRO) has requested to buy return, repair, and reshipment of classified and unclassified spare parts for aircraft and related equipment; 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 \$228 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 return, repair and reshipment of spare parts will be transferred from U.S. Government stock. 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 the recipient.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2025-20512 Filed 11-20-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-101]

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.rsrgmt.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 24-101, Policy Justification, and Sensitivity of Technology.

Dated: November 18, 2025.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY

2800 Defense Pentagon
Washington, DC 20301-2800

October 7, 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. 24-101, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of India for defense articles and services estimated to cost \$175 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

A handwritten signature of Michael F. Miller, written in dark ink, is located below the word "Sincerely,".

Michael F. Miller
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 24–101

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 India

(ii) *Total Estimated Value*:

Major Defense Equipment * ..	\$100 million
Other	\$ 75 million

TOTAL	\$175 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase*:

Major Defense Equipment (MDE):

Fifty-three (53) MK 54 MOD 0

Lightweight Torpedo all up rounds

Non-Major Defense Equipment:

The following non-MDE items will also be included: Recoverable Exercise Torpedoes (REXTORP); air launch accessories; classified and unclassified torpedo spare parts; torpedo containers; torpedo support equipment, including test equipment and tools; torpedo support services; classified and unclassified books and other publications; other technical assistance, including technical support, technical program management, infrastructure support, test equipment sustainment, exercise firing assistance, contract management, and initial follow-on-technical support (FOTS); in-country torpedo training; related equipment and services; and other related elements of logistics and program support.

(iv) *Military Department*: Navy (IN–P–ABV)

(v) *Prior Related Cases, if any*: IN–P–AAR

(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*: October 7, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

India—MK 54 MOD 0 Lightweight Torpedoes

The Government of India has requested to buy fifty-three (53) MK 54 MOD 0 Lightweight Torpedo all up rounds. The following non-MDE items will also be included: Recoverable Exercise Torpedoes (REXTORP); air launch accessories; classified and unclassified torpedo spare parts;

torpedo containers; torpedo support equipment, including test equipment and tools; torpedo support services; classified and unclassified books and other publications; other technical assistance, including technical support, technical program management, infrastructure support, test equipment sustainment, exercise firing assistance, contract management, and initial follow-on-technical support (FOTS); in-country torpedo training; related equipment and services; and other related elements of logistics and program support. The estimated total cost is \$175 million.

This proposed sale will support the foreign policy and national security objectives of the United States (U.S.) by helping to strengthen the U.S.-India strategic relationship and improving the security of a major defense partner which continues to be an important force for political stability, peace, and economic progress in the Indo-Pacific and South Asia regions.

The proposed sale will improve India's capability to meet current and future threats by increasing the size of its anti-submarine weapons stockpile for its MH–60R helicopters. The Indian Navy already possesses MK 54 MOD 0 Lightweight Torpedoes and 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.

A majority of the lightweight torpedo's hardware will be purchased directly from U.S. Navy stock. There is no known offset agreement proposed in connection with this potential sale.

Implementation of this proposed sale may require the temporary assignment of an estimated 12 U.S. Government and 1 contractor representative to India per year, on an interim basis, for training and technical assistance, after case implementation.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24–101

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 MK 54 MOD 0 Lightweight Torpedo is a conventional torpedo that can be launched from surface ships and rotary and fixed wing aircraft. It is an upgrade from the MK 46 torpedo and has modernized sonar and guidance and control systems. The new guidance and

control system uses a mixture of commercial-off-the-shelf and custom-built electronics. The warhead, fuel tank, and propulsion system from the MK 46 torpedo are re-used in the MK 54 MOD 0 configuration with minor modifications.

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 or 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 India 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 are authorized for release and export to the Government of India.

[FR Doc. 2025–20502 Filed 11–20–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF EDUCATION

Accrediting Agencies Currently Undergoing Review for the Purpose of Recognition by the U.S. Secretary of Education

AGENCY: U.S. Department of Education, Office of Postsecondary Education.

ACTION: Call for written third-party comments.

SUMMARY: This notice provides information to members of the public on submitting written comments for accrediting agencies currently undergoing review for the purpose of recognition by the Secretary of Education.

DATES: Comments must be received on or before 30 days from publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Elizabeth Daggett, Director, Accreditation Group, Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue SW, fifth floor, Washington, DC 20202, telephone: (202) 453–7615, or email: elizabeth.daggett@ed.gov.

SUPPLEMENTARY INFORMATION: This request for written third-party

comments concerning the performance of accrediting agencies under review by the Secretary of Education is required by Section 496(n)(1)(A) of the Higher Education Act of 1965, as amended, 20 U.S.C. 1001, *et seq.* (HEA), and pertains to the first meeting in 2027 of the National Advisory Committee on Institutional Quality and Integrity (NACIQI). The meeting date will be announced in a later **Federal Register** notice and will describe how to register to provide oral comments at the meeting. Written comments submitted in response to this **Federal Register** notice must be submitted to the electronic mail address identified below on or before the comment due date.

Agencies Under Review and Evaluation: The Department requests written comments from the public on the following accrediting agencies, which are currently undergoing review and evaluation by the Accreditation Group, and which will be reviewed at the first 2027 NACIQI meeting.

The agencies are listed by the type of application each agency has submitted. Please note, each agency's current scope of recognition is indicated below. If any agency requested to expand its scope of recognition, both the current scope of recognition and the requested scope of recognition are identified below.

Applications for Renewal of Recognition

1. American Podiatric Medical Association, Council on Podiatric Medical Education. Scope of Recognition: The accreditation and preaccreditation of freestanding colleges of podiatric medicine and programs of podiatric medicine, including first professional programs leading to the degree of Doctor of Podiatric Medicine and education offered via distance education. Geographic Area of Accrediting Activities: Throughout the United States.

2. Commission on English Language Program Accreditation. Scope of Recognition: The accreditation of postsecondary, non-degree-granting English language programs and institutions including those programs offered via distance education. Geographic Area of Accrediting Activities: Throughout the United States.

3. Council on Chiropractic Education, Commission on Accreditation. Scope of Recognition: The accreditation of programs leading to the Doctor of Chiropractic degree, including those programs offered via distance education. Geographic Area of Accrediting Activities: Throughout the United States.

4. Joint Review Committee on Education in Radiologic Technology. Scope of Recognition: The accreditation of educational programs in radiography, magnetic resonance, radiation therapy, and medical dosimetry, including those offered via distance education, at the certificate, associate, and baccalaureate levels. Geographic Area of Accrediting Activities: Throughout the United States.

Compliance Reports

1. Accrediting Council for Continuing Education and Training. Scope of Recognition: The accreditation of institutions of higher education that offer continuing education and vocational programs that confer certificates or occupational associate degrees, including those programs offered via distance education. Geographic Area of Accrediting Activities: Throughout the United States.

2. American Veterinary Medical Association, Council on Education. Scope of Recognition: The accreditation and preaccreditation ("Provisional Accreditation") of programs leading to professional degrees (D.V.M. or V.M.D.) in veterinary medicine, including those offered via distance education. Geographic Area of Accrediting Activities: Throughout the United States.

3. National Association of Schools of Dance, Commission on Accreditation. Scope of Recognition: The accreditation of freestanding institutions that offer dance and dance-related programs (both degree and non-degree-granting), including those offered via distance education. Geographic Area of Accrediting Activities: Throughout the United States.

4. National Association of Schools of Music, Commission on Accreditation. Scope of Recognition: The accreditation of freestanding institutions that offer music and music-related programs (both degree and non-degree-granting) including those offered via distance. This recognition also extends to the Commission on Community College Accreditation. Geographic Area of Accrediting Activities: Throughout the United States.

5. National Association of Schools of Theatre, Commission on Accreditation. Scope of Recognition: The accreditation of freestanding institutions that offer theatre and theatre-related programs (both degree and non-degree-granting), including those offered via distance education. Geographic Area of Accrediting Activities: Throughout the United States.

Submission of Written Comments Regarding a Specific Accrediting Agency or State Agency Under Review

Written comments in response to this **Federal Register** notice about the recognition of any of the accrediting agencies listed above must be received on or before the comment due date, in the *ThirdPartyComments@ed.gov* mailbox. Please include in the subject line "Written Comments: (agency name)." The electronic mail (email) must include the name(s), title, organization/affiliation, mailing address, email address, and telephone number of the person(s) making the comment. Comments should be submitted as a PDF, Microsoft Word document, or in a medium compatible with Microsoft Word that is attached to an email or provided in the body of an email message. Comments about an agency that has submitted a compliance report scheduled for review by the Department must relate to the criteria for recognition cited in the senior Department official's letter that requested the report, or in the Secretary's appeal decision, if any. Comments about an agency that has submitted a petition for initial recognition, renewal of recognition, or an expansion of scope must relate to the agency's compliance with the Criteria for the recognition of Accrediting Agencies, which are available at: <https://www2.ed.gov/admins/finaid/accred/index.html>.

Only written materials submitted by the deadline to the email address listed in this notice, and in accordance with these instructions, become part of the official record concerning agencies scheduled for review and are considered by the Department and NACIQI in their deliberations. Comments about the agencies listed in this **Federal Register** notice may also be provided orally at the first 2027 NACIQI meeting, which has not yet been scheduled, but which will be announced in a future **Federal Register** notice.

Electronic Access to this Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: www.gpo.gov/fdsys. At this site, you can view this document, as well as all other documents of the Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site. You may also access documents of the Department

published in the **Federal Register** by using the article search feature at: www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Authority: 20 U.S.C. 1099b; 20 U.S.C. 1011c.

David Barker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 2025–20599 Filed 11–20–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–0515]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Guaranty Agency Financial Report

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before December 22, 2025.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link www.reginfo.gov/public/do/PRAMain to access the site. Find this information collection request (ICR) by selecting “Department of Education” under “Currently Under Review,” then check the “Only Show ICR for Public Comment” checkbox. Reginfo.gov provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the “View Information Collection (IC) List” link. Supporting statements and other supporting documentation may be found by clicking on the “View Supporting Statement and Other Documents” link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carolyn Rose, (202) 453–5967.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the

following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Guaranty Agency Financial Report.

OMB Control Number: 1845–0026.

Type of Review: Extension without change of a currently approved ICR.

Respondents/Affected Public: Private Sector; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 143.

Total Estimated Number of Annual Burden Hours: 7,865.

Abstract: The Department of Education (ED) is requesting renewal by extension of the information collection 1845–0026 for the Guaranty Agency Financial Report. There has been no change to the underlying statute or regulations.

The Guaranty Agency Financial Report is used by a guaranty agency to request payments of reinsurance for defaulted student loans; make payments for amounts due to ED, for collections on default and lender of last resort loan (default) claims on which reinsurance has been paid and for refunding amounts previously paid for reinsurance claims. The form is also used to determine required reserve levels for agencies; and to collect debt information as required for the “Report on Accounts and Loans Receivable Due from the Public,” SF 220–9 (Schedule 9 Report) as required by the U.S. Department of Treasury.

Brian Fu,

Program and Management Analyst, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2025–20639 Filed 11–20–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–0516]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Lender’s Request for Payment of Interest and Special Allowance—LaRS

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before December 22, 2025.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link www.reginfo.gov/public/do/PRAMain to access the site. Find this information collection request (ICR) by selecting “Department of Education” under “Currently Under Review,” then check the “Only Show ICR for Public Comment” checkbox. Reginfo.gov provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the “View Information Collection (IC) List” link. Supporting statements and other supporting documentation may be found by clicking on the “View Supporting Statement and Other Documents” link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carolyn Rose, (202) 453–5967.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Lender's Request for Payment of Interest and Special Allowance—LaRS.

OMB Control Number: 1845–0013.

Type of Review: Extension without change of a currently approved ICR.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 1,160.

Total Estimated Number of Annual Burden Hours: 2,827.

Abstract: The Department of Education (the Department) is submitting the Lender's Interest and Special Allowance Request & Report, ED Form 799 for extension of the current OMB approval. The information collected on the ED Form 799 is needed to pay interest and special allowance to holders of Federal Family Education Loans, for internal financial reporting, budgetary projections, and for audit and lender reviews by the Department, Servicers, External Auditors and Government Accountability Office (GAO).

The legal authority for collecting this information is Title IV, Part B of the Higher Education Act of 1965, as amended by the Higher Education Reconciliation Act of 2005 ("the HERA"), (Pub. L. 109–171). The Department is requesting the continual approval for regulatory sections 682.304 and 682.414.

Brian Fu,

Program and Management Analyst, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2025–20640 Filed 11–20–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–0449]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Loan Cancellation in the Federal Perkins Loan Program

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a reinstatement without change of a previously approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before December 22, 2025.

ADDRESSES: Written comments and recommendations for proposed

information collection requests should be submitted within 30 days of publication of this notice. Click on this link www.reginfo.gov/public/do/PRAMain to access the site. Find this information collection request (ICR) by selecting "Department of Education" under "Currently Under Review," then check the "Only Show ICR for Public Comment" checkbox. Reginfo.gov provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the "View Information Collection (IC) List" link. Supporting statements and other supporting documentation may be found by clicking on the "View Supporting Statement and Other Documents" link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carolyn Rose, (202) 453–5967.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Loan Cancellation in the Federal Perkins Loan Program.

OMB Control Number: 1845–0100.

Type of Review: Reinstatement without change of a previously approved ICR.

Respondents/Affected Public: Private Sector; Individuals or Households; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 116,872.

Total Estimated Number of Annual Burden Hours: 43,832.

Abstract: This is a request for a reinstatement without change of a previously approved collection for the record keeping requirements contained in 34 CFR 674.53, 674.56, 674.57, 674.58 and 674.59. The information collections in these regulations are necessary to determine Federal Perkins Loan (Perkins Loan) Program borrower's eligibility to receive program benefits and to prevent fraud and abuse of

program funds. There has been no change to the regulatory requirements.

Brian Fu,

Program and Management Analyst, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2025–20641 Filed 11–20–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–0646]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Student Assistance General Provisions—Student Right To Know (SRK)

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before December 22, 2025.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link www.reginfo.gov/public/do/PRAMain to access the site. Find this information collection request (ICR) by selecting "Department of Education" under "Currently Under Review," then check the "Only Show ICR for Public Comment" checkbox. Reginfo.gov provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the "View Information Collection (IC) List" link. Supporting statements and other supporting documentation may be found by clicking on the "View Supporting Statement and Other Documents" link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carolyn Rose, (202) 453–5967.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate;

(4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Student Assistance General Provisions—Student Right to Know (SRK).

OMB Control Number: 1845–0004.

Type of Review: Extension without change of a currently approved ICR.

Respondents/Affected Public: Private Sector; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 31,971.

Total Estimated Number of Annual Burden Hours: 24,016.

Abstract: Section 485 of the Higher Education Act of 1965, as amended (HEA) authorizes the administration of the Student Right-to-Know (SRK) regulations. These regulations are in 34 CFR 668.41 and 668.45 and relate to the retention, placement and post-graduate study by students at an institution.

Brian Fu,

Program and Management Analyst, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2025–20642 Filed 11–20–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[GDO Docket No. EA–410–C]

Application for Renewal of Authorization To Export Electric Energy; CWP Energy, Inc.

AGENCY: Grid Deployment Office, Department of Energy.

ACTION: Notice of application.

SUMMARY: CWP Energy, Inc. (the Applicant or CWP Energy) has applied for renewal of its authorization to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before December 22, 2025.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to Electricity.Exports@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT: Marina Fennel, (240) 702–6156, Electricity.Exports@hq.doe.gov.

SUPPLEMENTARY INFORMATION: The United States Department of Energy (DOE) regulates electricity exports from the United States to foreign countries in accordance with section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and regulations thereunder (10 CFR 205.300 *et seq.*). Sections 301(b) and 402(f) of the DOE Organization Act (42 U.S.C. 7151(b) and 7172(f)) transferred this regulatory authority, previously exercised by the now-defunct Federal Power Commission, to DOE.

Section 202(e) of the FPA provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export (16 U.S.C. 824a(e)). On April 10, 2023, the authority to issue such orders was delegated to the DOE's Grid Deployment Office (GDO) under Redelegation Order No. S3–DEL–GD1–2023.¹

On June 18, 2025, CWP Energy filed an application (Application or App) for renewal of export authorization to transmit electric energy from the United States to Canada for a term of five years. App. at 2.

The Applicant is a Canadian Corporation with its principal place of business in Montréal, Québec, Canada. *Id.* at 3. CWP Energy states it is a subsidiary of McGill-St. Laurent, which owns 88.4% of CWP Energy. *Id.* at 2–3. The Applicant further states CWP Energy is owned 10.03% by Investissements AFA Inc and 1.57% by Mr. Guillaume Desnoyers. *Id.* at 3. The Applicant states “CWP Energy is a [Federal Energy Regulatory Commission]-authorized power marketer engaging in the purchase and sale of physical and/or virtual energy in the Day-ahead and Real-time Markets of various Independent System Operators and Regional Transmission Organizations.” *Id.* at 3–4.

The Applicant represents that “CWP Energy will purchase power to be exported from a variety of sources” and that “such power is surplus to the system of the generator and, therefore, the electric power that CWP Energy will export on either a firm or interruptible basis will not impair the sufficiency of the electric power supply within the U.S.” App. at 5. The Applicant states that “CWP Energy will schedule its transactions with the appropriate balancing authority areas in compliance with the reliability criteria standards and guidelines established by the North American Reliability Corporation

¹ As stated in Redelegation Order No. S3–DEL–GD1–2023, nothing in the Order precludes the Secretary or the Under Secretary (for Infrastructure) from exercising any of the authority delegated by the Order.

(‘NERC’) and its member regional councils in effect at the time of the export.” *Id.* at 5. The Applicant further states “that the exports proposed by CWP Energy will not impair or tend to impede the sufficiency of electric supplies in the U.S. or the regional coordination of electric utility planning or operations.” *Id.* at 6.

The existing international transmission facilities to be utilized by the Applicant have been previously authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. See App. at Exhibit C.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at Electricity.Exports@hq.doe.gov. Protests should be filed in accordance with Rule 211 of Federal Energy Regulatory Commission’s (FERC’s) Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at Electricity.Exports@hq.doe.gov in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning CWP Energy’s Application should be clearly marked with GDO Docket No. EA–410–C. Additional copies are to be provided directly to Ruta Kalvaitis Skucas, Esq., Crowell & Moring LLP, 1001 Pennsylvania Avenue NW, Washington, DC 20004, rskucas@crowell.com, and Alain Brisebois, President, CWP Energy, 407 McGill Street, Suite 315, Montreal, PQ, H2Y 2G3, Alain@cwpenergy.com.

A final decision will be made on the requested authorization after DOE reviews the action pursuant to the National Environmental Policy Act Implementing Procedures (June 2025), including 10 CFR part 1021 and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of the United States electric power supply system.

Copies of this Application will be made available, upon request, by accessing the program website at www.energy.gov/gdo/pending-applications-0 or by emailing Electricity.Exports@hq.doe.gov.

Signing Authority: This document of the Department of Energy was signed on November 14, 2025, by Chris Wright, Secretary of Energy, U.S Department 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 19, 2025.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2025-20602 Filed 11-20-25; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

[GDO Docket No. EA-185-F]

Application for Renewal of Authorization To Export Electric Energy; Morgan Stanley Capital Group Inc.

AGENCY: Grid Deployment Office, Department of Energy.

ACTION: Notice of application.

SUMMARY: Morgan Stanley Capital Group Inc. (the Applicant or MSCG) has applied for renewal of its authorization to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before December 22, 2025.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to Electricity.Exports@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT:

Marina Fennel, (240) 702-6156, Electricity.Exports@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

The United States Department of Energy (DOE) regulates electricity exports from the United States to foreign countries in accordance with section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and regulations thereunder (10 CFR 205.300 *et seq.*). Sections 301(b) and 402(f) of the DOE Organization Act (42 U.S.C. 7151(b) and 7172(f)) transferred this regulatory authority, previously exercised by the now-defunct Federal Power Commission, to DOE.

Section 202(e) of the FPA provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export (16 U.S.C. 824a(e)). On April 10, 2023, the authority to issue such orders was delegated to the DOE's Grid Deployment

Office (GDO) under Redelegation Order No. S3-DEL-GD1-2023.¹

On June 18, 2025, MSCG filed an application (Application or App) for renewal of export authorization to transmit electric energy from the United States to Canada for a term of five years. App. at 1.

According to the Application, MSCG is a Delaware corporation with its principal place of business in New York, New York and is "an indirect, wholly-owned subsidiary of Morgan Stanley." *Id.* at 2. The applicant states that it is "a power marketer authorized by [the Federal Energy Regulatory Commission] to make wholesale power sales at market-based rates." *Id.* at 3 (internal citations omitted). MSCG represents that it "does not directly own any electric generation or transmission facilities, nor does it hold a franchise or service territory for the transmission, distribution, or sale of electric power" but that it "has rights to certain generation capacity and energy that it has purchased from third parties under long-term contracts, and is affiliated, via common upstream ownership, with certain generation owners[.]" *Id.*

The Applicant states that it "has purchased, or will purchase, the electric power that it may export, on either a firm or an interruptible basis, from wholesale generators, electric utilities, and federal power marketing agencies voluntarily, and therefore will be surplus to the needs of the selling entities. Accordingly, the proposed exports will not impair or tend to impede the sufficiency of electric power supplies in the United States or the regional coordination of electric utility planning or operations." App. at 7-8. MSCG represents that it will schedule its export transactions "with the appropriate balancing authority area in compliance with all reliability criteria, standards, and guidelines of the North American Electric Reliability Corporation and the relevant Regional Entities[.]" *Id.* at 8. The applicant also states it "does not have the ability to cause a violation of the terms and conditions in the existing authorizations associated with international transmission facilities. Specifically, MSCG does not have the ability to cause total exports on Presidential Permit facilities to exceed the authorized instantaneous transmission rate." *Id.*

The existing international transmission facilities to be utilized by the Applicant have been previously

¹ As stated in Redelegation Order No. S3-DEL-GD1-2023, nothing in the Order precludes the Secretary or the Under Secretary (for Infrastructure) from exercising any of the authority delegated by the Order.

authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. *See App.* at Attachment 1.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at Electricity.Exports@hq.doe.gov. Protests should be filed in accordance with Rule 211 of Federal Energy Regulatory Commission's (FERC's) Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at Electricity.Exports@hq.doe.gov in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning the MSCG Application should be clearly marked with GDO Docket No. EA-185-F. Additional copies are to be provided directly to Robert Scherer, Executive Director and Counsel, Morgan Stanley and Co. LLC, 1585 Broadway, 4th Floor, New York, NY 10036, Robert.C.Scherer@morganstanley.com, and Daniel E. Frank, Partner, and Allison E.S. Salvia, Counsel, Eversheds Sutherland (US) LLP, 700 Sixth St. NW, Suite 700, Washington, DC 20001-3980, danielfrank@eversheds-sutherland.com, allisonsalvia@eversheds-sutherland.com.

A final decision will be made on the requested authorization after DOE reviews the action pursuant to the National Environmental Policy Act Implementing Procedures (June 2025), including 10 CFR part 1021, and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of the United States electric power supply system.

Copies of this Application will be made available, upon request, by accessing the program website at www.energy.gov/gdo/pending-applications-0 or by emailing Electricity.Exports@hq.doe.gov.

Signing Authority

This document of the Department of Energy was signed on November 14, 2025, by Chris Wright, Secretary of Energy, U.S. Department 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 19, 2025.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2025–20603 Filed 11–20–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[GDO Docket No. EA–484–A]

Application for Renewal of Authorization To Export Electric Energy; CFE International LLC

AGENCY: Grid Deployment Office, Department of Energy.

ACTION: Notice of application.

SUMMARY: CFE International LLC (the Applicant or CFEi) has applied for renewed authorization to transmit electric energy from the United States to Mexico pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before December 22, 2025.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to Electricity.Exports@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT: Marina Fennel, (240) 702–6156, Electricity.Exports@hq.doe.gov.

SUPPLEMENTARY INFORMATION: The United States Department of Energy (DOE) regulates electricity exports from the United States to foreign countries in accordance with section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and regulations thereunder (10 CFR 205.300 *et seq.*). Sections 301(b) and 402(f) of the DOE Organization Act (42 U.S.C. 7151(b) and 7172(f)) transferred this regulatory authority, previously exercised by the now-defunct Federal Power Commission, to DOE.

Section 202(e) of the FPA provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export (16 U.S.C. 824a(e)). On April 10, 2023, the authority to issue such orders was delegated to the DOE's Grid Deployment Office (GDO) by Delegation Order No. S1–DEL–S3–2023 and Redelegation Order No. S3–DEL–GD1–2023.¹

On June 26, 2025, CFEi filed an application with DOE (Application or App.) for renewal of their export authority for an additional five-year term. App. at 2.

According to the Application, CFEi is a Delaware limited liability company that is a wholly-owned, direct subsidiary of the Comisión Federal de Electricidad, which is itself wholly owned by the Mexican Federal Government. *Id.* at 3. The Applicant states it “has received authorization from the Federal Energy Regulatory Commission . . . to sell energy, capacity, and certain ancillary services at wholesale market-based rates[.]” *Id.*

CFEi states that it “does not directly or indirectly own, operate or control any electric generation facilities, electric transmission facilities, distribution facilities, or inputs to electric power production” and is not “affiliated with an [sic] utility that has a franchised service territory in the United States.” *Id.* at 5. The Applicant further states that “[t]he electric energy that Applicant would export would be surplus energy purchased in wholesale markets” and that “proposed exports accordingly will not impair the adequacy of electric power supply within the United States[.]” *Id.* at 6–7. The Applicant states that “[t]he requested authorization will not impede or tend to impede regional coordination of electric utility planning or operation” and that it “will make all necessary commercial arrangements and will obtain any and all other regulatory approval required in order to carry out any power exports.” *Id.* at 7.

The existing international transmission facilities to be utilized by the Applicant have been previously authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. *See* App. at Exhibit C.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at Electricity.Exports@hq.doe.gov. Protests should be filed in accordance with Rule 211 of FERC's Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at Electricity.Exports@hq.doe.gov in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning CFEi's Application should

be clearly marked with GDO Docket No. EA–484–A. Additional copies are to be provided directly to Juan Esteban Corro Jalpa, CFE International LLC, 825 Town & Country Lane, Houston, TX 77024, juan.corro@cfeinternational.com; Sarah Tucker and Keturah A. Brown, Sidley Austin LLP, 1501 K Street NW, Washington, DC 20005, stucker@sidley.com, keturah.brown@sidley.com.

A final decision will be made on the requested authorization after DOE reviews the action pursuant to the National Environmental Policy Act Implementing Procedures (June 2025), including 10 CFR part 1021, and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of the United States electric power supply system.

Copies of this Application will be made available, upon request, by accessing the program website at www.energy.gov/gdo/pending-applications-0 or by emailing Electricity.Exports@hq.doe.gov.

Signing Authority

This document of the Department of Energy was signed on November 14, 2025, by Chris Wright, Secretary of Energy, U.S. Department 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 19, 2025.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2025–20604 Filed 11–20–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[GDO Docket No. EA–526]

Application for Authorization To Export Electric Energy; Enel Trading North America, LLC

AGENCY: Grid Deployment Office, Department of Energy.

ACTION: Notice of application.

SUMMARY: Enel Trading North America, LLC (the Applicant or ETNA) has

¹ As stated in Redelegation Order No. S3–DEL–GD1–2023, nothing in the Order precludes the

Secretary or the Under Secretary (for Infrastructure) from exercising any of the authority delegated by the Order.

applied for authorization to transmit electric energy from the United States to Mexico pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before December 22, 2025.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to Electricity.Exports@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT:

Marina Fennel, (240) 702-6156, Electricity.Exports@hq.doe.gov.

SUPPLEMENTARY INFORMATION: The United States Department of Energy (DOE) regulates electricity exports from the United States to foreign countries in accordance with section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and regulations thereunder (10 CFR 205.300 *et seq.*). Sections 301(b) and 402(f) of the DOE Organization Act (42 U.S.C. 7151(b) and 7172(f)) transferred this regulatory authority, previously exercised by the now-defunct Federal Power Commission, to DOE.

Section 202(e) of the FPA provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export (16 U.S.C. 824a(e)). On April 10, 2023, the authority to issue such orders was delegated to the DOE's Grid Deployment Office (GDO) under Redellegation Order No. S3-DEL-GD1-2023.

On June 5, 2025, ETNA filed an application (Application or App.) for authorization to transmit electric energy from the United States to Mexico for a term of five years. App. at 1. The application filed is for a new export authorization, following the applicant's notification to the DOE of the expiration of the applicant's previous EA-460 on November 19, 2023.

According to the Application, ETNA is a power marketer located in Andover, Massachusetts. App. at 1. ETNA states that it is "a wholly owned subsidiary of Enel Green Power North America, Inc., a Delaware corporation[.]" *Id.* ETNA represents that the Federal Energy Regulatory Commission (FERC) "authorized ETNA to engage in the sale of energy, capacity, and ancillary services at market-based rates." *Id.* at 1-2.

The Applicant states that it "is not a franchised public utility with transmission or distribution systems and does not have captive customers." App. at 1. ETNA further states that the electricity exported "would be surplus energy purchased in wholesale markets using bilateral, voluntary transactions."

App. at 3. The Applicant thus asserts that "any such energy would be surplus to the needs of the relevant system, and the export . . . would not impair the adequacy of electric power supply within the United States[.]" *Id.* at 3-4.

ETNA further asserts that it "will not impede or tend to impede regional coordination of electric utility planning or operations." App. at 4. The Applicant "agrees to abide by the export limits contained in the relevant authorization of any transmission facility over which it exports energy to Mexico." *Id.* The Applicant states that its export transactions "will be completed using all applicable procedures and/or market structures and coordinated with relevant parties as required pursuant to the reliability standards and market rules as implemented by [the North American Electric Reliability Corporation], FERC and all affected transmission operators." *Id.* at 5.

The existing international transmission facilities to be utilized by the Applicant have been previously authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. *See* App. at Exhibit C.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at Electricity.Exports@hq.doe.gov. Protests should be filed in accordance with Rule 211 of FERC's Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at Electricity.Exports@hq.doe.gov in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning ETNA's Application should be clearly marked with GDO Docket No. EA-526. Additional copies are to be provided directly to General Counsel, Enel North America, Inc. 100 Brickstone Square, Suite 300, Andover, MA 01810, generalcounsel@enel.com.

A final decision will be made on the requested authorization after DOE reviews the action pursuant to the National Environmental Policy Act Implementing Procedures (June 2025), including 10 CFR part 1021, and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of the United States electric power supply system.

Copies of this Application will be made available, upon request, by accessing the program website at [https://www.energy.gov/gdo/pending-](https://www.energy.gov/gdo/pending-applications-0)

[applications-0](mailto:Electricity.Exports@hq.doe.gov) or by emailing Electricity.Exports@hq.doe.gov.

Signing Authority

This document of the Department of Energy was signed on November 14, 2025, by Chris Wright, 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 19, 2025.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2025-20605 Filed 11-20-25; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice Of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG26-55-000.

Applicants: Enbridge Solar (Sequoia II), LLC.

Description: Enbridge Solar (Sequoia II), LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 11/18/25.

Accession Number: 20251118-5128.

Comment Date: 5 p.m. ET 12/9/25.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10-1338-005.

Applicants: Southern Indiana Gas and Electric Company, Inc.

Description: Second Supplement to 12/28/2023, Triennial Market Power Analysis for Central Region of Southern Indiana Gas and Electric Company, Inc.

Filed Date: 11/17/25.

Accession Number: 20251117-5225.

Comment Date: 5 p.m. ET 12/8/25.

Docket Numbers: ER25-2818-001.

Applicants: Adelite Solar, LLC.

Description: Notice of Non-Material Change in Status of Adelite Solar, LLC.

Filed Date: 11/18/25.

Accession Number: 20251118–5161.
Comment Date: 5 p.m. ET 12/9/25.
Docket Numbers: ER25–2819–001.
Applicants: Ruby Solar, LLC.
Description: Notice of Non-Material Change in Status of Ruby Solar, LLC.
Filed Date: 11/18/25.
Accession Number: 20251118–5157.
Comment Date: 5 p.m. ET 12/9/25.
Docket Numbers: ER26–442–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Amendment of WMPA, SA No. 7764; NC–005 to be effective 1/18/2026.
Filed Date: 11/18/25.
Accession Number: 20251118–5100.
Comment Date: 5 p.m. ET 12/9/25.
Docket Numbers: ER26–535–000.
Applicants: Greenswitch Wind, LLC.
Description: Request for Limited and Prospective Waiver, et al. of RWE Clean Energy, LLC.
Filed Date: 11/17/25.
Accession Number: 20251117–5290.
Comment Date: 5 p.m. ET 12/8/25.
Docket Numbers: ER26–537–000.
Applicants: Hardin Solar Energy III LLC.
Description: § 205(d) Rate Filing: Notice of Cancellation and Certificate of Concurrence to be effective 12/10/2025.
Filed Date: 11/18/25.
Accession Number: 20251118–5080.
Comment Date: 5 p.m. ET 12/9/25.
Docket Numbers: ER26–538–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: Appendix IX-Att. 2 of TOT, SCE Revisions to Address FERC Order 898 to be effective 1/1/2026.
Filed Date: 11/18/25.
Accession Number: 20251118–5102.
Comment Date: 5 p.m. ET 12/9/25.
Docket Numbers: ER26–539–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: 2025–11–18–PLGIA—Towner Wind—879–0.0.0 to be effective 10/19/2025.
Filed Date: 11/18/25.
Accession Number: 20251118–5145.
Comment Date: 5 p.m. ET 12/9/25.
Docket Numbers: ER26–540–000.
Applicants: Otter Tail Power Company.
Description: Tariff Amendment: Notice of Termination of TSSA for Brookings Project to be effective 1/18/2026.
Filed Date: 11/18/25.
Accession Number: 20251118–5155.
Comment Date: 5 p.m. ET 12/9/25.
Docket Numbers: ER26–541–000.
Applicants: PVS 2, LLC.
Description: Initial Rate Filing: Application for Market Based Rate to be effective 1/1/2026.

Filed Date: 11/18/25.
Accession Number: 20251118–5182.
Comment Date: 5 p.m. ET 12/9/25.
Docket Numbers: ER26–542–000.
Applicants: Green River Energy Center, LLC.
Description: Initial Rate Filing: Application for Market Based Rate to be effective 1/1/2026.
Filed Date: 11/18/25.
Accession Number: 20251118–5190.
Comment Date: 5 p.m. ET 12/9/25.
Docket Numbers: ER26–543–000.
Applicants: Appalachian Power Company.
Description: § 205(d) Rate Filing: APCo-Ramble Wind (Top Hat) SFA to be effective 11/19/2025.
Filed Date: 11/18/25.
Accession Number: 20251118–5192.
Comment Date: 5 p.m. ET 12/9/25.
Take notice that the Commission received the following public utility holding company filings:
Docket Numbers: PH26–2–000.
Applicants: Consumers Energy Company.
Description: CMS Energy Corporation submits FERC 65–B Notice of Change in Fact to Waiver Notification.
Filed Date: 11/17/25.
Accession Number: 20251117–5285.
Comment Date: 5 p.m. ET 12/8/25.
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, services, 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 18, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–20565 Filed 11–20–25; 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: RP26–197–000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: TETLP Non-Conforming Agreement—PSEG 911938 to be effective 12/17/2025.

Filed Date: 11/17/25.

Accession Number: 20251117–5175.

Comment Date: 5 p.m. ET 12/1/25.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: PR25–68–002.

Applicants: Black Hills/Kansas Gas Utility Company, LLC.

Description: § 284.123 Rate Filing: BHKG 2nd Amended SOC Filing to be effective 8/1/2025.

Filed Date: 11/14/25.

Accession Number: 20251114–5236.

Comment Date: 5 p.m. ET 12/5/25.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/>

docs-filing/efiling/filing-req.pdf. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

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Dated: November 18, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025-20566 Filed 11-20-25; 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: RP25-71-000.
Applicants: Mid Continent Market Center, L.L.C.
Description: § 284.123(g) Rate Filing: MCMC 2025 Periodic Rate Review to be effective 10/1/2025.
Filed Date: 9/29/25.
Accession Number: 20250929-5111.
Comment Date: 5 p.m. ET 10/20/25.
§ 284.123(g) Protest: 5 p.m. ET 11/28/25.
Docket Numbers: RP25-1168-000.
Applicants: Alliance Pipeline L.P.
Description: § 4(d) Rate Filing: APL 2025 Fuel Filing to be effective 11/1/2025.
Filed Date: 9/29/25.
Accession Number: 20250929-5150.
Comment Date: 5 p.m. ET 10/14/25.
Docket Numbers: RP25-1169-000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Compliance filing: AGT September 2025 OFO Penalty Disbursement Report to be effective N/A.
Filed Date: 9/29/25.
Accession Number: 20250929-5164.
Comment Date: 5 p.m. ET 10/14/25.
Docket Numbers: RP25-1170-000.
Applicants: Southern Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: SNG NRA Filing—September 2025 to be effective 10/1/2025.

Filed Date: 9/29/25.

Accession Number: 20250929-5170.

Comment Date: 5 p.m. ET 10/14/25.

Docket Numbers: RP25-1171-000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement (Eco Energy Update Nov 25 #617531-FT1EPNG) to be effective 11/1/2025.

Filed Date: 9/29/25.

Accession Number: 20250929-5186.

Comment Date: 5 p.m. ET 10/14/25.

Docket Numbers: RP25-1172-000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (Hartree Oct 25) to be effective 10/1/2025.

Filed Date: 9/29/25.

Accession Number: 20250929-5196.

Comment Date: 5 p.m. ET 10/14/25.

Docket Numbers: RP25-1173-000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Agreements Update (Semptra Oct 2025) to be effective 10/1/2025.

Filed Date: 9/29/25.

Accession Number: 20250929-5231.

Comment Date: 5 p.m. ET 10/14/25.

Docket Numbers: RP25-1174-000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Agreements Filing (SWG Morgan Stanley) to be effective 11/1/2025.

Filed Date: 9/29/25.

Accession Number: 20250929-5237.

Comment Date: 5 p.m. ET 10/14/25.

Docket Numbers: RP25-1175-000.

Applicants: Equitrans, L.P.

Description: § 4(d) Rate Filing: Formula Based Negotiated Rate—10/1/2025 Update to be effective 10/1/2025.

Filed Date: 9/30/25.

Accession Number: 20250930-5010.

Comment Date: 5 p.m. ET 10/14/25.

Docket Numbers: RP25-1176-000.

Applicants: Equitrans, L.P.

Description: § 4(d) Rate Filing: Negotiated Rate Agreements—10/1/2025 to be effective 10/1/2025.

Filed Date: 9/30/25.

Accession Number: 20250930-5011.

Comment Date: 5 p.m. ET 10/14/25.

Docket Numbers: RP25-1177-000.

Applicants: Eastern Gas Transmission and Storage, Inc.

Description: § 4(d) Rate Filing: EGTS—2025 Annual EPCA to be effective 11/1/2025.

Filed Date: 9/30/25.

Accession Number: 20250930-5042.

Comment Date: 5 p.m. ET 10/14/25.

Docket Numbers: RP25-1178-000.

Applicants: Eastern Gas Transmission and Storage, Inc.

Description: § 4(d) Rate Filing: EGTS—2025 Annual TCRA to be effective 11/1/2025.

Filed Date: 9/30/25.

Accession Number: 20250930-5043.

Comment Date: 5 p.m. ET 10/14/25.

Docket Numbers: RP25-1179-000.

Applicants: Eastern Gas Transmission and Storage, Inc.

Description: § 4(d) Rate Filing: EGTS—25.09.30 Nonconforming Agreement to be effective 11/1/2025.

Filed Date: 9/30/25.

Accession Number: 20250930-5044.

Comment Date: 5 p.m. ET 10/14/25.

Docket Numbers: RP25-1180-000.

Applicants: Carolina Gas Transmission, LLC.

Description: § 4(d) Rate Filing: CGT—2025 FRQ and TDA Report to be effective 11/1/2025.

Filed Date: 9/30/25.

Accession Number: 20250930-5045.

Comment Date: 5 p.m. ET 10/14/25.

Docket Numbers: RP25-1181-000.

Applicants: Enable Mississippi River Transmission, LLC.

Description: § 4(d) Rate Filing: 2025 MRT Annual Fuel Filing to be effective 11/1/2025.

Filed Date: 9/30/25.

Accession Number: 20250930-5046.

Comment Date: 5 p.m. ET 10/14/25.

Docket Numbers: RP25-1182-000.

Applicants: Panhandle Eastern Pipe Line Company, LP.

Description: § 4(d) Rate Filing: Fuel Filing on 9-30-25 to be effective 11/1/2025.

Filed Date: 9/30/25.

Accession Number: 20250930-5048.

Comment Date: 5 p.m. ET 10/14/25.

Docket Numbers: RP25-1183-000.

Applicants: Rover Pipeline LLC.

Description: § 4(d) Rate Filing: Fuel Filing on 9-30-25 to be effective 11/1/2025.

Filed Date: 9/30/25.

Accession Number: 20250930-5050.

Comment Date: 5 p.m. ET 10/14/25.

Docket Numbers: RP25-1184-000.

Applicants: Trunkline Gas Company, LLC.

Description: § 4(d) Rate Filing: Fuel Filing on 9-30-25 to be effective 11/1/2025.

Filed Date: 9/30/25.

Accession Number: 20250930-5055.

Comment Date: 5 p.m. ET 10/14/25.

Docket Numbers: RP25-1185-000.

Applicants: Trunkline Gas Company, LLC.

Description: Compliance filing: Annual Report of Flow Through filed 9–30–25 to be effective N/A.

Filed Date: 9/30/25.

Accession Number: 20250930–5058.

Comment Date: 5 p.m. ET 10/14/25.

Docket Numbers: RP25–1186–000.

Applicants: National Fuel Gas Supply Corporation.

Description: § 4(d) Rate Filing: Termination of Transportation Cost Adjustments (TSCA) Mechanism to be effective 10/31/2025.

Filed Date: 9/30/25.

Accession Number: 20250930–5061.

Comment Date: 5 p.m. ET 10/14/25.

Docket Numbers: RP25–1187–000.

Applicants: Enable Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Fuel Tracker Filing—Effective November 1, 2025 to be effective 11/1/2025.

Filed Date: 9/30/25.

Accession Number: 20250930–5069.

Comment Date: 5 p.m. ET 10/14/25.

Docket Numbers: RP25–1188–000.

Applicants: Natural Gas Pipeline Company of America LLC.

Description: § 4(d) Rate Filing: Non-Conforming NRA Filing—Citadel Energy Mktg. LLC to be effective 11/1/2025.

Filed Date: 9/30/25.

Accession Number: 20250930–5108.

Comment Date: 5 p.m. ET 10/14/25.

Docket Numbers: RP25–1190–000.

Applicants: MountainWest Overthrust Pipeline, LLC.

Description: § 4(d) Rate Filing: Statement of Negotiated Rates Version 21 to be effective 10/1/2025.

Filed Date: 9/30/25.

Accession Number: 20250930–5173.

Comment Date: 5 p.m. ET 10/14/25.

Docket Numbers: RP25–1191–000.

Applicants: Wyoming Interstate Company, L.L.C.

Description: Compliance filing: Operational Purchase and Sale Report 2025 to be effective N/A.

Filed Date: 9/30/25.

Accession Number: 20250930–5181.

Comment Date: 5 p.m. ET 10/14/25.

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.

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Dated: September 30, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–20617 Filed 11–20–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3071–008]

Blue Earth County; Notice of Intent To Prepare an Environmental Assessment

September 30, 2025.

On March 18, 2025,¹ and supplemented on April 24, 2025, Blue Earth County, Minnesota (exemptee) filed an application for surrender of the project exemption for the Rapidan Dam Hydroelectric Project No. 3071. The project is located on the Blue Earth River in Blue Earth County, Minnesota. The project does not occupy federal lands.

Blue Earth County proposes to surrender its project exemption and decommission the project by removing all project features including the dam and powerhouse. In June 2024, major flooding caused significant damage to project features including but not limited to the project dam's west abutment which resulted in the draining of the project reservoir. Blue Earth County has been working with federal and state resource agencies since that time on its decommissioning proposal. Along with removal of the dam and other project features, Blue Earth County proposes to reestablish the river

channel and restore the left and right riverbanks in the area of the dam. On April 2, 2025, the Commission issued a public notice for the proposed surrender, accepted the application for filing, and solicited comments, motions to intervene, and protests.

This notice identifies Commission staff's intention to prepare an environmental assessment (EA) under the National Environmental Policy Act (42 U.S.C. 4321 *et seq*) for the project.² Commission staff plans to issue an EA by April 1, 2026. Revisions to the schedule may be made as appropriate. The EA will be issued for a 30-day comment period. All comments filed on the EA will be reviewed by staff and considered in the Commission's final decision on the proceeding.

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 to 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.

Any questions regarding this notice may be directed to Diana Shannon at 202–502–6136 or diana.shannon@ferc.gov.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–20618 Filed 11–20–25; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OP–OFA–198]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–993–3272 or <https://www.epa.gov/nepa>. Weekly receipt of Environmental Impact Statements (EIS) Filed September 22, 2025 10 a.m. EST Through November 17, 2025 10 a.m. EST Pursuant to CEQ Guidance on 42 U.S.C. 4332.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other

¹ The March 18, 2025 filing supersedes the exemptee's original surrender application filed on April 14, 2023.

² The unique identification number for documents relating to this environmental review is EAXX–019–20–000–1758885949.

Federal agencies. EPA's comment letters on EISs are available at: <https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search>.

EIS No. 20250138, Draft, NRCS, IA, Clarke County Water Supply Project, Comment Period Ends: 12/22/2025, Contact: Michael Cagle 515-323-2211.

EIS No. 20250139, Final, USCG, USA, USAF, USN, HI, Hawaii-California Training and Testing, Contact: Alex Stone 808-226-3896.

EIS No. 20250140, Draft, NRC, TN, TRISO-X Special Nuclear Material License Application for a Fuel Fabrication Facility, Comment Period Ends: 12/08/2025, Contact: Jill Caverly 301-415-7674.

EIS No. 20250141, Draft, FERC, WY, Hydropower License re Seminole Pumped Storage Project, Comment Period Ends: 01/02/2026, Contact: Office of External Affairs 866-208-3372.

EIS No. 20250142, Draft, NRCS, UT, Gould Wash Flood Protection Project, Comment Period Ends: 01/05/2026, Contact: Anders Fillerup 385-245-7709.

EIS No. 20250143, Final, BLM, TN, ADOPTION—Ridgeline Expansion Project, Contact: Shayne Banks 601-919-4652.

The Bureau of Land Management (BLM) has adopted the Federal Energy Regulatory Commission's Final EIS No. 20240243 filed 12/20/2024 with the Environmental Protection Agency.

EIS No. 20250144, Final, OSM, WY, Black Butte Coal Company Federal Lease WYW-6266 Mining Plan Modification, Contact: Marcelo Calle 303-236-2929.

EIS No. 20250145, Final, BLM, UT, Lisbon Valley Mining Company Copper Mine Plan of Operations Modification Project, Contact: Jill Stephenson 435-259-2100.

EIS No. 20250146, Final, BLM, ID, Caldwell Canyon Revised Mine and Reclamation Plan, Contact: Barry Myers 208-559-3662.

EIS No. 20250147, Final, USACE, CA, Delta Conveyance Project Final Programmatic Environmental Impact Statement, Review Period Ends: 11/24/2025, Contact: Leah M. Fisher 916-557-6639.

EIS No. 20250148, Final, FHWA, GA, I-285 Top End Express Lanes, Contact: Sabrina David 404-562-3630.

EIS No. 20250149, Draft, FHWA, NC, Independence Boulevard Extension, Comment Period Ends: 01/16/2026, Contact: Clarence W. Coleman, P.E. 919-747-7014.

EIS No. 20250150, Final, USAF, CA, Authorizing Changes to the Falcon

Launch Program at Vandenberg Space Force Base, California, Contact: Hilary Rummel 805-606-3595.

EIS No. 20250151, Draft Supplement, NRC, TN, Supplemental Environmental Impact Statement for a Construction Permit at the Clinch River Nuclear Site, Comment Period Ends: 12/22/2025, Contact: Madelyn Nagel 301-415-0371.

EIS No. 20250153, Final, DOC, NY, Micron Semiconductor Manufacturing Facility, Clay, NY, Contact: David Frenkel 240-204-1960.

EIS No. 20250154, Draft Supplement, USACE, MI, Enbridge Line 5 Tunnel Project Supplemental Draft EIS—Horizontal Directional Drilling Installation Alternative, Comment Period Ends: 12/05/2025, Contact: Katie Otanez 313-226-5479.

EIS No. 20250155, Draft, FHWA, CO, I-270 Corridor Improvements Project, Comment Period Ends: 01/20/2026, Contact: Bill Schiebel 720-963-3032.

EIS No. 20250156, Draft, FHWA, MA, Cape Cod Bridges Program, Bourne, Massachusetts, Comment Period Ends: 01/05/2026, Contact: Kenneth Miller, P.E. 617-494-2164.

Dated: November 19, 2025.

Nancy Abrams,

Deputy Director, Federal Activities Division.

[FR Doc. 2025-20586 Filed 11-20-25; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

Notice of Reestablishment of Federal Accounting Standards Advisory Board Charter and Appointments Panel Charter

AGENCY: Federal Accounting Standards Advisory Board.

ACTION: Notice.

In accordance with the provisions of the Federal Advisory Committee Act, Title 5 United States Code, Chapter 10, and Title 41, Code of Federal Regulations, Section 102-3.65, notice is hereby given that the Secretary of the Treasury, the Director of the Office of Management and Budget, and the Comptroller General of the United States (the Sponsors) have agreed to reestablish the Federal Accounting Standards Advisory Board (FASAB), an advisory committee to consider and recommend accounting standards and principles for the federal government. FASAB is reestablished pursuant to the authority of Title 31 United States Code, Section 3511, as part of a continuous program for improving accounting and

financial reporting in the federal government.

Notice is also hereby given that the Sponsors have agreed to reestablish a charter for FASAB's subcommittee, called the Appointments Panel. The Appointments Panel's mission is to assist in the selection, appointment, and monitoring of special government employee members of FASAB. The Panel assists the Sponsors by recruiting and recommending individuals for appointment or reappointment of special government employee members. The panel also assists the Sponsors and FASAB in evaluating and monitoring adherence to the American Institute of Certified Public Accountants (AICPA) criteria for an entity designated as a source for generally accepted accounting principles (GAAP).

Both charters lapsed during the most recent government shutdown, necessitating a reestablishment of the charters as opposed to a renewal. The Sponsors affirm that both FASAB and the Appointments Panel are essential to the conduct of the agencies' business, are in the public interest, and the functions cannot be performed by other means.

FOR FURTHER INFORMATION CONTACT: Ms. Monica R. Valentine, Executive Director, 441 G Street NW, Suite 1155, Washington, DC 20548, or call (202) 512-7350.

(Authority: 31 U.S.C. 3511(d); Federal Advisory Committee Act, 5 U.S.C. 1001-1014.)

Dated: November 18, 2025.

Monica R. Valentine,
Executive Director.

[FR Doc. 2025-20531 Filed 11-20-25; 8:45 am]

BILLING CODE 1610-02-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-1279; FR ID 315732]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection.

Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

DATES: Written PRA comments should be submitted on or before January 20, 2026. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email PRA@fcc.gov and to nicole.ongele@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418-2991.

SUPPLEMENTARY INFORMATION: The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

OMB Control Number: 3060-1279.

Title: Connect America Fund—Alternative Connect America Cost Model (A-CAM) Voluntary Location Adjustment Process and Rural Digital Opportunity Fund (RDOF) Unreasonable Locations Process.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities, Not-for-profit institutions, Individuals or Households, and State, Local or Tribal Governments.

Number of Respondents and Responses: 115 respondents; 115 responses.

Estimated Time per Response: 5–40 hours.

Frequency of Response: One-time and on occasion reporting requirements.

Obligation to Respond: Voluntary. Statutory authority for this information collection is contained in 47 U.S.C. 151, 154(i), 155(c), 214, 254.

Total Annual Burden: 4,075 hours.

Total Annual Cost: No Cost.

Needs and Uses: This information collection addresses the requirements of Eligible Locations Adjustment Process (ELAP) that the Commission used to facilitate the post-auction review of certain Connect America Fund (CAF) Phase II Auction support recipients' defined deployment obligations (and associated support), on a state-by-state basis, in situations where the number of eligible locations within a state is less than the number of funded locations. *Connect America Fund*, WC Docket No. 10–90, Order, 38 FCC Rcd 1135 (WCB 2023); *Connect America Fund*, WC Docket Nos. 10–90 et al., Order on Reconsideration, 33 FCC Rcd 1380, 1390–92, paras. 23–28 (2018) (*Phase II Auction Reconsideration Order*); *Connect America Fund*, WC Docket No. 10–90, Order, 34 FCC Rcd 10395 (WCB 2019) (adopting rules and requirements necessary to implement this process, consistent with the parameters set forth in the *Phase II Auction Reconsideration Order* and prior Commission guidance for adjusting defined deployment obligations) (*ELAP Order*). CAF Phase II Auction support recipients' participation in this process was voluntary. On February 9, 2023, the Wireline Competition Bureau (WCB) released an order determining that each ELAP participant had met its burden of proof and modifying the obligations and support of each of these participants, on a state-by-state basis. *Connect America Fund*, WC Docket No. 10–90, Order, 38 FCC Rcd 1135 (WCB 2023) (*ELAP Resolution Order*). Accordingly, the Commission proposes to eliminate the information collection requirements related to ELAP now that ELAP has ended.

This information collection also addresses the requirements of a location adjustment process that the Commission adopted for Revised A-CAM I and A-CAM II carriers. The Commission proposes to add information collection requirements for this process. Specifically, the Commission decided that A-CAM support recipients that discover there is a widely divergent number of locations in their funded census blocks as compared to the model-estimated number of locations should have the opportunity to seek an adjustment to modify their deployment obligations. The Commission delegated to the WCB the authority to adjust the number of funded locations downward and reduce associated funding levels. *Connect America Fund et al.*, WC Docket No. 10–90 et al., Report and Order, Order and Order on Reconsideration, and Further Notice of

Proposed Rulemaking, 31 FCC Rcd 3087 (2016) (*2016 Rate-of-Return Reform Order*).

In the *High-Cost Fabric Order*, WCB adopted procedures to implement this process, including permitting Revised A-CAM I and A-CAM II carriers that have fewer locations in eligible 2010 census blocks than the carrier has supported locations pursuant to its A-CAM authorization to seek a voluntary downward adjustment in their location totals by using the Broadband Serviceable Location Fabric (Fabric) to demonstrate the actual number of locations in their service areas. The adjustment will be based on the version of the Fabric used for the Broadband Data Collection (BDC) collection as of June 30, 2026, which is expected to be released to licensees around June 2026, and carriers will have a one-time window to request such an adjustment shortly after this version of the Fabric is made available to licensees. Revised A-CAM I and A-CAM II carriers must request a downward adjustment in WC Docket No. 10–90 and can incorporate Fabric by reference when requesting this adjustment by certifying that they have reviewed the Fabric and there are fewer locations identified in the relevant version of the Fabric in the carriers' service area than the carrier's model-estimated locations total. A carrier can demonstrate that it has met the preponderance of the evidence standard by referencing the Fabric data and WCB will use the A-CAM to determine the adjusted location obligations and support amounts for such carriers. *Connect America Fund et al.*, WC Docket No. 10–90 et al., DA 25–32 (WCB Jan. 10, 2025) (*High-Cost Fabric Order*).

Moreover, the Commission proposes to add information collection requirements for a process to permit certain RDOF carriers to demonstrate that locations within their supported service area are unreasonable to serve. To account for disparities between locations on the ground and those estimated by the Connect America Cost Model and to acknowledge its confidence that the Commission would have access to more accurate location data in the next few years, the Commission directed WCB to seek comment on updated location data and publish revised location counts no later than the end of service milestone year six for RDOF carriers. The Commission also adopted a framework for how service milestones would be revised in various circumstances after WCB had published more accurate location counts. In areas where there are more locations than locations estimated by the CAM, a RDOF carrier has until the

end of the eighth calendar year to offer service to the additional locations. Such a RDOF carrier may seek to have its new location count adjusted to exclude additional locations, beyond the number identified by the CAM, that are ineligible, unreasonable to deploy to, or are part of a development that is newly built after the sixth year of support for which the cost and/or time to deploy before the end of the support term would be unreasonable. *Connect America Fund et al.*, WC Docket No. 19–126 et al., Report and Order, 35 FCC Rcd 686, 709–712, paras. 45–55 (2020).

In the *High-Cost Fabric Order*, WCB adopted procedures to implement this process. Specifically, once WCB has announced revised location totals for RDOF carriers in 2027, carriers will have six months to submit any requests to remove locations from their revised locations lists. WCB will set up a data collection system in which carriers should submit a request identifying the locations they claim are unreasonable to serve (*i.e.*, Fabric Location ID), the specific reasons why each location is unreasonable to serve, and evidence to support their claims. The Bureau may then request additional information from the carrier and other stakeholders to verify and assess the carrier's claims. WCB may request additional information to assess a carrier's claim that a location is unreasonable to serve, and a failure to submit this additional information would result in the Bureau finding that the carrier has not demonstrated that it would be unreasonable to serve the location. We therefore propose to revise this information collection.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2025–20625 Filed 11–20–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0204; FR ID 318371]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal

Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection.

Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before January 20, 2026. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email PRA@fcc.gov and to nicole.ongele@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0204.

Title: Special Eligibility Showings for Authorizations in the Public Safety Pool (47 CFR 90.20(a)(2)(v) and 90.20(a)(2)(xi)).

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households and business or other for-profit.

Number of Respondents and Responses: 2 respondents; 2 responses.
Estimated Time per Response: 0.25–0.75 hours.

Frequency of Response: One-time reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for the collections of

information is contained in Sections 154(i), 161, 303(g), 303(r), 332(c)(7).

Total Annual Burden: 1 hour.

Total Annual Cost: No Cost.

Needs and Uses: The Commission collects this information to ensure that certain non-governmental applicants applying for the use of frequencies in the Public Safety Pool meet the eligibility criteria set forth in the Commission's rules.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2025–20634 Filed 11–20–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meetings

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 90 FR 42969, September 5, 2025.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Meeting was originally scheduled for 10 a.m., on Wednesday, October 15, 2025.

CHANGES IN THE MEETING: 2 p.m., on Tuesday, December 2, 2025.

CONTACT PERSON FOR MORE INFORMATION: Rory P. Smith (202) 525–8649 / (202) 708–9300 for TDD Relay / 1–800–877–8339 for toll free.

Authority: 5 U.S.C. 552b.

Dated: November 19, 2025.

Rory P. Smith,

Attorney-Advisor.

[FR Doc. 2025–20615 Filed 11–19–25; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL TRADE COMMISSION

[File No. 251 0058]

Valvoline and Greenbriar; Analysis of Agreement Containing Consent Orders to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement; request for comment.

SUMMARY: The consent agreement in this matter settles alleged violations of Federal law prohibiting unfair methods of competition. The attached Analysis of Agreement Containing Consent Orders to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before December 22, 2025.

ADDRESSES: Interested parties may file comments online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write: “Valvoline and Greenbriar; File No. 251 0058” on your comment and file your comment online at <https://www.regulations.gov> by following the instructions on the web-based form. If you prefer to file your comment on paper, please mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H-144 (Annex L), Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Rachel Frank (202–326–2404), Mergers III Division, Bureau of Competition, Federal Trade Commission, 400 7th Street SW, Washington, DC 20024.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule § 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of 30 days. The following Analysis of Agreement Containing Consent Orders to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC website at this web address: <https://www.ftc.gov/news-events/commission-actions>.

The public is invited to submit comments on this document. For the Commission to consider your comment, we must receive it on or before December 22, 2025. Write “Valvoline and Greenbriar; File No. 251 0058” on your comment. Your comment—including your name and your State—will be placed on the public record of this proceeding, including, to the extent practicable, on the <https://www.regulations.gov> website.

Because of the agency’s heightened security screening, postal mail addressed to the Commission will be delayed. We strongly encourage you to submit your comments online through the <https://www.regulations.gov> website. If you prefer to file your comment on paper, write “Valvoline and Greenbriar; File No. 251 0058” on your comment and on the envelope, and mail your comment by overnight service to: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue

NW, Mail Stop H-144 (Annex L), Washington, DC 20580.

Because your comment will be placed on the publicly accessible website at <https://www.regulations.gov>, you are solely responsible for making sure your comment does not include any sensitive or confidential information. In particular, your comment should not include sensitive personal information, such as your or anyone else’s Social Security number; date of birth; driver’s license number or other State identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure your comment does not include sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any “trade secret or any commercial or financial information which . . . is privileged or confidential”—as provided by section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule § 4.10(a)(2), 16 CFR 4.10(a)(2)—including competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled “Confidential,” and must comply with FTC Rule § 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule § 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on <https://www.regulations.gov>—as legally required by FTC Rule § 4.9(b)—we cannot redact or remove your comment from that website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule § 4.9(c), and the General Counsel grants that request.

Visit the FTC website at <https://www.ftc.gov> to read this document and the news release describing this matter. The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments it receives on or before

December 22, 2025. For information on the Commission’s privacy policy, including routine uses permitted by the Privacy Act, see <https://www.ftc.gov/site-information/privacy-policy>.

Analysis of Agreement Containing Consent Orders to Aid Public Comment

I. Introduction

The Federal Trade Commission (“Commission”) has accepted for public comment, subject to final approval, an Agreement Containing Consent Orders (“Consent Agreement”) from Valvoline, Inc. (“Valvoline”) and Greenbriar Equity Fund V., L.P. (“Greenbriar”) (collectively, the “Respondents”). The Consent Agreement is designed to remedy the anticompetitive effects that likely would result from Valvoline’s proposed acquisition of quick lube oil change outlets from Greenbriar.

Under the terms of the proposed Decision and Order (“Order”) contained in the Consent Agreement, Respondent Valvoline must divest 45 quick lube oil change outlets in California, Idaho, Illinois, Indiana, Kentucky, Michigan, Washington and Wisconsin. Respondent Valvoline must complete the divestiture to Main Street Auto, LLC (“Main Street”) within ten days after the closing of the acquisition.

The Commission has placed the Consent Agreement on the public record for 30 days to solicit comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will review the comments received and decide whether to withdraw, modify, or make the order final.

II. The Respondents

Respondent Valvoline is a publicly traded company headquartered in Lexington, Kentucky. Valvoline operates and franchises approximately 2,000 Valvoline Instant Oil Change outlets, with locations in every State except Alaska, Hawaii, and Maine. Respondent Greenbriar is a private equity owner of Breeze Autocare (“Breeze”). Breeze owns and operates approximately 200 quick lube oil change outlets across 15 States, largely under the brand name “Oil Changers.”

III. The Proposed Acquisition

On February 17, 2025, Respondents executed a Merger Agreement for Valvoline to acquire 100 percent of capital stock related to Greenbriar’s motor oil change business for \$625 million (the “Acquisition”). The Commission’s Complaint alleges that the Acquisition, if consummated, would

violate section 7 of the Clayton Act, as amended, 15 U.S.C. 18, by substantially lessening competition for quick lube oil change services in 25 local markets in California, Idaho, Illinois, Indiana, Kentucky, Michigan, Washington, and Wisconsin. The Commission's Complaint also alleges that the Acquisition agreement is an unfair method of competition that violates section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45.

IV. The Provision of Quick Lube Oil Changes

The Commission alleges that the relevant service market in which to analyze the Acquisition is quick lube oil changes. All cars with an internal combustion engine (including hybrid cars) require routine oil changes. Quick lube oil change is a convenience service. Quick lubes reliably provide appointment-free oil changes within 30 minutes. The automotive industry recognizes quick lube distinct from other oil change services. The distinctions that set quick lube services apart include specialized outlets focused on providing fast oil changes, a limited menu of other services, and distinct pricing from other oil change providers. Quick lube outlets are designed to offer fast oil changes, typically offering drive-through capabilities that allow customers to remain in their vehicles during the service. Quick lube providers charge premium prices for the convenience they provide to customers. Quick lube oil change outlets compete on price, including coupons and discounts, convenience, service speed, and service quality.

Quick lube outlets compete most closely with other, nearby quick lubes. The Commission's Complaint alleges that geographic markets for quick lube oil changes are highly localized, based on the unique circumstances of each area and outlet. Consumers typically choose between nearby quick lube oil change outlets along their planned routes near their homes, work, or shopping destinations. The geographic market for quick lube oil changes is typically about 3 to 5 miles in radius or a 10 to 15-minute drive. However, each relevant market the Commission alleges is distinct and fact-dependent and reflects, among other things, customer preferences, commuting patterns, traffic flows, driving distances, and outlet characteristics.

The Commission alleges that the Acquisition would substantially lessen competition for quick lube oil changes in the 25 local markets surrounding 45

Oil Changers quick lube outlets in California, Idaho, Illinois, Indiana, Kentucky, Michigan, Washington, and Wisconsin. Absent the Acquisition, Valvoline Instant Oil Change outlets and Oil Changers outlets would continue to compete head-to-head in these local markets. Competitive harm would occur in these relevant markets regardless of whether the Valvoline outlets are corporate-owned or franchisee-owned.

The Acquisition occurs in the context of a broader trend of consolidation among quick lube oil change providers. New entry is unlikely to be timely, likely, or sufficient to deter or counteract the anticompetitive effects arising from the Acquisition. Entry conditions for quick lube oil changes vary across geographic markets. In some markets, there are meaningful entry barriers, including the cost and availability of attractive real estate, the time and cost associated with constructing a new outlet, and the time and difficulty associated with obtaining necessary permits and approvals. In the relevant geographic markets alleged in the Commission's Complaint, entry would not prevent or neutralize anticompetitive effects resulting from the Acquisition.

V. The Consent Agreement

The proposed Order would remedy the Acquisition's likely anticompetitive effects by requiring Valvoline to divest Oil Changers outlets to Main Street in each local market. Main Street does not currently operate quick lube oil change outlets under a unified or established brand name. It would be a new entrant into each of the local markets described above.

The proposed Order requires that the divestiture be completed no later than ten days after Valvoline and Greenbriar consummate the Acquisition. The proposed Order further requires Valvoline to maintain the economic viability, marketability, and competitiveness of each divestiture asset until the divestiture to Main Street is complete.

In addition to requiring outlet divestitures, the proposed Order prohibits Respondent Valvoline from re-acquiring any of the divested assets. The proposed Order also requires Respondent Valvoline to notify the Commission in writing at least 30 days before acquiring an interest in a facility within a three-mile radius of a divested outlet that has operated as a quick lube within six months of Valvoline's proposed acquisition. The prior notice provision is necessary because an acquisition in close proximity to the divested assets likely would raise the

same competitive concerns as the Acquisition and may fall below the Hart-Scott-Rodino Act premerger notification thresholds.

The Consent Agreement contains additional provisions designed to ensure the effectiveness of the relief. For example, Respondents have agreed to an Order to Maintain Assets that will issue at the time the proposed Consent Agreement is accepted for public comment. The Order to Maintain Assets requires Respondent Valvoline to operate and maintain each divestiture outlet in the normal course of business until the divestiture is complete. The proposed Order also includes a provision that allows the Commission to appoint an independent third party as a Monitor to oversee the Respondents' compliance with the requirements of the Order.

The purpose of this analysis is to facilitate public comment on the Consent agreement, and the Commission does not intend this analysis to constitute an official interpretation of the proposed Order or to modify its terms in any way.

By direction of the Commission.

April J. Tabor,
Secretary.

[FR Doc. 2025–20500 Filed 11–20–25; 8:45 am]

BILLING CODE 6750–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–CRB–2025–01; Docket No. 2025–0002; Sequence No. 12]

Office of Human Resources Management; Executive Resources (CRB), SES Performance Review Board (PRB) Members

AGENCY: Office of Human Resources Management (OHRM), General Services Administration (GSA).

ACTION: Notice.

SUMMARY: Notice is hereby given for the appointment of new members to the GSA Senior Executive Service Performance Review Board. The Performance Review Board assures consistency, stability, and objectivity in the Executive performance management appraisal process.

DATES: November 2025.

ADDRESSES: 1800 F Street NW, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Mr. Earl Adams, Director, Executive Resources Division, Office of Human Resources Management, GSA, 1800 F Street NW, Washington, DC 20405, or via telephone at (256) 617–4728.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of title 5 U.S.C. requires each agency to establish, in accordance with regulation prescribed by the Office of Personnel Management, one or more SES performance review board(s). The board is responsible for making recommendations to the appointing and awarding authority on the performance appraisal ratings and performance awards for employees in the Senior Executive Service.

The following have been designated as members of the Performance Review Board of GSA:

- Edward (Larry) Allen, Associate Administrator for Government-wide Policy—PRB Chair.
- Arron Helm, Chief Human Capital Officer—PRB Vice Chair.
- Elizabeth DelNegro, Associate Chief Information Officer for Corporate Information Technology (IT) Services.
- Evan Farley, Deputy Chief Financial Officer.
- Gregory Justice, Associate Administrator for Small and Disadvantaged Business Utilization.
- Jeff Lau, Deputy Assistant Commissioner for General Supplies & Services Categories.
- Claudia Nadig, Fiscal and Administrative Law Attorney.
- Crofton Whitfield, Assistant Commissioner for Leasing.

Saul Japson,

Acting Chief of Staff, General Services Administration.

[FR Doc. 2025–20559 Filed 11–20–25; 8:45 am]

BILLING CODE 6820-FM-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–26–1273; Docket No. CDC–2025–0750]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction

Act of 1995. This notice invites comment on a proposed information collection project titled Pregnancy Risk Assessment Monitoring System (PRAMS). PRAMS is a project of the Centers for Disease Control and Prevention (CDC) and health departments that collects jurisdiction-specific, population-based data on maternal attitudes and experiences before, during, and shortly after pregnancy.

DATES: CDC must receive written comments on or before January 20, 2026.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2025–0750 by either of the following methods:

- *Federal eRulemaking Portal:* www.regulations.gov. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to www.regulations.gov.

Please note: Submit all comments through the Federal eRulemaking portal (www.regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7570; Email: omb@cdc.gov.

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. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

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 estimate 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 submissions of responses; and

5. Assess information collection costs.

Proposed Project

Pregnancy Risk Assessment Monitoring System (PRAMS) (OMB Control No. 0920–1273, Exp. 3/31/2026)—Extension—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Pregnancy Risk Assessment Monitoring System (PRAMS) is a project of the Centers for Disease Control and Prevention (CDC) and state, territorial, city, or local health departments. Developed in 1987, PRAMS collects jurisdiction-specific, population-based data on maternal attitudes and experiences before, during, and shortly after pregnancy.

PRAMS provides data not available from other sources. These data can be used to identify groups of women and infants at high risk for health problems, to monitor changes in health status, and to measure progress towards goals in improving the health of mothers and infants. PRAMS data are used by researchers to investigate emerging issues in the field of reproductive health and by federal, state and local governments to plan and review programs and policies aimed at reducing health problems among mothers and babies.

PRAMS is a jurisdiction customized survey conducted in 50 sites and covers 81% of all live births in the United States. Information is collected 2–6 months after live birth or stillbirth by mail and web survey with telephone follow-up for non-responders. Because PRAMS uses standardized data collection methods, it allows data to be

compared among sites. Jurisdictions can implement the survey on an ongoing basis or as a point-in-time survey. In participating jurisdictions, a sample of women who have recently given birth to a live born or stillborn infant is selected from birth certificates or fetal death files. The sample is stratified based on the site's population of interest to ensure high-risk populations are adequately represented in the data.

The PRAMS survey instrument for live births is based on a core set of questions common across all jurisdictions that remain the same throughout each phase of data collection. In addition, CDC provides optional standardized modules (pre-grouped questions on a select topic) that jurisdictions may use to customize survey content at the beginning of each phase of data collection. Topics for both the core and standard modules include demographic and background characteristics; health conditions (which includes chronic conditions such as diabetes, hypertension, mental

health, oral health, cancer, as well as pregnancy-induced health conditions and family history of select conditions); health behaviors (including tobacco and alcohol use, substance use [licit and illicit], injury prevention and safety, nutrition, and physical activity); health care services (such as preconception care, prenatal care, postpartum care, contraceptive care, vaccinations, access to care, insurance coverage, receipt of recommended services, and provider counseling received); infant health and development; infant care practices (such as breastfeeding, safe sleep practices); social services received (such as WIC or home visiting); the social context of childbearing (such as intimate partner violence, social support, adverse childhood experiences, and stressful life experiences); and attitudes and feeling about the pregnancy including pregnancy intentions.

At times, jurisdictions may address emerging topics of interest with supplemental modules (pre-grouped questions on a selected topic).

Supplemental modules available for site-specific data collection include disabilities, substance use, COVID-19 experiences, and social experiences. New supplemental modules may be developed to address other emergent issues as they arise. The stillbirth survey may be administered in a smaller number of sites. It includes a single survey instrument.

CDC is seeking approval for an Extension of the PRAMS data collection which currently expires 3/31/2026. OMB approval is requested for three years. The total estimated annual burden is 29,773 hours which is a decrease of 1,495 hours. The change in overall burden results from removal of components already completed: (1) call back surveys (decrease of 1,395 hours), and (2) cognitive and field testing (decrease of 100 hours) since no new questions or supplemental modules are anticipated during the approval window. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Women who recently delivered a live birth.	PRAMS Phase 9 Questionnaire (core questions plus site selected standard modules).	51,556	1	26/60	22,341
Women who recently delivered a stillbirth.	Supplemental Modules	52,984	1	8/60	7,065
Jurisdictions	PRAMS Stillbirth Questionnaire	160	1	25/60	67
Jurisdictions	Submission of data file to CDC	50	12	30/60	300
Total .....	.....	.....	.....	.....	29,773

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2025-20583 Filed 11-20-25; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day-25-0036]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled "Division of Vital Statistics Proposal for Access to

Restricted-Use Vital Statistics Data for the National Center for Health Statistics" to the Office of Management and Budget (OMB) for review and approval. CDC previously published a "Proposed Data Collection Submitted for Public Comment and Recommendations" notice on June 16, 2025, to obtain comments from the public and affected agencies. CDC received two comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and

instruments, call (404) 639-7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

Proposed Project

Division of Vital Statistics Proposal for Access to Restricted-Use Vital

Statistics Data for the National Center for Health Statistics—Existing Collection in Use Without an OMB Control Number—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

This is a request for OMB Clearance for the Division of Vital Statistics (DVS) Proposal for Access to Restricted-Use Vital Statistics Data for the National Center for Health Statistics. A three-year clearance is requested. The DVS Proposal has been in use since 1998. Recently, as part of the Evidence Act work to develop and implement a federal government-wide Standard Application Process (see 44 U.S.C. 3583) and through OMB consultation, the NCHS DVS became aware that the DVS proposal was, in fact, an information

collection initiative. The NCHS DVS recognizes this and is therefore submitting this OMB clearance package to correct this oversight and obtain OMB approval.

This proposed information collection of information is designed to help facilitate review of the agency’s research and will allow the National Center for Health Statistics (NCHS) to determine whether a research study requires access to confidential data. NCHS anticipates it will receive approximately 600 proposals annually. CDC requests OMB approval for an estimated 600 annual burden hours. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Researchers	NCHS Restricted Vital Statistics Data Request Application Form ..	600	1	1

Jeffrey M. Zirger,

Lead, Information Collection Review Office,
Office of Public Health Ethics and
Regulations, Office of Science, Centers for
Disease Control and Prevention.

[FR Doc. 2025-20577 Filed 11-20-25; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-25-1260; Docket No. CDC-2025-0684]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information

collection project titled Maritime Illness Database and Reporting System (MIDRS). This data collection is designed to allow the Vessel Sanitation Program (VSP) to monitor acute gastroenteritis (AGE) illness on cruise ships, conduct sanitation inspections, perform epidemiologic investigations when outbreaks occur, and formulate public health recommendations to prevent future transmission and outbreaks.

DATES: CDC must receive written comments on or before January 20, 2026.

ADDRESSES: You may submit comments, identified by Docket No. CDC-2025-0684 by either of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. Follow the instructions for submitting comments.
- **Mail:** Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21-8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to www.regulations.gov.

Please note: Submit all comments through the Federal eRulemaking portal (www.regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21-8, Atlanta, Georgia 30329; Telephone: 404-639-7570; Email: omb@cdc.gov.

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. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

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 estimate 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 submissions of responses; and

5. Assess information collection costs.

Proposed Project

Maritime Illness Database and Reporting System (MIDRS) (OMB Control No. 0920–1260, Exp. 3/31/2026)—Extension—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The purpose of this Extension Information Collection Request (ICR) is

to request a three-year Paperwork Reduction Act (PRA) Clearance for CDC's Maritime Illness Database and Reporting System (MIDRS) surveillance system. Operationally, CDC has divided the responsibilities for enforcing foreign quarantine regulations between the Vessel Sanitation Program (VSP) and the Division of Global Migration and Quarantine (DGMQ). VSP takes the lead on overseeing acute gastroenteritis (AGE) illness surveillance and outbreak investigation activities on passenger ships using MIDRS, while DGMQ monitors all non-AGE illnesses and deaths on passenger vessels as well as all diseases of public health concern on all other conveyances with international itineraries bound for the U.S. under "Foreign Quarantine Regulations (42 CFR part 71)" (OMB Control No. 0920–0134, Exp. 03/31/2026). The MIDRS data collection system consists of a surveillance system that receives information electronically through a web portal or email receiver; data can also be submitted by phone or email and entered in MIDRS by VSP. AGE cases reported in MIDRS are cumulative totals for the entire voyage and do not represent the number of active AGE cases at any given port of call or at disembarkation. The AGE log, 72-hour

food/activity history questionnaires and other required documentation are completed and maintained on the ship.

Data collected as a part of this data collection will allow VSP to quickly detect AGE outbreaks, provide epidemiologic and sanitation guidance to stop the outbreak, craft public health recommendations to prevent future outbreaks, and monitor AGE illness trends to identify important changes over time. There are two types of respondents for this data collection: Cruise ship medical staff or other designated personnel who report AGE cases; and AGE cases who provide information for the 72-hour food/activity history questionnaires. Of note, VSP will not receive any information from or about the AGE cases; this information is collected and owned by the cruise line and maintained on the ship as part of the AGE case's medical record. VSP reviews these records during operational inspections to confirm they are available if needed, and if there is an AGE outbreak or report of unusual AGE illness for a particular voyage.

CDC requests OMB approval for an estimated 5,769,395 annual burden hours. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Cruise ship medical staff or other designated personnel.	AGE Illness Report 24 hours before arrival (via web portal or email receiver).	270	30	3/60	405
	AGE Illness Report 24 hours before arrival (via email or phone).	30	30	3/60	45
	AGE Illness Report 4 hours before arrival (via web portal or email receiver).	216	30	3/60	320
	AGE Illness Report 4 hours before arrival (via email or phone).	24	30	3/60	36
	Special Reports exceeding 2%–3% AGE Threshold (via web portal, email receiver, email, or phone).	180	4	3/60	36
	Daily AGE Logs	180	12	3/60	108
	Recordkeeping of AGE Surveillance Records.	300	1	8,760	2,628,000
Cruise ship crew	72-hour Food/Activity History Template (AGE cases).	18,000	1	10/60	3,000
	Three-day Pre-embarkation AGE Illness Assessment (all crew members).	9,720,000	1	3/60	486,000
	Interviews to Determine AGE Status (initial, 24-hr, 48-hr)*asymptomatic cabin mates and immediate contacts of symptomatic crew.	90,000	2	5/60	15,000
	Last Symptom Check and Return to Work Clearance (food and nonfood employees).	18,000	1	3/60	900
Cruise ship passengers	72-hour food/activity history questionnaires (AGE cases).	45,000	1	10/60	7,500
Cruise ship engineering staff or other designated personnel.	Recordkeeping of Engineering and Sanitation Records.	300	1	8,760	2,628,000

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Total					5,769,395

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2025–20580 Filed 11–20–25; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–26–0770; Docket No. CDC–2025–0753]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled National HIV Behavioral Surveillance System (NHBS). CDC is requesting approval for a Revision to the previously approved project to continue collecting standardized HIV-related behavioral data from persons at risk for HIV from 21 Metropolitan Statistical Areas (MSAs) systematically selected throughout the United States.

DATES: CDC must receive written comments on or before January 20, 2026.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2025–0753 by either of the following methods:

- *Federal eRulemaking Portal:* www.regulations.gov. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600

Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to www.regulations.gov.

Please note: Submit all comments through the Federal eRulemaking portal (www.regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7570; Email: omb@cdc.gov.

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. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

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 estimate 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 submissions of responses; and

5. Assess information collection costs.

Proposed Project

National HIV Behavioral Surveillance System (NHBS) (OMB Control No. 0920–0770, Exp. 4/30/2026)—Revision—National Center for HIV, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The purpose of this data collection is to monitor behaviors of persons at high risk for infection related to Human Immunodeficiency Virus (HIV) transmission and prevention in the United States. The primary objectives of the NHBS are to obtain data from samples of persons at risk to: (a) describe the prevalence and trends in risk behaviors; (b) describe the prevalence of and trends in HIV testing and HIV infection; (c) describe the prevalence of and trends in use of HIV prevention services; and (d) identify met and unmet needs for HIV prevention services in order to inform health departments, community-based organizations, community planning groups and other partners. By describing and monitoring the HIV risk behaviors, HIV seroprevalence and incidence, and HIV prevention experiences of persons at highest risk for HIV infection, NHBS provides an important data source for evaluating progress towards national public health initiatives, such as reducing new infections, increasing the use of condoms, and targeting populations at high risk. The Centers for Disease Control and Prevention (CDC) requests a three-year approval for a Revision of this information collection.

Data are collected through in-person interviews conducted with persons systematically selected from 21 Metropolitan Statistical Areas (MSAs) throughout the United States. These 21 MSAs are chosen based on highest

number of HIV infections diagnosed. Persons at risk for HIV infection to be interviewed for NHBS include men who have sex with men (MSM), persons who inject drugs (PWID), and heterosexually active persons at increased risk of HIV infection (HET). A brief screening interview will be used to determine eligibility for participation in the behavioral assessment. The data from the behavioral assessment will provide estimates of: (1) behavior related to the risk of HIV and other sexually transmitted diseases; (2) prior testing for HIV; and (3) use of HIV prevention services.

All persons interviewed will also be offered an HIV test and will participate in a pre-test counseling session. No other federal agency systematically collects this type of information from persons at risk for HIV infection. These data have substantial impact on prevention program development and monitoring at the local, state, and national levels. In each MSA, CDC estimates that NHBS will involve eligibility screening for 125 persons and eligibility screening plus the behavioral assessment with 500 eligible respondents, resulting in a total of 31,500 eligible survey respondents and

7,875 ineligible screened persons during the three-year approval period. Data collection will rotate such that interviews will be conducted among one group per year: MSM in Year 1, PWID in Year 2, and HET in Year 3. The type of data collected for each group will vary slightly due to different sampling methods and risk characteristics of the group.

CDC requests OMB approval for an estimated total of 3,398 annual burden hours. There is no cost to the respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Persons Screened	Eligibility Screener	13,125	1	3/60	656
Eligible Participants	Behavioral Assessment MSM	3,500	1	13/60	758
Eligible Participants	Behavioral Assessment PWID	3,500	1	17/60	992
Eligible Participant	Behavioral Assessment HET	3,500	1	15/60	875
Peer Recruiters	Recruiter Debriefing	3,500	1	2/60	117
Total .....	.....	.....	.....	.....	3,398

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2025–20582 Filed 11–20–25; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–26–1432]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled “NCEZID Rapid Message Testing & Development System” to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on June 16, 2025, to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Rapid Message Testing & Development System (OMB Control No. 0920–1432)—reinstatement—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC’s National Center for Emerging and Zoonotic Infectious Diseases (NCEZID) offers numerous powerful resources to anticipate, prevent, and address outbreaks of infectious diseases. From researchers to emergency responders; from laboratories to surveillance of mobile populations; from collaborations at the federal level to partnerships at the local level, NCEZID keeps people safe from threats like anthrax, Ebola virus, Zika virus,

sepsis, mpox, and foodborne illnesses like Salmonella. These efforts are vital to protect and save lives.

The ability to effectively communicate with the public about these threats is one of NCEZID's most vital roles. Particularly during an outbreak, it is critical that the public understands what is happening, and why, and that the public trusts and follows public health leaders' guidance. Recent public health responses to COVID-19 and mpox have underscored the need to improve the speed and content of health communications, particularly among populations at

higher risk for zoonotic and infectious diseases.

The Rapid Message Testing & Message Development System will enable NCEZID to collect information vital to the development of clear, salient, relevant, appealing, and persuasive messages related to outbreaks and other emerging and zoonotic diseases. This system will also allow for the relatively rapid testing of messages when the need arises within NCEZID, prior to the dissemination of those messages and associated communications materials. Data will guide revisions to existing or draft messages, inform the development

of new messages, and otherwise enable message developers to make optimal decisions about message content, format, and dissemination so that NCEZID's messages effectively reach and resonate with their intended audiences. Data collection methods proposed for this System include in-depth interviews, online or in-person focus groups, and online surveys.

CDC requests OMB approval for an estimated 3,431 annual burden hours. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Online surveys (general public)	Content question bank	10,000	1	10/60
Online in-depth interview screening (healthcare and specialty audiences).	Screening question bank	720	1	5/60
Online in-depth interviews (healthcare and specialty audiences).	Content question bank	72	1	1
Online focus group screening (general public)	Screening question bank	2,880	1	5/60
Online focus groups (general public)	Content question bank	288	1	2
Online focus group screening (healthcare and specialty audiences).	Screening question bank	2,880	1	5/60
Online focus groups (healthcare and specialty audiences).	Content question bank	288	1	2

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2025-20579 Filed 11-20-25; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-26-0696; Docket No. CDC-2025-0751]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on

a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled National HIV Prevention Program Monitoring and Evaluation (NHME). NHME collects standardized HIV prevention program evaluation data from health departments and community-based organizations (CBOs) who receive federal funds for HIV prevention activities.

DATES: CDC must receive written comments on or before January 20, 2026.

ADDRESSES: You may submit comments, identified by Docket No. CDC-2025-0751 by either of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. Follow the instructions for submitting comments.

- **Mail:** Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21-8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to www.regulations.gov.

Please note: Submit all comments through the Federal eRulemaking portal (www.regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21-8, Atlanta, Georgia 30329; Telephone: 404-639-7570; Email: omb@cdc.gov.

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. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To

comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

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 estimate 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 submissions of responses; and
5. Assess information collection costs.

Proposed Project

National HIV Prevention Program Monitoring and Evaluation (NHM&E) (OMB Control No. 0920–0696, Exp. 1/31/2028)—Revision—National Center for HIV/AIDS, Viral Hepatitis, Sexually Transmitted Diseases, and Tuberculosis Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The CDC requests a Revision of the National HIV Prevention Program Monitoring and Evaluation (NHM&E) information collection, currently approved under OMB Control No. 0920–

0696. Approval will allow continued collection of standardized HIV prevention program evaluation data from health departments and community-based organizations (CBOs) who receive federal funds for HIV prevention activities. Health Department grantees have the options to key-enter or upload data to a CDC-provided web-based software application (EvaluationWeb). CBO grantees may only key-enter data to the CDC-provided web-based software application.

The evaluation and reporting process is necessary to ensure that CDC receives standardized, accurate, thorough evaluation data from both Health Department and CBO grantees. For these reasons, CDC developed standardized NHM&E variables through extensive consultation with representatives from health departments, CBOs, and national partners (e.g., The National Alliance of State and Territorial AIDS Directors and Urban Coalition of HIV/AIDS Prevention Services). CDC requires CBOs and Health Departments who receive federal funds for HIV prevention to report nonidentifying, HIV test-level and aggregate level, standardized evaluation data to: (1) accurately determine the extent to which HIV prevention efforts are carried out, what types of agencies are providing services, what resources are allocated to those services, to whom services are being provided, and how these efforts have contributed to a reduction in HIV transmission; (2) improve ease of reporting to better meet these data needs; and (3) be accountable to stakeholders by informing them of HIV prevention activities and use of funds in HIV prevention nationwide.

CDC HIV prevention program grantees will collect, enter or upload, and report agency-identifying information, budget data, intervention information, and client demographics and behavioral risk characteristics with an estimate of 204,498 burden hours, representing no change from the previously approved annualized burden hour estimate. Data collection will include searching existing data sources, gathering and maintaining data, document compilation, review of data, and data entry or upload into the web-based system. The Revision of the currently approved data collection is intended to meet the program monitoring and evaluation needs of CDC HIV prevention goals and objectives and CDC's High Impact Prevention approach (<https://www.cdc.gov/hiv/policies/hip/hip.html>), and includes the following changes and adjustments: (1) additions and updates to Race and Ethnicity data collection, in alignment with OMB's SPD–15 directives; (2) deletion and modification of variables in alignment with Executive Orders; (3) deletion and modification of PrEP-related variables in alignment with screening and eligibility recommendation changes; (4) inclusion of PEP, Mpox, Syndemics, TB, Hepatitis B, Hepatitis C, Chlamydial, Gonorrhea, and Syphilis testing, treatment, and referral variables; (5) addition of Essential Support Services screening, determination, referral, and provision variables; and (6) addition of new jurisdiction-level aggregate variables.

CDC requests approval for an estimated 204,498 annual burden hours. There are no additional costs to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hr)	Total burden (in hr)
Health Departments	Health Department Reporting	66	2	1,426.5	188,298
Community-based Organizations	Community-based Organization Reporting.	150	2	54	16,200
Total .....	.....	.....	.....	.....	204,498

Jeffrey M. Zirger,

Lead, Information Collection Review Office,
Office of Public Health Ethics and
Regulations, Office of Science, Centers for
Disease Control and Prevention.

[FR Doc. 2025–20581 Filed 11–20–25; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Disease Control and Prevention****[30Day–25–1381]****Agency Forms Undergoing Paperwork Reduction Act Review**

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled “Formative Respirator and Protective Clothing Laboratory Testing” to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on July 18, 2025, to obtain comments from the public and affected agencies. CDC received one comment to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Formative Respirator and Protective Clothing Laboratory Testing (OMB Control No. 0920–1381, Exp. 1/31/2026)—Extension—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC), National Institute for Occupational Safety and Health (NIOSH), is requesting an Extension of a previously approved Generic Information Collection Request (ICR) for a period of three years under the project titled Formative Respirator and Protective Clothing Laboratory Testing.

The National Personal Protective Technology Laboratory (NPPTL) is a division of NIOSH which operates within the CDC. NIOSH is the federal institute specifically dedicated to generating new knowledge in the field of occupational safety and health and responsible for transferring that knowledge into practice for the betterment of workers. NPPTL was established in 2001, at the request of Congress, with the mission of preventing disease, injury, and death for the millions of working men and women relying on personal protective technology (PPT). PPT plays an important role in keeping many workers within various industries safe while performing their professional duties. To achieve the Laboratory’s mission, NPPTL conducts scientific research, develops guidance and authoritative recommendations, disseminates information, and responds to requests for workplace health hazard evaluations. The development of NPPTL filled a need for improved personal protective equipment (PPE) and focused research into PPT. Respiratory protection, a specific type of PPE commonly tested by NPPTL, is the cornerstone of NPPTL’s efforts. One of the primary responsibilities of the NPPTL is to test and approve respirators used in U.S. occupational settings. This function ensures a standard level of quality and filtration efficiency for all respirators used within a U.S. workplace setting. The NPPTL

Respirator Approval Program exists to increase the level of worker protection from airborne particulates, chemicals, and vapors.

In addition to respirators, NPPTL conducts research on other types of PPE, including chemical-resistant clothing, hearing protection, gloves, eye and face protective devices, hard hats, sensors to detect hazardous substances, and communication devices used for safety deployment of emergency workers. NPPTL PPE research examines exposure to inhalation hazards, dermal hazards, and any other hazardous environmental threats within an occupational setting. PPE performance requirements and test methods are specified within: (1) federal regulations by NIOSH, Food and Drug Administration (FDA), and the Mine Safety and Health Administration (MSHA); and (2) voluntary consensus standards published by organizations such as the American National Standards Institute (ANSI), American Society for Testing and Materials (ASTM) International, and International Organization for Standardization (ISO). Thus, the information collected from human subjects in a laboratory setting are generally consistent across NPPTL studies with only the boundary conditions changing (e.g., environmental conditions such as heat or humidity, human subject activity such as simulated surgery or climbing a ladder, distance between two subjects communicating by spoken word, various PPE use durations, or the use of novel PPE designs). Considering these consistent data collection methods employed with only changes in boundary conditions specified to a specific industry or standard, NPPTL requests an Extension of this Generic ICR package for laboratory-collected information for testing respirators and protective clothing.

The resulting data will benefit the federal government in that the performance standards and test methods supported will directly aid in ensuring the adequate protection via PPE of workers across a variety of industry sectors. Furthermore, the continued research in these methods will ensure the performance standards and test methods are up to date with an ever-evolving workplace safety climate as well as technological advancements in PPE. Through this data collection, ultimately the federal government will be able to efficiently react to the PPE protection needs of workers across the country thereby fulfilling CDC/NIOSH’s mission.

The methods used to collect the information from human participants will include health screenings,

demographic information collection instruments, psychometrically supported surveys of user experience and perception of PPE, direct physiological measurements of response to PPE, biological measures of physiological responses, anthropometric measures of body size and shape, measures of PPE fit, and measures of the body's movement through space (biomechanics). The respondent universe for the proposed data collection will be recruited from the general population but their demographic characteristics are expected to be reflective of the United

States' workforce and from industries that rely heavily on PPE to protect workers (e.g., healthcare and social assistance, public safety and emergency response, and agriculture). Because the United States' worker population in some cases includes children down to the age of eight years in certain industries such as agriculture, it is expected that studies included in this data collection may also include children. Because respondents will be recruited via a variety of different avenues (email, flyers, advertisements, etc.), it is expected that the respondent pool will vary in sex, age, races/

ethnicities, persons residing in rural and/or urban locations, and/or in specific regions or health jurisdictions. Additionally, pregnant women may also be a focus of these data collection efforts as pregnant women are regular users of PPE which must be considered due to specific needs related to changes in body shape and size.

CDC requests OMB approval for an estimated 1,750 respondents per year with an estimated annualized burden of 15,591 hours. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Members of the general public ¹ .	Informed Consent	970	1	30/60
	Health Screening Questionnaire: standardized form w/decision logic allowing some questions to be omitted.	970	6	1
	Demographics Questionnaire: standardized form w/decision logic allowing some questions to be omitted, W-9 Tax Form, etc.	970	1	30/60
	Job-related Data: occupational Tasks, postures used, duration of exposure, etc.	970	1	15/60
	Physiological Measurements: chest-worn heart rate monitor strap, COSMED Kb5, SQ2020-1F8 temperature logger, TOSCA 500 pulse oximeter, koken breathing waveform recording mask, etc.	200	6	1.5
	Biological Measurements: cortisol (stress) levels, pregnancy tests, hydration status, lipids, inflammatory markers, heat shock proteins, etc.	100	6	15/60
	Anthropometric Measurements: calipers/digital measuring of facial and body dimensions.	750	1	15/60
	Respirator Fit Measurements: filter cassettes with air pumps, fit-testing equipment, QLFT/sodium saccharin solution etc.	225	100	15/60
	Self-Perception Data: level of exertion, perceived comfort level, heat sensation, fatigue, etc.	500	6	15/60
	Biomechanics Measurements: force plate, stopwatch, accelerometers, etc.	30	3	30/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office,
Office of Public Health Ethics and
Regulations, Office of Science, Centers for
Disease Control and Prevention.

[FR Doc. 2025-20578 Filed 11-20-25; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS-R-131, CMS-P-0015A, CMS-R-70 and CMS-R-72]

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 22, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

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. *Title of Information Collection:* Advance Beneficiary Notice of Non-coverage; *Type of Information Collection Request:* Revision with change of a currently approved collection; *Use:* The use of the Advance Beneficiary Notice of Non-coverage (ABN) is to inform Medicare beneficiaries of their liability under specific conditions. This has been available since the “limitation on liability” provisions in section 1879 of the Social Security Act (the Act) were enacted in 1972 (Pub. L. 92-603). The ABN, Form CMS-R-13 was designed to inform Medicare beneficiaries of their potential financial liability.

ABNs are not given every time items and services are delivered. Rather, ABNs are given only when a physician, provider, practitioner, or supplier anticipates that Medicare will not provide payment in specific cases. An ABN may be given, and the beneficiary may subsequently choose not to receive the item or service. An ABN may also be issued because of other applicable statutory requirements other than § 1862(a)(1) such as when a beneficiary wants to obtain an item from a supplier who has not met Medicare supplier number requirements, as listed in section 1834(j)(1) of the Act or when statutory requirements for issuance

specific to HHAs are applicable. *Form Number:* CMS-R-131 (OMB control number: 0938-0566); *Frequency:* Yearly; *Affected Public:* Private Sector, Business or other for profits, Not for profits institutions; *Number of Respondents:* 1,723,755; *Number of Responses:* 331,715,277; *Total Annual Hours:* 38,701,221. (For questions regarding this collection contact Jennifer McCormick at 410-786-2852 or Jennifer.McCormick1@cms.hhs.gov.)

2. *Title of Information Collection:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Current Beneficiary Survey; *Use:* CMS is the largest single payer of health care in the United States. The agency plays a direct or indirect role in administering health insurance coverage for more than 150 million people across the Medicare, Medicaid, CHIP, and Health Insurance Marketplace populations. A critical aim for CMS is to be an effective steward, major force, and trustworthy partner in supporting innovative approaches to improving quality, accessibility, and affordability in healthcare. CMS also aims to put patients first in the delivery of their health care needs.

The Medicare Current Beneficiary Survey (MCBS) is the most comprehensive and complete survey available on the Medicare population and is essential in capturing information not otherwise collected through operational or administrative data on the Medicare program. The MCBS is a nationally-representative, longitudinal survey of Medicare beneficiaries that is sponsored by CMS and is directed by the Office of Enterprise Data and Analytics (OEDA). MCBS data collection is primarily conducted by phone and is supplemented with limited video interviewing or in-person visits. The survey captures beneficiary information whether aged or disabled, living in the community or facility, or serviced by managed care or fee-for-service. Data produced as part of the MCBS are enhanced with administrative data (e.g., fee-for-service claims, prescription drug event data, enrollment, etc.) to provide users with more accurate and complete estimates of total health care costs and utilization. The MCBS has been continuously fielded for more than 30 years, encompassing over 1.2 million interviews and more than 140,000 survey participants. Respondents participate in up to 11 interviews over a four-year period. The MCBS provides a holistic view of Medicare beneficiaries' social and medical risk factors and rich information on the

relationship between these risk factors, healthcare utilization, and health outcomes, at a point in time and over time.

The MCBS continues to provide unique insight into the Medicare program and helps CMS and its external stakeholders better understand and evaluate the impact of existing programs and significant new policy initiatives. MCBS data are used to assess potential changes to the Medicare program. For example, MCBS data were instrumental in supporting the initial implementation of the Medicare prescription drug benefit and continue providing a means to evaluate prescription drug costs and out-of-pocket burden for these drugs to Medicare beneficiaries. Beginning in Fall 2026, this proposed revision to the clearance will remove questionnaire items that are no longer relevant for administration. The revisions will result in a net decrease in respondent burden. *Form Number:* CMS-P-0015A (OMB control number 0938-0568); *Frequency:* Occasionally; *Affected Public:* Business or other for-profits and Not-for-profits Institutions; *Number of Respondents:* 13,568; *Number of Responses:* 35,015; *Total Annual Hours:* 32,258. (For questions regarding this collection, contact William Long at 410-786-7927).

3. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Information Collection Requirements in HSQ-110, Acquisition, Protection and Disclosure of Peer review Organization Information and Supporting Regulations; *Use:* The Peer Review Improvement Act of 1982 authorizes quality improvement organizations (QIOs), formally known as peer review organizations (PROs), to acquire information necessary to fulfill their duties and functions and places limits on disclosure of the information. The QIOs are required to provide notices to the affected parties when disclosing information about them. These requirements serve to protect the rights of the affected parties. The information provided in these notices is used by the patients, practitioners and providers to: obtain access to the data maintained and collected on them by the QIOs; add additional data or make changes to existing QIO data; and reflect in the QIO's record the reasons for the QIO's disagreeing with an individual's or provider's request for amendment.

Beneficiary and Family-Centered Care-Quality Improvement Organization (BFCC-QIO) Contracts have been signed with QIOs for their respective geographic areas (which includes all United States & Territories). The second type of QIOs and Quality Innovation Network-QIOs focus on health care quality improvement efforts.

The scope of information collection by the BFCC-QIOs includes the number of Medicare beneficiaries with expedited appeals, reconsideration appeals and Beneficiary Complaint cases which are then reported into the CMS System of Record. Medicare beneficiaries or their appointed representatives have the right to appeal the provider's decision to discharge or end services if beneficiaries believe their Medicare Part A Medicare services (e.g. hospital discharge, skilled nursing home care, home health, etc.) are ending too soon. They also have the right to file a Beneficiary Complaint case when they have concerns about the quality of care they received. *Form Number:* CMS-R-70 (OMB control number: 0938-0426); *Frequency:* Reporting—On occasion; *Affected Public:* Business or other for-profits; *Number of Respondents:* 50,000; *Total Annual Responses:* 398,388; *Total Annual Hours:* 521,599. (For policy questions regarding this collection contact Malini.Krishnan@cms.hhs.gov).

4. Type of Information Collection

Request: Reinstatement without change of a previously approved collection; *Title of Information Collection:* Information Collection Requirements in 42 CFR 478.18, 478.34, 478.36, 478.42, QIO Reconsiderations and Appeals; *Use:* The Peer Review Improvement Act of 1982 amended Title XI of the Social Security Act to create the Utilization and Quality Control Peer Review Organization (PRO) program. Under this program, a PRO is designated in each State to ensure that care provided to Medicare patients is reasonable, medically necessary, and of a quality that meets professionally recognized standards of care. A **Federal Register** notice dated May 24, 2002, renamed the PROs as Quality Improvement Organizations (QIOs).

Beneficiary and Family-Centered Care-Quality Improvement Organization (BFCC-QIO) Contracts have been signed

with QIOs for their respective geographic areas (which includes all United States & Territories). The second type of QIOs are Quality Innovation Network-QIOs, and focus on health care quality improvement efforts.

The scope of this information collection includes that from the BFCC-QIOs for the number of Medicare beneficiary level 2 appeals. Medicare beneficiaries or their appointed representatives have the right to appeal the provider's decision to discharge or end services if beneficiaries believe that their Medicare Part A Medicare services (e.g. hospital discharge, skilled nursing home care, home health, etc.) are ending too soon. Medicare beneficiaries have the right to file a reconsideration of a BFCC-QIO appeals review determination. *Form Number:* CMS-R-72 (OMB control number: 0938-0443); *Frequency:* Reporting—On occasion; *Affected Public:* Individuals or Households and Business or other for-profit institutions; *Number of Respondents:* 20,129; *Total Annual Responses:* 60,729; *Total Annual Hours:* 22,014. (For policy questions regarding this collection contact Malini.Krishnan@cms.hhs.gov).

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2025-20486 Filed 11-20-25; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[OMB #: 0970-0085]

Submission for Office of Management and Budget Review; 45 CFR 303.7—Provision of Services in Intergovernmental IV-D; Federally Approved Forms

AGENCY: Office of Child Support Enforcement, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Child Support Enforcement (OCSE) is requesting a 3-year extension of the Provision of Services in Intergovernmental IV-D; Federally Approved Forms (Office of Management and Budget (OMB) #0970-0085, expiration February 28, 2026). There are no changes requested to these forms.

DATES: *Comments due* December 22, 2025.

ADDRESSES: The public may view and comment on this information collection request at: https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202511-0970-004. You can also obtain copies of the proposed collection of information by emailing infocollection@acf.hhs.gov. Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: Public Law 113-183, the Preventing Sex Trafficking and Strengthening Families Act amends section 466(f) of the Social Security Act, requiring all states to enact any amendments to the Uniform Interstate Family Support Act “officially adopted as of September 30, 2008, by the National Conference of Commissioners on Uniform State Laws” (referred to as UIFSA 2008). Section 311(b) of UIFSA requires the states to use forms mandated by federal law. 45 CFR 303.7(a)(4) also requires child support programs to use federally approved forms in intergovernmental IV-D cases unless a country has provided alternative forms.

Respondents: State agencies administering a child support program under title IV-D of the Social Security Act.

Annual Burden Estimates

Annual burden estimates have been updated to reflect a decrease in the nationwide child support case load since the most recent full OMB review and approval process in 2023. Therefore, the annual number of responses per respondent has decreased, resulting in an overall decrease in estimated annual burden. The number of respondents and estimated time per response has not changed.

Instrument	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
Transmittal #1—Initial Request	54	14,216	0.17	130,503
Transmittal #1—Initial Request Acknowledgement	54	14,216	0.05	38,383
Transmittal #2—Subsequent Action	54	10,662	0.08	46,060
Transmittal #3—Request for Assistance/Discovery	54	2,132	0.08	9,210
Uniform Support Petition (English and Spanish)	54	5,686	0.05	15,352

Instrument	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
General Testimony	54	5,686	0.33	101,325
Declaration in Support of Establishing Parentage	54	2,132	0.15	17,269
Child Support Locate Request	54	142	0.05	383
Notice of Determination of Controlling Order	54	1	0.25	14
Letter of Transmittal Requesting Registration (English and Spanish)	54	8,529	0.08	36,845
Personal Information Form for UIFSA §311	54	5,686	0.05	15,352
Child Support Agency Confidential Information Form	54	17,059	0.05	46,059
Request for Change of Support Payment Location Pursuant to UIFSA 319(b)	54	71	0.05	192
Estimated Total Annual Burden Hours				456,947

Authority: 45 CFR 303.7.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2025–20638 Filed 11–20–25; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–0668]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Small Dispensers Assessment Under the Drug Supply Chain Security Act

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by December 22, 2025.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function. The title of this information collection is “Small Dispensers Assessment Under the Drug Supply Chain Security Act.” Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT:

Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, PRAStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Small Dispensers Assessment Under the Drug Supply Chain Security Act

OMB Control Number 0910–NEW

I. Information Collection Authority

On November 27, 2013, the Drug Supply Chain Security Act (DSCSA) (Title II of Pub. L. 113–54) was signed into law. The DSCSA outlines steps to achieve interoperable, electronic tracing of products at the package level¹ to identify and trace certain prescription drugs as they are distributed in the United States. Section 202 of the DSCSA added the new sections 581 and 582 to the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360eee and 360eee–1).

Under enhanced drug distribution security requirements in section 582(g)(1), dispensers and other trading partners will be required to, among other requirements, exchange transaction information and transaction statements in a secure, interoperable, electronic manner for each package; implement systems and processes for package level verification, including the standardized numerical identifier; and implement systems and processes to facilitate gathering the information necessary to produce the transaction information and statement for each

¹ As defined by section 581(11) of the FD&C Act, generally, the term “package” means the smallest individual saleable unit or smallest container of product for distribution by a manufacturer or repackager that is intended by the manufacturer for ultimate sale to the dispenser of such product.

transaction going back to the manufacturer if FDA or a trading partner requests an investigation in the event of a recall or a suspect or illegitimate product. These enhanced drug distribution security requirements are also referred to as “enhanced product tracing or enhanced verification.”

We have developed a web page to provide more information to industry regarding the DSCSA. It is available at <https://www.fda.gov/drugs/drug-supply-chain-integrity/drug-supply-chain-security-act-dscsa>.

Under section 582(g)(3), FDA is required to enter into a contract with a private, independent consulting firm with expertise to conduct a technology and software assessment that looks at the feasibility of dispensers with 25 or fewer full-time employees (FTEs) conducting interoperable, electronic tracing of products at the package level. FDA’s proposed study entitled, “Small Dispensers Assessment under the Drug Supply Chain Security Act” (DSCSA Small Dispensers Assessment) is intended to fulfill this requirement.

As described in section 582(g)(3)(C), issues to be addressed in the assessment questions are related to the accessibility of the necessary software and hardware to such dispensers; whether the necessary software and hardware is prohibitively expensive to obtain, install, and maintain for such dispensers; and if the necessary hardware and software can be integrated into business practices. Respondents will submit information by answering the assessment questions using a link provided on FDA’s website.

II. DSCSA Small Dispensers Assessment

A. Eligibility Requirements

Assessment respondents will include self-identified individuals representing dispensers with a total of 25 or fewer FTEs (small dispenser) and individuals representing small dispensers’ third-

party entities (e.g., solution providers, wholesale distributors, consultants).

B. Potential Issues To Examine and Evaluation Methods

The DSCSA Small Dispensers Assessment will look at the feasibility of dispensers with a total of 25 or fewer FTEs of conducting interoperable, electronic tracing of products at the package level. As part of the qualitative data analysis, respondents will submit information by answering specific questions for the assessment. Evaluation methods and analyses are expected to include qualitative analyses (for example, content analysis for responses), and quantitative analyses using descriptive statistics. In cases where quantitative data are collected, descriptive statistics—including percentages and tabulations—will be calculated and presented, along with demographic descriptions of respondents. For example, quantitative analysis could include percentages or tabulations of small dispensers with access to the necessary software and hardware to meet the requirements in section 582(g)(1) of the FD&C Act. We have developed a web page to further assist industry regarding the DSCSA Small Dispensers Assessment, available at <https://www.fda.gov/drugs/drug-supply-chain-security-act-dscsa/drug-supply-chain-security-act-dscsa-assessment-small-dispensers>.

C. Instructions for Accessing the DSCSA Small Dispensers Assessment

After the DSCSA Small Dispensers Assessment is launched, individuals representing small dispensers interested in participating will use a link provided on the following web page, <https://www.fda.gov/drugs/drug-supply-chain-security-act-dscsa/drug-supply-chain-security-act-dscsa-assessment-small-dispensers>. After accessing the link, the respondent will confirm they are

eligible to participate by attesting to being a small dispenser, or an entity representing a small dispenser, before being able to start the questionnaire.

D. Participation

Once the assessment link is made available on FDA's website, respondents will have 45 days to access the link and complete the assessment questionnaire. Respondents will be expected to provide responses to FDA via the assessment link.

E. Recordkeeping

FDA recommends that any records generated by a respondent while responding to the assessment questionnaire be maintained as an entity would in the normal course of business. FDA recommends that the responses to the assessment questionnaire be maintained by the respondent for at least 1 year after FDA publishes its final report of the assessment.

G. Initiation of FDA's DSCSA Small Dispensers Assessment

FDA intends to begin the DSCSA Small Dispensers Assessment upon OMB approval of the proposed collection of information.

III. Burden Estimates

In the **Federal Register** of March 13, 2024 (89 FR 18415), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received two comment letters from pharmaceutical trade associations. We have adjusted our estimated burden for the information collection to reflect the public comments, discussed below. These adjustments result in an increase of 30,945 total annual responses and a corresponding increase of 6,327 total hours from the estimates found in our 60-day notice.

(Comment) Both comment letters expressed concern that the information

collection burden estimates provided in the notice reflected a decision that our sample size would be limited to 200. One comment letter estimated that a sample size of 200 would only represent roughly 1% of the independent pharmacies in the United States. This comment argued that a 1% sample size would not allow FDA to adequately assess the cost and burdens on small dispensers or determine alternative methods of compliance that would not impose economic hardship on small businesses.

(Response) The estimate of 200 respondents provided in our 60-day notice represented our best estimate at that time regarding how many respondents would complete the assessment questionnaire. In this notice, we have revised our information collection burden estimates by, among other things, increasing the estimated number of respondents who will be sent an invitation to 18,430 and increasing the estimated number of respondents who will complete the assessment questionnaire to 922, as described in section III of this notice. The revised information collection burden estimates in this notice reflect the interest we have received regarding the DSCSA Small Dispensers Assessment. We also note that the intent of the proposed information collection is to understand the experiences of small dispensers. We expect this qualitative research to develop descriptions of themes of those experiences. For the qualitative open-ended questions, past research indicates that themes reach saturation within dozens of respondents. For the proportional, multiple-choice questions, the results will not be analyzed using metrics of statistical confidence and margins of error.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ONE-TIME REPORTING BURDEN¹

DSCSA small dispensers assessment	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours ²
Invitation email	18,430	1	18,430	0.1	1,843
Screener	9,215	1	9,215	0.1	922
Assessment questions response	922	1	922	2	1,844
Total			28,567		4,609

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

² Totals have been rounded to the nearest whole number.

We plan to invite small dispensers to participate in the assessment by sending an email. We estimate that we will send

18,430 emails to companies that are on our existing industry stakeholder list. We assume that all emails we send will

be opened and reviewed and estimate that it will take 0.1 hour (6 minutes) to read the email invitation and decide

how to respond to it, for a total of 1,843 hours. We assume that fifty percent of the companies invited to participate, or 9,215 companies, will decide to participate, navigate to our web page, and click on the link to the assessment to access it. Once the company accesses the assessment, it will be presented with a two-part screening question. We

estimate that all companies will answer the screening question and that it will take 0.1 hour (6 minutes) to read and answer the screening question, for a total of 921.5 hours, rounded to 922 hours. We estimate that only ten percent of those companies, or 921.5 respondents, rounded to 922 respondents, will complete the entire

questionnaire. We estimate that it will take, based on the various levels of availability and resources by company, approximately 2 hours on average to compile the necessary information and to respond to all of the questions in the assessment questionnaire, for a total of 1,844 hours.

TABLE 2—ESTIMATED ONE-TIME RECORDKEEPING BURDEN ¹

DSCSA small dispenser assessment	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Records related to assessment questions response	922	1	922	0.5	461

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

We expect that companies will compile information needed to respond to the questions in the assessment questionnaire and that they will keep copies of that information in their

records either electronically or on paper. We recommend that companies retain these records for at least a year after the assessment is completed. We estimate that these recordkeeping

activities will take approximately 0.5 hour per company, for a total of 461 hours.

TABLE 3—ESTIMATED ONE-TIME THIRD-PARTY DISCLOSURE BURDEN ¹

DSCSA small dispensers assessment	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours ²
Coordination with third-party entities related to screener questions	692	2	1,384	0.1	138
Coordination with third-party entities related to assessment questions response	461	2	922	2	1,844
Total			2,306		1,982

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

² Totals have been rounded to the nearest whole number.

We have taken into consideration the time that respondents will spend coordinating with third-party entities (e.g., solution providers, wholesale distributors, consultants). For the screener questions, we assume seventy-five percent of the 922 respondents, or 691.5 respondents, rounded to 692, will work with their respective partnering entities and the average number of partnering entities will be 2, for a total of 1,384 disclosures. We estimate that each disclosure will take approximately 0.1 hours (6 minutes) for a total of 138.4 hours, rounded to 138 hours. For the assessment questionnaire response, we assume fifty percent of the 922 respondents, or 461 respondents, will coordinate with a total of two partners for a total of 922 disclosures. We estimate it will take 2 hours to

coordinate with each partner, resulting in a total of 1,844 hours.

Lowell M. Zeta,
Deputy Commissioner of Strategic Initiatives, Acting, Deputy Commissioner for Policy, Legislation, and International Affairs.
[FR Doc. 2025–20643 Filed 11–20–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–0008]

General Hospital and Personal Use Devices Panel of the Medical Devices Advisory Committee; Amendment of Notice—Establishment of Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an amendment to the notice of the meeting

of the General Hospital and Personal Use Devices Panel of the Medical Devices Advisory Committee (the Committee). This meeting was previously announced in the **Federal Register** of September 3, 2025. The amendment is being made to reflect changes in the **DATES, ADDRESSES** and **SUPPLEMENTARY INFORMATION** portions of the document. There are no other changes.

FOR FURTHER INFORMATION CONTACT: Evella Washington, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg., 66, Rm. 2404, Silver Spring, MD 20993–0002, Evella.Washington@fda.hhs.gov, 240–447–9160.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 3, 2025 (90 FR 42588), FDA announced that a meeting of the General Hospital and Personal Use Devices Panel of the Medical Devices Advisory Committee would be held on October 8, 2025. On page 42588, in the third column, “The meeting will be held virtually on October 8, 2025, from 9 a.m. to 3:30

p.m. Eastern Time”, the **DATES** portion of the document is changed to read as follows:

The meeting will be held virtually on December 10, 2025, from 9 a.m. to 3:30 p.m. Eastern Time.

On page 42588, in the third column to page 42589, in the first column “FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2025–N–0008. The docket will close on November 10, 2025. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 10, 2025. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Comments received on or before September 24, 2025, will be provided to the Committee. Comments received after this date will be taken into consideration by FDA. The **ADDRESSES** portion of the document is changed to read as follows:

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2025–N–0008. The docket will close on January 9, 2026. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of January 9, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Comments received on or before December 1, 2025, will be provided to the Committee. Comments received after this date will be taken into consideration by FDA.

On page 42589, in the third column, Agenda: On October 8, 2025, the **SUPPLEMENTARY INFORMATION** portion of the document is changed to read as follows:

Agenda: On December 10, 2025.

On page 42589, in the third column to page 42590, in the first column, “Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. All electronic and written submissions made to the Docket (see **ADDRESSES**) on or before September 24, 2025, will be provided to the Committee. Oral presentations from the public will be scheduled between approximately 11:30 a.m. and 12:30 p.m. Eastern Time. Those individuals interested in making formal oral presentations should notify the contact

person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before September 18, 2025. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by September 22, 2025. The **SUPPLEMENTARY INFORMATION** portion of the document is changed to read as follows:

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. All electronic and written submissions made to the Docket (see **ADDRESSES**) on or before December 1, 2025, will be provided to the Committee. Oral presentations from the public will be scheduled on December 10, 2025, between approximately 11:30 a.m. and 12:30 p.m. Eastern Time. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before December 3, 2025. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by December 3, 2025.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. 1001 *et seq.*) and 21 CFR part 14, relating to the advisory committees.

Lowell M. Zeta,

Deputy Commissioner of Strategic Initiatives, Acting, Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–20608 Filed 11–20–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–D–0369]

Product-Specific Guidances; Draft and Revised Draft Guidances for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing the availability of additional draft and revised draft product-specific guidances. The draft guidances provide product-specific recommendations on, among other things, the design of bioequivalence (BE) studies to support abbreviated new drug applications (ANDAs). In the **Federal Register** of June 11, 2010, FDA announced the availability of a guidance for industry entitled “Bioequivalence Recommendations for Specific Products” that explained the process that would be used to make product-specific guidances available to the public on FDA’s website. The draft guidances identified in this notice were developed using the process described in that guidance.

DATES: Submit either electronic or written comments on the draft guidance by January 20, 2026 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA–2007–D–0369 for “Product-Specific Guidances; Draft and Revised Draft Guidances for Industry.” 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>.

www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Joseph Kotsybar, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 3623A, Silver Spring, MD 20993–0002, 240–402–1062, PSG-Questions@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of June 11, 2010 (75 FR 33311), FDA announced the availability of a guidance for industry entitled “Bioequivalence Recommendations for Specific Products” that explained the process that would be used to make product-specific guidances available to the public on FDA’s website at <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs>.

As described in that guidance, FDA adopted this process to develop and disseminate product-specific guidances and provide a meaningful opportunity for the public to consider and comment on those guidances. Under that process, draft guidances are posted on FDA’s website and announced periodically in the **Federal Register**. The public is encouraged to submit comments on those recommendations within 60 days of their announcement in the **Federal Register**. FDA considers any comments received and either publishes final guidances or publishes revised draft guidances for comment. Guidances were last announced in the **Federal Register** on October 2, 2025 (90 FR 47778). This

notice announces draft product-specific guidances, either new or revised, that are posted on FDA’s website.

II. Drug Products for Which New Draft Product-Specific Guidances Are Available

FDA is announcing the availability of new draft product-specific guidances for industry for drug products containing the following active ingredients:

TABLE 1—NEW DRAFT PRODUCT-SPECIFIC GUIDANCES FOR DRUG PRODUCTS

Active ingredient(s)
Aprocritentan.
Berdazimer sodium.
Budesonide.
Carbidopa; Levodopa (multiple reference listed drugs).
Danicopan.
Dasatinib.
Deuruxoutinib phosphate.
Dexamethasone.
Eltrombopag choline.
Flunisolide.
Givinostat hydrochloride.
Glucagon.
Inavolisib.
Lazertinib mesylate.
Mavoxifaor.
Metronidazole.
Minocycline hydrochloride.
Nilotinib tartrate.
Oxaprozin.
Probenecid; Sulopenem etzadroxil.
Resmetirom.
Sacubitril; Valsartan.
Seladelpar lysine.
Tirzepatide.
Tovorafenib (multiple reference listed drugs).
Travoprost.
Trospium chloride; Xanomeline tartrate.
Vadadustat.
Valbenazine tosylate.
Vorasidenib.

III. Drug Products for Which Revised Draft Product-Specific Guidances Are Available

FDA is announcing the availability of revised draft product-specific guidances for industry for drug products containing the following active ingredients:

TABLE 2—REVISED DRAFT PRODUCT-SPECIFIC GUIDANCES FOR DRUG PRODUCTS

Active ingredient(s)
Acidinium bromide.
Acidinium bromide; Formoterol fumarate.
Ambrisentan.
Amino acids; Calcium chloride; Dextrose; Magnesium sulfate; Potassium chloride; Sodium acetate; Sodium glycerophosphate; Soybean oil.

TABLE 2—REVISED DRAFT PRODUCT-SPECIFIC GUIDANCES FOR DRUG PRODUCTS—Continued

Active ingredient(s)
Amphetamine.
Asciminib hydrochloride.
Beclomethasone dipropionate (multiple reference listed drugs).
Bosentan (multiple reference listed drugs).
Budesonide.
Buprenorphine hydrochloride.
Ciclesonide.
Copper Cu-64 dotatate.
Crofelemer.
Diazepam.
Epinephrine (multiple reference listed drugs).
Fish oil triglycerides.
Fish oil; medium chain triglycerides; Olive oil; Soybean oil.
Fludrocortisone acetate.
Gabapentin.
Gallium Ga 68 edotreotide.
Glycopyrrolate.
Glycopyrrolate; Indacaterol maleate.
Hydroxychloroquine sulfate.
Indacaterol maleate.
Ipratropium bromide.
Iron dextran ¹ .
Isotretinoin.
Macitentan.
Macitentan; Tadalafil.
Metronidazole (multiple reference listed drugs).
Minocycline hydrochloride.
Mometasone furoate.
Neratinib maleate.
Olive oil; soybean oil.
Palbociclib.
Pexidartinib hydrochloride.
Rifampin.
Sodium ferric gluconate complex ² .
Soybean oil.
Valbenazine tosylate.

For a complete history of previously published **Federal Register** notices related to product-specific guidances, go to <https://www.regulations.gov> and enter Docket No. FDA–2007–D–0369.

These draft guidances are being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). These draft guidances, when

¹ The previous version of this product-specific guidance identified the active ingredient as ferric oxyhydroxide. FDA has concluded that the active ingredient is iron dextran and is revising the product-specific guidance to, among other things, reflect that conclusion. See Letter to Sean Griffin and Emily Marden, Sidley Austin LLP, from George Tidmarsh, M.D., Ph.D., Director, Center for Drug Evaluation and Research, Docket No. FDA–2021–P–0893 (August 8, 2025).

² The previous version of this product-specific guidance identified the active ingredient as ferric oxyhydroxide. FDA has concluded that the active ingredient is sodium ferric gluconate complex and is revising the product-specific guidance to, among other things, reflect that conclusion. See Letter to Sean Griffin and Emily Marden, Sidley Austin LLP, from George Tidmarsh, M.D., Ph.D., Director, Center for Drug Evaluation and Research, Docket No. FDA–2021–P–0893 (August 8, 2025).

finalized, will represent the current thinking of FDA on, among other things, the product-specific design of BE studies to support ANDAs. They do not establish any rights for any person and are not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

As we develop final guidance on this topic, FDA will consider comments on costs or cost savings the guidance may generate, relevant for Executive Order 14192.

IV. Paperwork Reduction Act of 1995

While these guidances contain no collection of information, they do refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 312 for investigational new drugs have been approved under OMB control number 0910–0014. The collections of information in 21 CFR part 314 for applications for FDA approval to market a new drug and in 21 CFR part 320 for bioavailability and bioequivalence requirements have been approved under OMB control number 0910–0001.

V. Electronic Access

Persons with access to the internet may obtain the draft guidance at <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs>, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>, or <https://www.regulations.gov>.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–20548 Filed 11–20–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose

confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Nucleic Acid Therapeutic Delivery (NATD).

Date: December 15–16, 2025.

Time: 09:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Jingwu Xie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–8625, jingwu.xie@nih.gov.

Registration is not required to attend this meeting.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 19, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–20624 Filed 11–20–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Cancer Advisory Board.

The meeting will be held virtually and is open to the public, as indicated below. Individuals who plan to view the virtual meeting and require special assistance or other reasonable accommodation should notify the Contact Person listed below in advance of the meeting. The meeting can be accessed from the NIH Videocast at the following link: <http://videocast.nih.gov/>. A portion of the meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended. The intramural programs and projects and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning

individuals associated with the intramural programs and projects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Advisory Board.

Date: December 2, 2025.

Open: 10:00 a.m. to 1:20 p.m.

Agenda: NCAB Subcommittee Meetings.

Open: 1:30 a.m. to 4:00 p.m.

Agenda: Opening Remarks and Business of the Board.

Closed: 4:15 p.m. to 5:00 p.m.

Agenda: To review and evaluate the intramural program, site visit outcomes and discussions of confidential personnel issues.

Address: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Rockville, MD 20850.

Meeting Format: Virtual Meeting.

Contact Person: Shamala K. Srinivas, Ph.D., Associate Director, Division of Extramural Activities, National Cancer Institute—Shady Grove, National Institutes of Health, 9609 Medical Center Drive, 7th Floor, Room. 7W530, Bethesda, MD 20892, 240–276–6340, shamala@mail.nih.gov.

Late Notice Text: This notice is being published less than 15 days from the meeting date due to exceptional circumstances. The National Cancer Advisory Board (NCAB) meeting date could not be confirmed until the appointment of the new NCI Director, Dr. Anthony Letai, which occurred on September 30, 2025. As of the next day, October 1, 2025, it was not possible to publish the meeting notice for the NCAB as a result of the 43-day government shutdown, due to lapsed appropriations.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: NCAB: <http://cancer.gov>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Zieta M. Charles,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–20483 Filed 11–20–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Project: Alzheimer's Disease and Aging.

Date: January 12–13, 2026.

Time: 9:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Rekha Dhanwani, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, MSC–9823, Rockville, MD 20892, (240) 627–3076, rekha.dhanwani@nih.gov.

Registration is not required to attend this meeting.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 18, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–20597 Filed 11–20–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topics in Instrumentation and Systems Development (ISD).

Date: January 9, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Yoon-Young Jang, Ph.D., MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–451–3397, yoonyoung.jang@nih.gov.

Registration is not required to attend this meeting.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 19, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–20613 Filed 11–20–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Learning, Memory, Language, Communication and Related Neuroscience.
Date: January 15, 2026.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.

Contact Person: Alicia Mariel Jais, PHMD, Scientific Review Officer, SRB Scientific Review Branch, NIA, 5601 Fishers Lane, Suite 8B, Rockville, MD 20892, (301) 594-2614, mariel.jais@nih.gov.

Registration is not required to attend this meeting.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 19, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-20623 Filed 11-20-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: HIV/AIDS Biological Review Panel.

Date: January 22, 2026.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Annie Walker-Abbey, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Bethesda, MD 20892, (240) 627-3390, aabbey@mail.nih.gov.

Registration is not required to attend this meeting.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 19, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-20620 Filed 11-20-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Projects: Centers of Biomedical Research Excellence..

Date: December 16, 2025.

Time: 10:00 a.m.-1:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.

Contact Person: Kausik Ray, Ph.D., Scientific Review Officer, National Institute on Deafness and Other Communication Disorders, National Institutes of Health, 6001 Executive Blvd., Rockville, MD 20852, 301-402-3587, rayk@nidcd.nih.gov.

Registration is not required to attend this meeting.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 19, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-20626 Filed 11-20-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; NIMH Office of National Autism Coordination (ONAC) Portfolio Analysis

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Andrew Hooper, NIMH Project Clearance Liaison, Science Policy and Evaluation Branch, Office of Science Policy, Planning and Communications, NIMH, Neuroscience Center, 6001 Executive Boulevard, MSC 9667, Bethesda, Maryland 20892, call (301) 480-8433, or email your request, including your mailing address, to nimhprapubliccomments@mail.nih.gov. Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Proposed Collection Title: NIMH Office of National Autism Coordination (ONAC) Portfolio Analysis, NIMH, 0925–0682, expiration date 2/28/2026, REVISION, National Institute of Mental Health (NIMH), National Institutes of Health (NIH).

Need and Use of Information Collection: This is a requested revision of a currently approved request (NIMH Office of Autism Research Coordination (OARC) Portfolio Analysis, 0925–0682, expiration date 2/28/2026), where the National Institute of Mental Health (NIMH) Office of National Autism Coordination (ONAC), on behalf of the Interagency Autism Coordinating Committee (IACC), plans to continue conducting comprehensive portfolio analyses of major autism spectrum

disorder (ASD) research funders. The purpose of the ASD research portfolio analysis is to collect research funding data from U.S. and international ASD research funders, to assist the Interagency Autism Coordinating Committee (IACC) in fulfilling the requirements of the Autism Collaboration, Accountability, Research, Education, and Support (CARES) Act of 2024, and to inform the committee and interested stakeholders of the funding landscape and current directions for ASD research. Specifically, these analyses will continue to examine the extent to which current funding and research topics align with the *IACC Strategic Plan for Autism Research, Services, and Policy*. The findings will help guide future funding priorities by outlining current gaps and opportunities in ASD research as well as serving to highlight annual research activities and progress.

This revision request includes the following actions: updating all previous references to the “Office of Autism Research Coordination (OARC)” to instead refer to the “Office of National Autism Coordination (ONAC)”;

“Autism CARES Act of 2019” to instead refer to the “Autism CARES Act of 2024”, which was signed into law in December 2024 and reauthorizes the IACC through September 2029; updating all previous references to IACC Strategic Plan “Objectives” to instead refer to “Recommendations” after the publication of the 2021–2023 IACC Strategic Plan; updating descriptions of how results of the portfolio analyses will be presented and made publicly available upon request; updating the total burden hours due to an increase in the number of U.S. respondents and an increase in the number of projects reported by these respondents; updating the annualized total cost to the federal government due to inflation and staffing changes; and, updating information collection materials and background documents to reflect the funders to be included in future autism research portfolio analyses and to allow for project funding data for two years to be provided in one spreadsheet.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 474.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Number of respondents	Number of projects per respondent	Average time per response (in hours)	Total burden hours
U.S. Federal	40	24	15/60	240
U.S. Private	18	47	15/60	212
International Government	1	61	15/60	15
International Private	2	13	15/60	7
Total	61	1,893	.....	474

Dated: November 18, 2025.

Andrew A. Hooper,

Project Clearance Liaison, National Institute of Mental Health, National Institutes of Health.

[FR Doc. 2025–20593 Filed 11–20–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Infectious Diseases and Immunology A Integrated Review Group; Viral Pathogenesis and Immunity Study Section.

Date: January 12, 2026.

Time: 8:00 a.m. to 7:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Neerja Kaushik-Basu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, 301–435–1742, kaushikbasun@csr.nih.gov.

Registration is not required to attend this meeting.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 19, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–20621 Filed 11–20–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Centers for AIDS Research (P30 Clinical Trial Not Allowed); Developmental Centers for AIDS Research (P30 Clinical Trials Not Allowed).
Date: December 18–19, 2025.
Time: 10:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.

Contact Person: Poonam Pegu, Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, MSC-9823, Rockville, MD 20892, 240-255-8315, poonam.pegu@nih.gov.

Registration is not required to attend this meeting.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 19, 2025,

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–20632 Filed 11–20–25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Projects: Immunology and Infectious Diseases.

Date: January 27–28, 2026.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Louis A. Rosenthal, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Rm. 3G42B, National Institutes of Health/ NIAID, 5601 Fishers Lane, MSC 9834, Bethesda, MD 20892–9834, 301-496-8947, louis.rosenthal@nih.gov.

Registration is not required to attend this meeting.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 19, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–20616 Filed 11–20–25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Maximizing Investigators' Research Award B Study Section.

Date: January 8–9, 2026.

Time: 9:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Sudha Veeraraghavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7846, Bethesda, MD 20892, (301) 827-5263, sudha.veeraraghavan@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 18, 2025.

Sterlyn H. Gibson,

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–20484 Filed 11–20–25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Board of Scientific Counselors, National Institute of Dental and Craniofacial Research, December 02, 2025, 10:00 a.m. to December 02, 2025, 03:00 p.m., National Institute of Dental Craniofacial Research, 31 Center Drive, Bethesda, MD 20892 which was published in the **Federal Register** on September 23, 2025, 90 FR 45785.

This notice is being amended to change the meeting date from December 2, 2025, to January 12, 2026. The timeframe remains 10:00 a.m. to 3:00 p.m. The meeting is closed to the public.

Dated: November 18, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–20594 Filed 11–20–25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skeletal Muscle and Exercise Physiology Study Section.

Date: December 18–19, 2025.

Time: 9:30 a.m.–7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Carmen Bertoni, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 805B, Bethesda, MD 20892, 301–867–5309, bertonic2@csr.nih.gov.

Registration is not required to attend this meeting.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 19, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–20637 Filed 11–20–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group, Instrumentation and Systems Development Study Section.

Date: January 8, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Zachary Stephen Bailey, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–4691, zach.bailey@nih.gov.

Registration is not required to attend this meeting.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 19, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–20614 Filed 11–20–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Research Career Development Awards.

Date: January 13, 2026.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Marta Veronica Hamity, Ph.D., Scientific Review Officer, Office of Scientific Review, Division of Extramural Activities, NCCIH/NIH, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892, 301–451–1664, marta.hamity@nih.gov.

Registration is not required to attend this meeting.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 19, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–20628 Filed 11–20–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neurobiology of Pain and Analgesia and Neuroscience of Interoception and Chemoreception.

Date: December 16, 2025.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Jingshan Chen, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities,

NIDCR, Bethesda, MD 20892, (301) 451–2405, jingshan.chen@nih.gov.

Registration is not required to attend this meeting.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 19, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–20627 Filed 11–20–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Review of R21 applications for Concept Studies for Rare Diseases.

Date: January 20–21, 2026.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Lee Warren Slice, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–867–5309, slicelw@mail.nih.gov.

Registration is not required to attend this meeting.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 19, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–20601 Filed 11–20–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Molecular and Cellular Underpinnings and Integrative Neuropathophysiology of Alzheimer's Disease and Related Dementias (ADRD).

Date: January 8–9, 2026.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Ashley Marie Kopec, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–9293, kopecam@csr.nih.gov.

Registration is not required to attend this meeting.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 19, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–20629 Filed 11–20–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel PAR Panel: Clinical Trial Topics in Immunology, Parasitic, Viral, and Bacterial Disease.

Date: January 26, 2026.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Lee G. Klinkenberg, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1003–L, Bethesda, MD 20892, 301–594–1706 lee.klinkenberg@nih.gov.

Registration is not required to attend this meeting.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 19, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–20631 Filed 11–20–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Neurodevelopmental and Neuropsychiatric Disorders.

Date: January 28–29, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Chi-Tso Chiu, Ph.D., Scientific Review Officer, Scientific Review Branch (SRB), Eunice Kennedy Shriver National Institute of Child Health & Human Development, NIH, DHHS, 6710B Rockledge Drive, Room 2127B, Bethesda, MD 20817, (301) 435-7486, chiuc@mail.nih.gov.

Registration is not required to attend this meeting.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 19, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–20633 Filed 11–20–25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Biomaterials and Biointerfaces Study Section.

Date: January 8, 2026.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Jennifer Fiori O'Connell, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 240-762-1866, jennifer.oconnell@nih.gov.

Registration is not required to attend this meeting.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 19, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–20630 Filed 11–20–25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Brain Injury and Neurodegeneration.

Date: December 17, 2025.

Time: 9:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Nilkantha Sen, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, National Institute of Neurological Disorders and Stroke, NIH, Bethesda, MD 20892, (301) 496-9223, nilkantha.sen@nih.gov.

Registration is not required to attend this meeting.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 19, 2025

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–20635 Filed 11–20–25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Asset-Based and Non-Asset-Based Third Party Logistics Customs Trade Partnership Against Terrorism (CTPAT) Program Pilot

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

ACTION: General notice.

SUMMARY: This notice announces that the Department of Homeland Security, acting through the Commissioner of the U.S. Customs and Border Protection (CBP), plans to conduct a pilot for Asset-Based and Non-Asset-Based Third Party Logistics Providers to participate in the Customs Trade Partnership Against Terrorism (CTPAT) Program to determine whether allowing such entities to participate in CTPAT would enhance port security, combat terrorism, prevent supply chain security breaches, or otherwise meet the goals of CTPAT as provided for by Congress. This notice describes the purpose of the pilot, eligible participants, duration of the pilot, and pilot procedures.

DATES: The pilot will begin no earlier than December 1, 2025, and will run for no more than five years. Any extension of this pilot will be announced by a notice published in the **Federal Register**.

ADDRESSES: Applicants who wish to participate in the CTPAT Pilot Program must send an email to OFO-INDUSTRYPARTNERSHIP@CBP.DHS.GOV, and indicate if they wish to participate as a non-asset-based third party logistics provider (3PL) or an asset-based 3PL. In the subject line of

the email, please use “CTPAT 3PL Pilot Program Interest.” Written comments concerning program, policy, and technical issues may also be submitted via email to *OFO-INDUSTRYPARTNERSHIP@CBP.DHS.GOV*. In the subject line of the email, please use “Comment on CTPAT Pilot Program”.

FOR FURTHER INFORMATION CONTACT:

Peter Touhy, CTPAT-Miami, Office of Field Operations, U.S. Customs and Border Protection, via email at *Peter.C.Touhy@cbp.dhs.gov*.

SUPPLEMENTARY INFORMATION:

Background

In 2006, the Security and Accountability For Every (SAFE) Port Act authorized the Secretary of the Department of Homeland Security, acting through the Commissioner of the U.S. Customs and Border Protection (CBP), to establish a voluntary government-private sector program to be known as the “Customs Trade Partnership Against Terrorism” or “CTPAT.” The goal of CTPAT is to strengthen and improve the overall security of the international supply chain and United States border security, and to facilitate the movement of secure cargo through the international supply chain. Specifically, CTPAT establishes a customs clearance process for eligible entities¹ that voluntarily meet or exceed enhanced security screening requirements.² Entities certified as CTPAT participants may be eligible for benefits such as reduced risk scores assigned in the Automated Targeting System (ATS), reduced examinations of cargo, priority searches of cargo, and expedited release of cargo. *See* 6 U.S.C. 964–966. By ensuring that participants meet minimum security standards, CTPAT helps CBP improve trade facilitation and enhances the security of incoming cargo and processing of cargo through ports of entry, which also benefits CTPAT members. These members submit to enhanced security screening measures improving security throughout the supply chain. *See* S. Rep. No. 118–27 at 2 (2023).

In 2008, CBP expanded CTPAT membership to include third party logistics providers (3PLs) that meet the

eligibility requirements and minimum security criteria set forth by the Program.³ 3PLs are firms that provide outsourced or “third party” logistics services to companies for part, or sometimes all, of their supply chain management function. There are two types of 3PLs: asset-based and non-asset-based. Asset-based 3PLs own or lease warehousing facilities, vehicles, aircraft, or any other transportation assets using their own resources. Non-asset-based 3PLs do not own assets but instead partner with a network of other carriers and providers to arrange and manage a client’s supply chain needs. CBP has permitted some non-asset-based 3PLs to participate in the CTPAT Program, including indirect air carriers, non-vessel operating common carriers (NVOCCs) and customs brokers. However, their participation was limited.

On October 1, 2024, Congress passed the “Customs Trade Partnership Against Terrorism Pilot Program Act of 2023” or the “CTPAT Pilot Program Act of 2023” (Pub. L. 118–98, 138 Stat. 1575) to address the exclusion of certain types of 3PLs from participation in CTPAT. Congress recognized that non-asset-based 3PLs and asset-based 3PLs play a role in the safety of the international supply chain and national security. Specifically, the CTPAT Pilot Program Act of 2023 directs DHS to establish a pilot to assess whether allowing both non-asset-based 3PLs and asset-based 3PLs to participate in CTPAT would enhance port security, assist in combatting terrorism, prevent supply chain security breaches, or otherwise meet the goals of CTPAT. Sec. 3, Public Law 118–98, 138 Stat. 1575.

Pilot Program for Participation of 3PLs in CTPAT

Authority

The pilot described in this notice is authorized pursuant to Section 3 of the CTPAT Pilot Program Act of 2023, which directs the Secretary of Homeland Security to carry out a pilot where non-asset-based 3PLs and asset-based 3PLs that meet the criteria outlined in the statute are allowed to participate in CTPAT.

Purpose of the Pilot

In 2001, the federal government engaged the trade community to improve supply chain security to

protect the United States from acts of terrorism. One resulting development was the creation of CTPAT. CTPAT is a partnership between the federal government and the private sector that seeks to improve security throughout the supply chain, from point of origin to point of destination. The Program created a customs clearance process for eligible entities that voluntarily meet or exceed enhanced security screening requirements. When an entity is certified as a CTPAT participant, it agrees to work with CBP to protect the supply chain, identify security gaps, and implement specific security measures and best practices. Applicants must address a broad range of security topics and present security profiles that list action plans to align security procedures throughout the supply chain. As a result, CTPAT members are considered to be of low risk, and therefore are less likely to be examined at a U.S. port of entry, helping CBP improve overall trade facilitation and focus resources on cargo that presents unknown risk. The purpose of this pilot is to assess whether expanding current membership of 3PLs to participate in CTPAT would enhance port security, assist in combatting terrorism, prevent supply chain security breaches, or otherwise meet the goals of CTPAT.

Eligibility for Participation

Participation in the pilot is voluntary. CTPAT is open to members of the trade community who can demonstrate excellence in supply chain security practices and who have had no significant security related events. Entities interested in participating in the pilot must meet the eligibility criteria outlined in this notice as well as the Minimum Security Criteria (MSC) for 3PLs. Each applicant to the CTPAT Program is considered on an individual basis, and CBP may determine an applicant to be ineligible for participation in the pilot if issues of concern exist.

All participating entities must comply with the eligibility requirements of the CTPAT Program including:

- Be directly or indirectly involved in the handling and management of international cargo. Entities which only provide domestic services and do not handle or manage international cargo are not eligible.

- Does not allow subcontracting of service beyond a second party other than to other CTPAT members (does not allow the practice of “double brokering,” that is, the 3PL may contract with a service provider, but may not allow that contractor to further

¹ Eligible entities include importers, customs brokers, forwarders, air, sea, land carriers, contract logistics providers, and other entities in the international supply chain and intermodal transportation system. *See* 6 U.S.C. 962.

² *See* 6 U.S.C. 962. *See also* CTPAT Minimum Security Criteria, U.S. Customs and Border Protection (Oct. 5, 2022), <https://www.cbp.gov/border-security/ports-entry/cargo-security/ctpat-customs-trade-partnership-against-terrorism/apply-security-criteria>.

³ *See* U.S. Customs and Border Protection, *Customs-Trade Partnership Against Terrorism (CTPAT) Minimum Security Criteria: Third Party Logistics Providers (3PL)* (Jan. 2009), www.cbp.gov/sites/default/files/documents/3pl_security_criteria_3.pdf.

subcontract the actual provision of this service).

- Be licensed and/or bonded by the Federal Maritime Commission, Transportation Security Administration, CBP, or the U.S. Department of Transportation.

- Maintain no evidence of financial debt to CBP for which the responsible party has exhausted all administrative and judicial remedies for relief, a final judgment or administrative disposition has been rendered, and the final bill or debt shall not remain unpaid at the time of the initial application or annual renewal.

- Maintain a staffed office in the United States, Canada, or Mexico.

In addition to meeting the general existing eligibility criteria of CTPAT, all pilot participants must be a 3PL and meet the eligibility requirements for their entity type. The pilot will consist of ten entities of each of the two types of providers described below:

- Asset-based 3PLs that facilitate cross border activity and manage and execute logistical functions for clients, using their own personnel, with owned or leased transportation, consolidation or warehousing assets and resources.
- Non-asset-based 3PLs that arrange international transportation of freight and manage and execute these particular logistics functions using other carriers with owned or leased transportation, consolidation or warehousing assets and resources, or contracting any or all of these services, on behalf of the client company.

Application Process and Acceptance

All interested applicants must send an email to *OFO-INDUSTRYPARTNERSHIP@CBP.DHS.GOV* to indicate their intent to participate in the pilot, as either a non-asset-based 3PL or asset-based 3PL in the pilot. In the subject line of the email, please use “CTPAT 3PL Pilot Program Interest.” Pilot participants will be selected on a first come, first-served basis. Approved applicants will be notified via email and directed to complete the online application in the CTPAT portal, as outlined below. Applicants who are not selected for participation at this time may be eligible to participate at a later date, and will be notified in the order in which the original interest emails were received.

Once approved, applicants must complete an online application to participate in the pilot, via the CTPAT Portal (<https://www.cbp.gov/border-security/ports-entry/cargo-security/c-tpat-customs-trade-partnership-against-terrorism/apply>), applying as a Third Party Logistics Provider. There are two

components to the application process: the Company Profile and the Security Profile. The company profile section of the application will ask for general company information such as addresses and contact information. Applicants must indicate in the first line of the “Brief Company History” section that they are “Applying as a non-asset-based 3PL to the 3PL CTPAT Pilot” or “Applying as an asset-based 3PL to the 3PL CTPAT Pilot,” depending on the type of operation.

The Security Profile section contains questions of a more detailed nature that the Supply Chain Security Specialist (SCSS) responsible for reviewing applications will use to determine the company’s ability to meet CTPAT MSC. All approved applicants are required to complete the Security Profile addressing the company’s security procedures to meet the MSC of a 3PL.⁴ When completing the Security Profile, not all sections of the MSC may directly apply to non-asset-based 3PLs. Non-asset-based 3PLs are encouraged to consider the criteria in relation to their business partners, and “N/A” will not be an accepted response. All applicants must show how they meet the criteria by educating and addressing the criteria with their business partners such that the business partners understand the criteria required.

Upon completion of both the Company Profile and the Security Profile in the CTPAT portal, each applicant will be assigned a SCSS to review the applicant’s submitted materials. The SCSS will determine if the applicant meets the pilot’s eligibility requirements and the MSC for a 3PL. The SCSS will communicate with the applicant if any deficiencies are discovered and will work with the applicant to resolve identified issues or will notify the applicant if it is not eligible to participate in the pilot. If the application is approved, the applicant will be notified through the CTPAT portal and the company’s status will change from Applicant to Certified, and the company will start receiving CTPAT benefits.

Certified CTPAT pilot participants will be contacted by their assigned SCSS within one year of certification to set up a validation to observe the security practices at the participant’s location(s) of operation. The validation will consist of an on-site visit for the assigned SCSS to verify the information submitted for the Security Profile to

determine if the applicant meets the MSC for 3PLs and is eligible to become a validated partner.⁵ Certified partners who become validated will continue to participate in the pilot and receive the benefits afforded to 3PLs in the CTPAT Program.

Evaluation

After concluding the validations of all pilot participants, CBP will evaluate the process under the pilot to see what worked, what did not, and where CBP can improve.

Duration of Pilot

This pilot will begin no earlier than December 1, 2025, and will run for no more than five years. Any extensions of this pilot will be announced by a notice published in the **Federal Register**.

Privacy

CTPAT information for businesses and individuals is protected under the Privacy Act of 1974 and will not be improperly collected, used, or disseminated. CBP will ensure that all Privacy Act requirements and applicable DHS privacy policies are adhered to during this pilot. DHS’s Fair Information Practice Principles (FIPPs) account for the nature and purpose of the information being collected in relation to DHS’s mission to preserve, protect and secure the United States. The Privacy Impact Assessment (PIA) addresses issues in any data collection such as the security, integrity, sharing of data, use limitation, and transparency.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), an agency may not conduct, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number assigned by the Office of Management and Budget (OMB). This information collection is covered by OMB control number 1651–0077. This information collection has been updated to include information collected by CBP pursuant to this notice.

Kristi Noem,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2025–20648 Filed 11–20–25; 8:45 am]

BILLING CODE 9111–14–P

⁴ See *Third Party Logistics Providers (3PL)*, U.S. Customs and Border Protection (Mar. 6, 2024), <https://www.cbp.gov/border-security/ports-entry/cargo-security/ctpat/security-guidelines/third-party-logistics-providers>.

⁵ See *CTPAT Validation Process*, U.S. Customs and Border Protection (Jul. 1, 2020), <https://www.cbp.gov/border-security/ports-entry/cargo-security/c-tpat-customs-trade-partnership-against-terrorism/apply/validation>.

DEPARTMENT OF HOMELAND SECURITY**U.S. Immigration and Customs Enforcement****[OMB Control Number 1653–0022]****Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Form No. I–352; Immigration Bond****AGENCY:** U.S. Immigration and Customs Enforcement, Department of Homeland Security.**ACTION:** 30-Day notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995 the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE) will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance. This information collection was previously published in the **Federal Register** on September 3, 2025, allowing for a 60-day comment period. ICE received no comments. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until December 22, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of the 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: If you have questions related to this collection, call or email Carl Albritton, ERO Bond Management Unit, (202) 732–5918, carl.a.albritton@ice.dhs.gov.

SUPPLEMENTARY INFORMATION:**Comments**

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(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 estimate 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; and

(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.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Immigration Bond.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* I–352; U.S. Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individual or Households; Business or other for-profit. The data collected on this collection instrument is used by ICE to ensure that the person or company posting the bond is aware of the duties and responsibilities associated with the bond. The collection instrument serves the purpose of instruction in the completion of the form, together with an explanation of the terms and conditions of the bond. Sureties have the capability of accessing, completing, and submitting delivery, voluntary departure, and order of supervision bonds electronically through ICE’s eBonds system which encompasses the I–352, while individuals are still required to complete the bond form manually and sureties will be required to submit maintenance of status and departure bonds manually.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 16,505 responses at 30 minutes (.50 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden is 8,253 hours.

Dated: November 18, 2025.

Scott Elmore,
PRA Clearance Officer.

[FR Doc. 2025–20481 Filed 11–20–25; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOMELAND SECURITY**U.S. Citizenship and Immigration Services****[CIS No. 2838–25]****Inflation Adjustment to HR–1 Immigration Fees****AGENCY:** U.S. Citizenship and Immigration Services, DHS.**ACTION:** Notice of inflationary fee adjustment.

SUMMARY: U.S. Citizenship and Immigration Services (USCIS), a component of the Department of Homeland Security (DHS), is announcing inflationary adjustments to immigration-related fees administered by USCIS under the One Big Beautiful Bill Act (HR–1) for Fiscal Year (FY) 2026. HR–1 mandates that USCIS adjust the HR–1 fees. This notice outlines the adjusted fees and their effective date.

DATES: The fees announced in this notice are effective on or after January 1, 2026. Any immigration benefit request postmarked on or after January 1, 2026 without the proper filing fee will be rejected.

FOR FURTHER INFORMATION CONTACT: Office of Chief Financial Officer, U.S. Citizenship and Immigration Services, Department of Homeland Security, 5900 Capital Gateway Drive, Camp Springs, MD 20746; telephone 240–721–3000 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD).

SUPPLEMENTARY INFORMATION:**Table of Abbreviations**

BLS—U.S. Bureau of Labor Statistics
CPI—U—Consumer Price Index for All Urban Consumers
DHS—Department of Homeland Security
EAD—Employment Authorization Document
FY—Fiscal Year
HR–1—One Big Beautiful Bill Act
INA—Immigration and Nationality Act
TPS—Temporary Protected Status
USCIS—U.S. Citizenship and Immigration Services

I. Background and Authority**H.R.1—One Big Beautiful Bill Act**

On July 4, 2025, the President signed into law H.R.1—One Big Beautiful Bill Act, Public Law 119–21, 139 Stat. 72 (HR–1), a comprehensive legislative package that amended various laws, including the Immigration and Nationality Act (INA). Among its changes, HR–1 introduced new

immigration fees as minimum amounts for Fiscal Year (FY) 2025, authorized agencies to adjust them through rulemaking, and mandated annual updates based on the Consumer Price Index for All Urban Consumers (CPI-U). See HR–1, Title X, Subtitle A, Part I, Sections 100001 through 100018.

On July 22, 2025, USCIS published a **Federal Register** Notice announcing the implementation of these fees. See 90 FR 34511 (July 22, 2025).

- \$100 fee for any alien who files an application for asylum under section 208 (8 U.S.C. 1158) at the time such application is filed. Sec. 100002.
- \$550 fee for individuals filing an initial application for employment authorization based on a pending asylum application under section 208(d)(2) (8 U.S.C. 1158(d)(2)). Sec. 10003(a).
- \$275 fee for renewals and extensions of employment authorization for asylum applicants. Sec. 100011.
- \$550 fee for any alien paroled into the United States for any initial application for employment authorization at the time such initial application is filed. Sec. 100003(b).
- \$275 fee for renewals and extensions of employment authorization based on a grant of parole. Sec. 100010.
- \$550 fee for an alien who files an initial employment authorization

application under Temporary Protected Status (TPS). Sec. 100003(c).

- \$275 fee for renewals and extensions of employment authorization for aliens granted TPS. Sec. 100012.
- \$500 fee for first-time applicants filing Form I–821, Application for Temporary Protected Status, not including the \$30 biometric services fee. Sec. 100006.
- \$250 fee for any alien who files Form I–360, Petition for Amerasian, Widow(er), or Special Immigrant for Special Immigrant Juvenile (SIJ) status under section 101(a)(27)(J), 8 U.S.C. 1101(a)(27)(J). Sec. 100005.
- \$100 annual fee for all aliens with a pending asylum application for each calendar year the application remains pending. Sec. 100009.¹

HR–1 requires that DHS, beginning in FY 2026 and continuing for each subsequent fiscal year, adjust the immigration-related fees for inflation. HR–1 prescribes that DHS use the percentage change to the CPI-U for the month of July in the current year compared to the preceding calendar year, and round each fee to the next lowest multiple of \$10 or down to the nearest dollar as authorized by HR–1. See e.g., Sec. 100002(c) or Sec. 100007(a)(3).

II. Basis for Adjustment

In accordance with the provisions outlined in HR–1, most fees established

for various immigration-related applications and benefit requests are subject to annual inflation adjustments. USCIS calculated these adjustments using the percentage change in the CPI-U from July 2024 to July 2025, with most fees “rounded to the next lowest multiple of \$10” as required by HR–1. See e.g., sec 100002(c). Section 100009 specifies that the Annual Asylum Fee is adjusted for inflation and rounded down to the nearest “dollar.” See sec 100009(b)(2)(B). This approach aligns with HR–1 requirements to use the percentage change in CPI-U from the “month of July preceding the date on which such adjustment takes effect . . . for the same month of the preceding calendar year.” *Id.* In July 2024, the CPI-U was 314.540 and in July 2025 it was 323.048.² Therefore, between July 2024 and July 2025, the CPI-U increased by approximately 2.70 percent.³ When this percentage increase is applied to the current (FY 2025) HR–1 fees and rounded to the next lowest \$10 increment, some fees increase by \$5, \$10, or \$20. Some fees will not change because the inflation adjusted amount is equal to the current fee when rounded to the next lowest \$10 increment. Table 1 summarizes the HR–1 fees for FY 2026 which USCIS collects.

TABLE 1—HR–1 INFLATION ADJUSTMENTS FOR FY 2026

Immigration fee type	Current fee	CPI-U change (%)	Inflation adjustment	Fee plus inflation	Round down to \$10	Round down to nearest dollar	Fee increase	FY 2026 fee
I–589 Asylum Fee (Initial fee for aliens filing an application for asylum).	\$100	2.70	\$2.70	\$102.70	\$100	N/A	\$0	\$100
I–589 Annual Pending Asylum Application Fee	100	2.70	2.70	102.70	N/A	102	\$2	102
I–765 Initial Asylum Applicant Employment Authorization Document (EAD).	550	2.70	14.88	564.88	560	N/A	\$10	560
I–765 Renewal or Extension of Asylum Applicant EAD	275	N/A	N/A	N/A	N/A	N/A	HR–1 does not provide for adjustment ⁴ .	275
I–765 Initial Parole EAD—Valid for 1 year	550	2.70	14.88	564.88	560	N/A	\$10	560
I–765 Renewal or Extension of Parole EAD—Valid for 1 year ..	275	2.70	7.44	282.44	280	N/A	\$5	280
I–765 Initial Temporary Protected Status (TPS) EAD—Valid for 1 year or the duration of the TPS designation whichever is shorter.	550	2.70	14.88	564.88	560	N/A	\$10	560
I–765 Renewal or Extension of TPS EAD—Valid for 1 year	275	2.70	7.44	282.44	280	N/A	\$5	280
I–131 EAD upon new period of Parole (Re-parole)	275	2.70	7.44	282.44	280	N/A	\$5	280
I–821 TPS Fee	500	2.70	13.52	513.52	510	N/A	\$10	510
I–360 Special Immigrant Juvenile (SIJ) Fee	250	2.70	6.76	256.76	250	N/A	\$0	250

¹ On October 30, 2025, as required by an order issued in in *Asylum Seeker Advocacy Project v. United States Citizenship and Immigration Services, et al.*, SAG–25–03299 (D. Md.), USCIS paused the implementation of the July 22, 2025 notice as it relates to annual asylum fee notices. Any applicant who has received a notice from USCIS may disregard that notice pending updated instructions. That order does not affect the

adjustment of the amount of the AAF as required by the law and announced in this notice.

² See U.S. Bureau of Labor Statistics (BLS), CPI–U Series Id CUUR0000SA0, <https://data.bls.gov/timeseries/CUUR0000SA0> (last visited Sep. 24, 2025).

³ DHS calculated this by subtracting the July 2024 CPI-U (314.540) from the July 2025 CPI-U

(323.048), then dividing the result (8.508) by the July 2024 CPI-U (314.540). Calculation: (323.048 – 314.540)/314.540 = 0.0270 × 100 = 2.705 percent.

⁴ Public Law 119–21 section 100011, which governs fees for Renewal or Extension of Employment Authorization for Asylum Applicants, does not provide for inflationary adjustments.

For the fees outlined in this notice, the statute clearly states that agencies should round inflation adjustments down to the nearest dollar or, in most cases, to the “next lowest multiple of \$10.” Consistent with the statute, when applicable, USCIS is rounding down to the next lowest multiple of \$10 increment rather than rounding to the nearest \$10 increment.

The methodology USCIS used ensures that fees keep pace with inflation as enacted by Congress in HR-1.⁵

III. Effective Date and Implementation

USCIS will require the filing fees for FY 2026 established in this notice for any immigration benefit requests postmarked on or after January 1, 2026. Because of the time needed by DHS and USCIS to issue guidance on and operationalize the change in the required fees, and for the public to adapt their immigration benefit requests that are in process to the changes, requests postmarked on or after January 1, 2026 without the proper filing fee will be rejected. DHS has determined that the policy required by this Notice is the most equitable path forward to effectuate collection of HR-1 fees for FY 2026 as expeditiously as practicable for the fees administered by USCIS.⁶ The initial HR-1 fees and subsequent inflation adjustments are required by law, but for additional clarity, DHS may codify the fees covered by this notice and annual adjustments in 8 CFR part 106 in a future rule.

Joseph B. Edlow,

Director, U.S. Citizenship and Immigration Services.

[FR Doc. 2025-20622 Filed 11-20-25; 8:45 am]

BILLING CODE 9111-97-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-1435-1436 and 1438-1440 (Review)]

Acetone From Belgium, Singapore, South Africa, South Korea, and Spain; Revised Schedule for the Subject Proceeding

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: November 18, 2025.

FOR FURTHER INFORMATION CONTACT: Stamen Borisson (202-205-3125), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION: Effective May 20, 2025, the Commission established a schedule for the conduct of the subject proceeding (90 FR 22323, May 27, 2025). Due to the lapse in appropriations and ensuing cessation of Commission operations, the Commission is revising its schedule as follows: the deadline for filing posthearing briefs and for written statements from any person who has not entered an appearance as a party is December 3, 2025; the Commission will make its final release of information on December 22, 2025; and final party comments are due on December 30, 2025.

On September 30, 2025, counsel for the Coalition for Acetone Fair Trade filed a request to appear at the hearing. No other parties submitted a request to appear at the hearing. On November 17, 2025, counsel for the Coalition for Acetone Fair Trade withdrew its request to appear at the hearing, filed a request that the Commission cancel the scheduled hearing for this proceeding and indicated a willingness to respond to any Commission questions in lieu of an actual hearing. Consequently, the public hearing in connection with this proceeding, originally scheduled to begin at 9:30 a.m. on October 7, 2025, is cancelled. Parties to this proceeding should respond to any written questions posed by the Commission in their posthearing briefs.

For further information concerning this proceeding, see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: November 18, 2025.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2025-20518 Filed 11-20-25; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Low-Profile Microwave-Hood Combination Products, DN 3857*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Whirlpool Corporation on November 18, 2025. The complaint alleges violations of section 337 of the Tariff Act of 1930

⁵ See e.g., sec 100002(c).

⁶ The fee required by section 100004 of HR-1 from any alien who is paroled into the United States, and by section 100008 from any alien who submits an application for a Form I-94 Arrival/Departure Record, will be adjusted for inflation as required by the law in a subsequent notice in the *Federal Register*. DHS or the relevant component of DHS will explain the effective dates for implementation of the changes that are announced in each notice, rule, or guidance document.

(19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain low-profile microwave-hood combination products. The complaint names as respondents: Samsung Electronics Co., Ltd. of South Korea; Samsung Electronics America, Inc. of Englewood Cliffs, NJ; LG Electronics Inc. of South Korea; LG Electronics USA, Inc. of Englewood Cliffs, NJ; Midea Group Co., Ltd. of China; Midea America Corporation of Parsippany, NJ; Haier Group Corporation of China; Haier US Appliance Solutions, Inc. d/b/a GE Appliances of Louisville, KY; Electrolux Professional AB of Sweden; Electrolux Consumer Products, Inc. of Charlotte, NC; Cosmo Products, LLC of Chino, CA; Meyer Corporation, U.S. of Vallejo, CA; Kooldmore Supply, Inc. of Brooklyn, NY; THOR International d/b/a THOR Kitchen, Inc. of Ontario, CA; Unique Appliances Ltd. of Canada; and CTM Household Appliances Inc. of Canada. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles

potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number ("Docket No. 3857") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures¹). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at EDIS3Help@usitc.gov.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information,

including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,² solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.³

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: November 19, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025-20646 Filed 11-20-25; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-919 (Fourth Review)]

Certain Welded Large Diameter Line Pipe From Japan; Revised Schedule for the Subject Proceeding

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: November 18, 2025.

FOR FURTHER INFORMATION CONTACT: Camille Bryan (202-205-2811), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

accessing its internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION: Effective March 10, 2025, the Commission established a schedule for the conduct of the subject proceeding (48 FR 11995, March 13, 2025). Due to the lapse in appropriations and ensuing cessation of Commission operations, the Commission is revising its schedule as follows: the Commission will make its final release of information on November 21, 2025, and final party comments are due on November 25, 2025.

For further information concerning this proceeding, see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: November 18, 2025.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2025–20485 Filed 11–20–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–739–740 and 731–TA–1716–1717 (Final)]

Thermoformed Molded Fiber Products From China and Vietnam; Revised Schedule for the Subject Proceeding

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: November 18, 2025.

FOR FURTHER INFORMATION CONTACT: Caitlyn Costello (202–205–2058), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the

Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION: Effective May 12, 2025, the Commission established a schedule for the conduct of the subject proceeding (90 FR 23066, May 30, 2025, as revised in 90 FR 25642, June 17, 2025). Due to the lapse in appropriations and ensuing cessation of Commission operations, the Commission is revising its schedule as follows: the deadline for filing posthearing briefs and for written statements from any person who has not entered an appearance as a party is November 20, 2025; the Commission will make its final release of information on December 8, 2025; and final party comments are due on December 10, 2025.

For further information concerning this proceeding, see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: November 18, 2025.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2025–20514 Filed 11–20–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Antibody Drug Conjugates and Components Thereof and Products Containing the Same*, DN 3856; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf Abb Vie Inc.; ImmunoGen, Inc.; and ImmunoGen Switzerland GmbH on November 18, 2025. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain antibody drug conjugates products and components thereof and products containing the same. The complaint names as respondents: ProfoundBio US Co. of Seattle, WA; ProfoundBio (Suzhou) Co., Ltd. of China; Genmab A/S of Denmark; Genmab B.V. of Netherlands; and Genmab US, Inc. of Plainsboro, NJ. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(e)(1) and (f)(1).

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the

United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number ("Docket No. 3856") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures).¹ Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made

through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at EDIS3Help@usitc.gov.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,² solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.³

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: November 19, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–20649 Filed 11–20–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701–TA–501 (Second Review)]

Chlorinated Isocyanurates From China; Determination

On the basis of the record¹ developed in the subject five-year review, the United States International Trade Commission ("Commission") determines, pursuant to the Tariff Act of 1930 ("the Act"), that revocation of the countervailing duty order on chlorinated isocyanurates from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted this review on April 1, 2025 (90 FR 14378) and determined on July 7, 2025, that it would conduct an expedited review (90 FR 38994, August 13, 2025).

The Commission made this determination pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determination in this review on November 19, 2025. The views of the Commission are contained in USITC Publication 5677 (November 2025), entitled *Chlorinated Isocyanurates from China: Investigation No. 701–TA–501 (Second Review)*.

By order of the Commission.

Issued: November 19, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–20645 Filed 11–20–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Smart Wearable Devices, Systems, and Components Thereof*, DN 3858; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

¹ The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf Ouraring Inc. on November 18, 2025. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain smart wearable devices, systems, and components thereof. The complaint names as respondents: Samsung Electronics Co., Ltd. of South Korea; Samsung Electronics America, Inc. of Englewood Cliffs, NJ; Reebok International Limited of United Kingdom; RILUK IPCO Limited of United Kingdom; The Original Fit Factory Ltd. of Scotland; Truconnect Ltd. of Scotland; Reebok International Ltd., LLC of Boston, MA; Zepp Health Corporation of The Netherlands; Anhui Huami Information Technology Co., Ltd. of China; Zepp Inc. (d/b/a Zepp Health), Milpitas, CA; Zepp North America Inc. of Santa Fe Springs, CA; and Nexxbase Marketing Pvt. Ltd. (d/b/a Noise and LunaZone) of India. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on

any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number ("Docket No. 3858") in a prominent place on the

cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures¹). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at EDIS3Help@usitc.gov.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,² solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.³

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: November 19, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025-20647 Filed 11-20-25; 8:45 am]

BILLING CODE 7020-02-P

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1410]

Certain Disposable Vaporizer Devices; Second Notice of Request for Submissions on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on August 29, 2025, the presiding administrative law judge (“ALJ”) issued an Initial Determination on Violation of Section 337. On September 12, 2025, the ALJ issued a Recommended Determination on remedy and bonding, should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public and interested government agencies only.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2382. 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: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. (19 U.S.C. 1337(d)(1)). A similar provision applies to cease and desist orders. (19 U.S.C. 1337(f)(1)).

The Commission is soliciting submissions on public interest issues raised by the recommended relief

should the Commission find a violation, specifically: a general exclusion order directed to certain disposable vaporizer devices imported, sold for importation, and/or sold after importation that infringe claims 4 and 12 of U.S. Patent No. 11,925,202; and cease and desist orders directed to Maduro Distributors Inc. d/b/a The Loon; American Vape Company, LLC; Shenzhen Kangvape Technology Co., Ltd.; Thesy, LLC d/b/a Element Vape; SV3 LLC d/b/a Mi-One Brands; Price Point Distributors Inc. d/b/a Price Point NY; Breeze Smoke LLC; Social Brands, LLC; LCF Labs., Inc.; Flawless Vape Shop Inc.; Flawless Vape Wholesale & Distribution, Inc.; and VICA Trading Inc. d/b/a Vapesourcing. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public and interested government agencies are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ’s Recommended Determination on Remedy and Bonding issued in this investigation on September 12, 2025. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

- (i) explain how the articles potentially subject to the recommended remedial orders are used in the United States;
- (ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;
- (iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;
- (iv) indicate whether complainant, complainant’s licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and
- (v) explain how the recommended orders would impact consumers in the United States.

A notice soliciting public interest submissions was published on September 18, 2025. Due to the lapse in appropriations, the Commission was unable to accept written submissions on the date specified in the notice. Given these circumstances, the notice is amended to permit public interest comments in this matter by Monday, December 1, 2025.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (“Inv. No. 337–TA–1410”) in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, https://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing and must be served in accordance with Commission Rule 210.4(f)(7)(ii)(A) (19 CFR 210.4(f)(7)(ii)(A)). All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure

agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

This action is taken under the authority of 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 18, 2025.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2025–20479 Filed 11–20–25; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1105–0094]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection; Comments Requested; Special Deputation Forms

AGENCY: U.S. Marshals Service, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The U.S. Marshals Service (USMS), Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until December 22, 2025.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Assistant Chief Karl Slazer/Management Support Division, US Marshals Service Headquarters, 1215 S Clark St., Ste. 10017, Arlington, VA 22202–4387, by telephone at 703–740–2316 or by email at karl.slazer@usdoj.gov.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** on July 7 2025, 90 FR 34879, 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 Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Abstract: The USMS is authorized to deputize selected persons to perform the functions of a Special Deputy U.S. Marshal whenever the law enforcement needs of the USMS so require and as designated by the Associate Attorney General pursuant to 28 CFR 0.19(a)(3). USMS Special Deputation files serve as a centralized record of the special deputations granted by the USMS to assist in tracking, controlling and monitoring the Special Deputation Program.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a currently approved collection.
2. *The Title of the Form/Collection:* Special Deputation Forms.
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

a. USM–3A Application for Special Deputation/Sponsoring Federal Agency Information.

b. USM–3C Group Special Deputation Request.

4. *Affect public who will be asked or required to respond, as well as the obligation to respond:* State, Local, and Tribal Governments.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

a. USM–3A Application for Special Deputation/Sponsoring Federal Agency Information.

i. It is estimated 8000 respondents will utilize the form, and it will take each respondent approximately 10 minutes to complete the form.

b. USM–3C Group Special Deputation Request.

i. It is estimated 300 respondents will utilize the form, and it will take each respondent approximately 15 minutes to complete the form.

6. *An estimate of the total annual burden (in hours) associated with the collection:*

a. USM–3A Application for Special Deputation/Sponsoring Federal Agency Information.

i. The estimated public burden associated with this collection is 1333 hours. It is estimated that applicants will take 10 minutes to complete a Form USM–3A. In order to calculate the public burden for Form USM–3A, USMS multiplied 10 by 8000 and divided by 60 (the number of minutes in an hour), which equals 1333 total annual burden hours.

b. USM–3C Group Special Deputation Request.

i. The estimated public burden associated with this collection is 75 hours. It is estimated that applicants will take 15 minutes to complete a Form USM–3C. In order to calculate the public burden for Form USM–3C, USMS multiplied 15 by 300 and divided by 60 (the number of minutes in an hour), which equals 75 total annual burden hours.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:*

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency (annually)	Total annual responses	Time per response (mins)	Total annual burden (hours)
Ex: Survey (individuals or households)	8,000	1	8,000	10	1,333
Ex: Survey (individuals or households)	300	1	300	15	75

TOTAL BURDEN HOURS—Continued

Activity	Number of respondents	Frequency (annually)	Total annual responses	Time per response (mins)	Total annual burden (hours)
Unduplicated Totals	8,300	.....	8,300	.....	1,408

Estimated Total Annual Cost Burden: \$0.00.

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC.

Dated: November 19, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025-20607 Filed 11-20-25; 8:45 am]

BILLING CODE 4410-04-P

DEPARTMENT OF JUSTICE

[OMB Number 1110-0001]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection; Return A—Monthly Return of Offenses Known to Police and Supplement to Return A—Monthly Return of Offenses Known to Police

AGENCY: Federal Bureau of Investigation (FBI), Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Criminal Justice Information Services (CJIS) Division, FBI, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until January 20, 2026.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Linda Shriver, Acting Unit Chief, Crime and Law Enforcement Statistics Unit, FBI, CJIS Division, Module D-2, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, 771-228-2393, or at ucr@fbi.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Abstract: Under Title 28, U.S. Code 534, Acquisition, Preservation, and Exchange of Identification Records; Appointments of Officials, this collection requests Part I offense and clearance data, as well as stolen and recovered monetary values of stolen property throughout the United States from federal, state, county, city, tribal, and territorial law enforcement agencies in order for the FBI's Uniform Crime Reporting (UCR) Program to serve as the national clearinghouse for the collection and dissemination of crime data and to publish these statistics.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a previously approved collection.
2. *The Title of the Form/Collection:* Return A—Monthly Return of Offenses Known to Police and Supplement to Return A—Monthly Return of Offenses Known to Police.
3. *The agency form number, if any, and the applicable component of the*

Department sponsoring the collection: Form Number: 1-720 and 1-706. Sponsor: CJIS Division, FBI, DOJ.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Affected public: Federal, state, county, city, tribal, and territorial law enforcement agencies. The obligation to respond is mandatory for federal agencies and voluntary for non-federal agencies.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The FBI's UCR Program continues the transition to collect data solely under the National Incident-Based Reporting System (NIBRS). Until the transition is complete, updates and new submissions from those agencies still reporting via the Summary Reporting System (SRS) are being accepted. In 2024, there were 19,328 law enforcement agencies actively enrolled in the FBI's UCR Program (*i.e.*, the universe of potential respondents). Data submissions from approximately 2,381 law enforcement agencies reporting under SRS totaled 60,447 in 2024. The estimated response time for the Return A is 10 minutes and that for the Supplement to Return A is 11 minutes. To provide a singular calculation of the estimated burden, the approximate minutes per form used for the combined collection is 10.5 (*i.e.*, the average of the times required to complete the forms).

6. *An estimate of the total annual burden (in hours) associated with the collection:* There are approximately 10,578 annual burden hours associated with this collection. As additional SRS agencies complete the transition to NIBRS, it is expected that the number of submissions and, subsequently, the annual burden hours associated with this data collection will steadily decline. The burden hour estimate presented here is based on the most recent submission values to achieve the highest possible burden estimate.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* The estimated monetary cost burden for supplies, storage, or the like for this information collection is \$0. Incident reports are submitted through an online system maintained by the FBI.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response (minutes)	Total annual burden (hours)
Return A and Supplement to Return A Forms	2,381	Variable	60,447	10.5	10,578
Unduplicated Totals	2,381	.....	60,447	.....	10,578

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC 20530.

Dated: November 19, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025-20576 Filed 11-20-25; 8:45 am]

BILLING CODE 4410-02-P

DEPARTMENT OF JUSTICE

[OMB Number 1110-0046]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Title—Friction Ridge Cards: Arrest and Institution FD-249; Applicant FD-258; Identity History Summary Request FD-1164; FBI Standard Palm Print FD-884; Supplemental Finger and Palm Print FD-884a; Voluntary Appeal File Fingerprint FD-1212; Firearm-Related Challenge Fingerprint FD-1211; Restoration of Federal Firearm Rights Fingerprint FD-1222

AGENCY: Criminal Justice Information Services (CJIS) Division, Federal Bureau of Investigation (FBI), Department of Justice

ACTION: 30-Day notice.

SUMMARY: The CJIS Division, FBI, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until December 22, 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: Brian A. Cain, Management and Program Analyst, FBI, CJIS, Criminal

History Information and Policy Unit, BTC-3, 1000 Custer Hollow Road, Clarksburg, WV 26306; phone: 304-625-5590 or email bacain@fbi.gov.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** on September 17, 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 1110-0046. 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.

Abstract: Title 28, United States Code, Section 534, allows the FBI to acquire, collect, classify, and preserve identification/information, criminal identification, crime, and other records. The FBI permits such exchange of records and information with, and for the official use of, authorized officials of the Federal Government, including the United States Sentencing Commission; the States and cities; and penal and other institutions. It is essential that standard friction ridge cards be utilized for the FBI, CJIS Division to provide maximum service to all law enforcement and governmental agencies.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *Title of the Form/Collection:* Friction Ridge Cards.

3. *Agency form number, if any, and the applicable component of the DOJ sponsoring the collection:* Forms FD-249 (Arrest and Institution), FD-258 (Applicant), and FD-1164 (Identity History Summary Request); FD-884 (FBI Standard Palm Print); FD-884a (Supplemental Finger and Palm Print); FD-1212 (Voluntary Appeal File Fingerprint); FD-1211 (Firearm-Related Challenge Fingerprint); FD-1222 (Restoration of Federal Firearm Rights) encompassed under OMB 1110-0046; DOJ, FBI, CJIS Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: City, county, state, federal and tribal law enforcement agencies; civil entities requesting security clearance and background checks. This collection is needed to collect information on individuals requesting background checks, security clearance, or those individuals who have been arrested for or accused of criminal activities. Acceptable data is

stored as part of the Next Generation Identification System (NGI) of the FBI.

5. *Obligation to Respond*: Mandatory (Title 28, United States Code, Section 534).

6. *Total Estimated Number of Respondents*: 459,238.

7. *Estimated Time per Respondent*: 10 minutes.

8. *Frequency*: annually.

9. *Total Estimated Annual Time Burden*: 76,540 hours.

10. *Total Estimated Annual Other Costs Burden*: \$0.

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 19, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025-20584 Filed 11-20-25; 8:45 am]

BILLING CODE 4410-02-P

DEPARTMENT OF JUSTICE

[OMB Number 1121-0364]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection: Annual Survey of Jails in Indian Country

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Bureau of Justice Statistics (BJS), Department of Justice (DOJ) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until January 20, 2026.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection

instrument with instructions or additional information, please contact Carol Ann Sharo, Bureau of Justice Statistics, 999 N. Capitol ST NE, 8th Floor, Washington, DC 20531, bjspra.comments@ojp.usdoj.gov; telephone: 202-307-0765].

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Abstract: Through the Survey of Jails in Indian Country (SJIC), the Bureau of Justice Statistics (BJS) collects annual aggregated administrative data from all Indian country jails, which consists of approximately 77 confinement facilities, detention centers, and other correctional facilities operated by tribal authorities or the Bureau of Indian Affairs (BIA). Facility administrators provide data on SJIC form CJ-5B that meet the definitions provided by BJS for items including: the number of inmates confined by demographic information, number of new admissions and final discharges, the average daily population (ADP) and peak population, the number of attempted suicides and deaths, the rated capacity to hold inmates, and the number of staff employed in Indian country jails. The Bureau of Justice Statistics uses this information in published reports and for the U.S.

Congress, Executive Office of the President, practitioners, researchers, students, the media, and others interested in criminal justice statistics.

Overview of This Information Collection

1. *Type of Information Collection*: Reinstatement, with changes, of a previously approved collection for which approval has expired.

2. *The Title of the Form/Collection*: Annual Survey of Jails in Indian Country (SJIC).

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection*: The form number is CJ-5B: *Annual Survey of Jails in Indian Country (SJIC)*. The applicable component within the Department of Justice is the Bureau of Justice Statistics (BJS), in the Office of Justice Programs. The Bureau of Justice Statistics (BJS) requests clearance to conduct the Annual Survey of Jails in Indian Country (SJIC) for a three-year period.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond*: Affected Public Respondents will include tribal and federal governments which will include approximately 77 confinement facilities, detention centers, and other correctional facilities operated by tribal authorities or the Bureau of Indian Affairs. The obligation to respond is voluntary.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond*: BJS estimates approximately 77 Indian country correctional facilities will complete SJIC form CJ-5B. The estimated time for each respondent is 55 minutes total including contact verification, survey completion, and data quality follow-up. The burden estimate is based on the paradata BJS collected from the 2024 administration of the SJIC.

6. *An estimate of the total annual burden (in hours) associated with the collection*: The burden hours will be approximately 70.5 hours total for all facilities per year and 211.5 hours total for all facilities over the course of three years.

7. *An estimate of the total annual cost burden associated with the collection, if applicable*: \$205,537.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency (annually)	Total annual responses	Time per response (min)	Total annual burden (hours)
Survey of tribal and federal governments	77	1	77	55	70.5
Unduplicated Totals	77	.....	77	.....	70.5

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC 20530.

Dated: November 19, 2025.

Darwin Arceo,
Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025-20589 Filed 11-20-25; 8:45 am]

BILLING CODE 4410-18-P

DEPARTMENT OF JUSTICE

[OMB Number 1122-2NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection; Semi-Annual Performance Reporting Form for the Demonstration Program on Trauma-Informed, Victim-Centered Training for Law Enforcement on Domestic Violence, Dating Violence, Sexual Assault, and Stalking (Abby Honold Program)

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Office on Violence Against Women, Department of Justice, will be submitting the following information collection request to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until January 20, 2026.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Tiffany Watson, Office on Violence Against Women, at 202-307-6026 or Tiffany.Watson@usdoj.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the

public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Office on Violence Against Women, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Abstract: The Office on Violence Against Women (OVW) administers the Demonstration Program on Trauma-Informed, Victim-Centered Training for Law Enforcement on Domestic Violence, Dating Violence, Sexual Assault, and Stalking (Abby Honold Program), which supports efforts to improve law enforcement's response to allegations of domestic violence, dating violence, sexual assault, and stalking from the time of a victim's initial report throughout the entire investigation, and to promote the efforts of law enforcement in improving the response to these crimes. The Abby Honold Program awards grants to law enforcement agencies to train officers to conduct trauma informed and victim-centered investigations, with the goal of incorporating trauma-informed techniques designed to prevent re-traumatization of the victim and to increase communication between victims and law enforcement as well as stakeholders in a coordinated community response. This program's purpose is also to evaluate the

effectiveness of the training. Under this program, the eligible entities are State, territorial, local, and/or Tribal law enforcement agencies that investigate crimes involving sexual assault. OVW issued awards under this new grant program for the first time in Fiscal Year 2024, and OVW will use data from the proposed information collection to monitor grant-funded activities, qualitatively assess those activities and report to Congress on the effectiveness of grant-funded activities. Note that in Fiscal Year 2025, the Abby Honold Program only supported projects addressing responses to allegations of sexual assault.

Overview of This Information Collection

1. *Type of Information Collection:* New collection.

2. *Title of the Form/Collection:* Semi-annual Performance Reporting Form for the Demonstration Program on Trauma-Informed, Victim-Centered Training for Law Enforcement on Domestic Violence, Dating Violence, Sexual Assault, and Stalking (Abby Honold Program).

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122-XXXX. U.S. Department of Justice, Office on Violence Against Women.

4. *Affected public who will be asked or required to respond:* Grantees from the Abby Honold Program, which include: State, territorial, local, and/or Tribal law enforcement agencies that investigate crimes involving sexual assault.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 6 respondents, who are Abby Honold Program grantees, approximately one hour to complete a performance reporting form that is specific to the activities for which they receive funding. In addition, a grantee will only be required to complete the sections of the form that pertain to those specific activities that are supported by the Abby Honold Program funding and permissible under the authorizing legislation.

6. *An estimate of the total public burden (in hours) associated with the collection:* The total hour burden to complete the data collection form is 12 hours, that is 6 grantees completing a

form twice a year with an estimated completion time for the form being one hour.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* The annualized costs to the

Federal Government resulting from the OVW staff review of the progress reports submitted by grantees are estimated to be \$696.00.

8. *Total Burden Hours:*

Activity	Estimated number of respondents	Frequency	Total annual responses (times)	Time per response (hour)	Total annual burden (hours)
Performance Reporting Form	6	Semi-annually	2	1	12
Total					12

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC.

Dated: November 19, 2025.

Darwin Arceo,
Department Clearance Officer for PRA, U.S. Department of Justice.
[FR Doc. 2025-20587 Filed 11-20-25; 8:45 am]
BILLING CODE 4410-FX-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On November 18, 2025, the Department of Justice lodged a proposed consent decree with the United States District Court for the Middle District of Pennsylvania in the lawsuit entitled *Lower Susquehanna Riverkeeper Association et al. v. Hanover Foods Corporation*, Civil Action No. 1:21-cv-01600-JPW.

This is a civil action initiated by the Lower Susquehanna Riverkeeper Association against Hanover Foods Corporation (“Hanover”), involving claims under the Clean Water Act (“CWA”) and The Pennsylvania Clean Streams Law (“PCSL”). The United States, on behalf of the U.S. Environmental Protection Agency, and the Commonwealth of Pennsylvania, Department of Environmental Protection (“PADEP”), were granted intervention in this case on October 1, 2025. The United States’ and PADEP’s complaint-in-intervention also brings claims under the CWA and the PCSL based on similar and overlapping alleged violations. These include violations of effluent limits, other discharge limitations, and operation and maintenance requirements in Hanover’s National Pollutant Discharge Elimination System

permit at its food-processing and canning facility in Hanover, York County, Pennsylvania. The complaint-in-intervention seeks civil penalties and injunctive relief for Hanover’s alleged violations.

The consent decree, which would resolve all plaintiffs’ claims, requires the Defendant to pay a \$1,150,000 civil penalty, which will be split evenly between the United States and PADEP. The Defendant has also agreed to implement measures to bring Hanover’s facility into compliance, improve its operational practices, and prevent future violations.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, and should refer to *Lower Susquehanna Riverkeeper Association et al. v. Hanover Foods Corporation*, D.J. Ref. No. 90-5-1-12557. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email	pubcomment-ees.enrd@usdoj.gov .
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the consent decree may be examined and downloaded at this Department of Justice website: <https://www.justice.gov/enrd/consent-decrees>. If you require assistance accessing the consent decree, you may request assistance by email or

by mail to the addresses provided above for submitting comments.

Jason Dunn,
Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.
[FR Doc. 2025-20477 Filed 11-20-25; 8:45 am]
BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE
[OMB Number 1122-4NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection; Semi-Annual Performance Reporting Form for Financial Assistance Grants for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program (FAV Program)

AGENCY: Office on Violence Against Women, Department of Justice.
ACTION: 60-Day notice.

SUMMARY: The Office on Violence Against Women, Department of Justice, will be submitting the following information collection request to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until January 20, 2026.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Tiffany Watson, Office on Violence Against Women, at 202-307-6026 or Tiffany.Watson@usdoj.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should

address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Office on Violence Against Women, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Abstract: The Office on Violence Against Women (OVW) administers the Financial Assistance Grants for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program (FAV Program). The FAV Program supports victim service providers, Tribal governments, and Tribal organizations to provide flexible financial assistance to survivors of

sexual assault, domestic violence, dating violence, and stalking, alongside other victim services. Flexible financial assistance is intended to support survivors in achieving safety, stability, and healing by paying for necessities that are not easily met by traditional service providers and with the flexibility to meet self-identified needs quickly. For Fiscal Year (FY) 2025, OVW sent a Letter of Interest to entities that had the highest scoring applications not selected for FY 2024 FAV Program funding and that are located in a state where no FAV Program awards were issued last year. Based on responses and available funding, OVW invited 13 applicants to apply for FY 2025 FAV Program funding.

Overview of This Information Collection

1. *Type of Information Collection:* New collection.

2. *Title of the Form/Collection:* Semi-annual Performance Reporting Form for Financial Assistance Grants for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program (FAV Program).

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–XXXX. U.S. Department of Justice, Office on Violence Against Women.

4. *Affected public who will be asked or required to respond:* Grantees from the FAV Program, which includes victim service providers, Tribal governments, and Tribal organizations.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take approximately 16 respondents, who are FAV Program grantees, approximately one hour to complete a performance reporting form that addresses the activities for which they receive funding. In addition, a grantee will only be required to complete the sections of the form that pertain to those specific activities that are supported by their FAV Program funding and permissible under the authorizing legislation.

6. *An estimate of the total public burden (in hours) associated with the collection:* The total hour burden to complete the data collection form is 32 hours, that is 16 grantees completing a form twice a year with an estimated completion time for the form being one hour.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* The annualized costs to the Federal Government resulting from the OVW staff review of the progress reports submitted by grantees are estimated to be \$1,855.00.

8. *Total Burden Hours:*

Activity	Estimated number of respondents	Frequency	Total annual responses	Time per response (hour)	Total annual burden (hours)
Performance Reporting Form	16	Semi-annually ...	2 times	1	32
Total .....	.....	.....	.....	.....	32

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: November 19, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025–20588 Filed 11–20–25; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–3NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection; Semi-Annual Performance Reporting Form for the Local Law Enforcement Grants for Enforcement of Cybercrimes Program (Cybercrimes Enforcement Program)

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Office on Violence Against Women, Department of Justice, will be submitting the following information collection request to the Office of Management and Budget for

review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until January 20, 2026.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Tiffany Watson, Office on Violence Against Women, at 202–307–6026 or Tiffany.Watson@usdoj.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should

address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Office on Violence Against Women, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Abstract: The Office on Violence Against Women (OVW) administers the Local Law Enforcement Grants for Enforcement of Cybercrimes Program (Cybercrimes Enforcement Program), which supports efforts by States, Indian Tribes, and units of local government to prevent, enforce, and prosecute cybercrimes against individuals with a

focus on adult and young adult cybercrime victims, a new federal grant program first authorized in 2022. Cybercrimes against individuals are defined as criminal offenses that involve the use of a computer to harass, threaten, stalk, extort, coerce, cause fear to, or intimidate an individual, or without consent distribute intimate images of an adult, except that use of a computer need not be an element of the offense. (See 34 U.S.C. 30107(a)(2)). Cybercrimes against individuals do not include the use of a computer to cause harm to a commercial entity, government agency or nonnatural person.

Overview of This Information Collection

1. *Type of Information Collection:* New collection.
2. *Title of the Form/Collection:* Semi-annual Performance Reporting Form for the Local Law Enforcement Grants for Enforcement of Cybercrimes Program (Cybercrimes Enforcement Program).
3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–XXXX. U.S. Department of Justice, Office on Violence Against Women.
4. *Affected public who will be asked or required to respond:* Grantees from the Cybercrimes Enforcement Program,

which includes States, Indian Tribes, and units of local government.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 11 respondents, who are Cybercrimes Enforcement Program grantees, approximately one hour to complete a performance reporting form that addresses the activities for which they receive funding. In addition, a grantee will only be required to complete the sections of the form that pertain to those specific activities that are supported by the Cybercrimes Enforcement Program funding and permissible under the authorizing legislation.
6. *An estimate of the total public burden (in hours) associated with the collection:* The total hour burden to complete the data collection form is 22 hours, that is 11 grantees completing a form twice a year with an estimated completion time for the form being one hour.
7. *An estimate of the total annual cost burden associated with the collection, if applicable:* The annualized costs to the Federal Government resulting from the OVW staff review of the progress reports submitted by grantees are estimated to be \$1,275.00.
8. *Total Burden Hours:*

Activity	Estimated number of respondents	Frequency	Total annual responses	Time per response (hour)	Total annual burden (hours)
Performance Reporting Form	11	Semi-annually ...	2 times	1	22
Total .....	.....	.....	.....	.....	22

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: November 19, 2025.

Darwin Arceo,
Department Clearance Officer for PRA, U.S. Department of Justice.
[FR Doc. 2025–20591 Filed 11–20–25; 8:45 am]
BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE
[OMB Number 1125–0001]

Agency Information Collection Activities; Proposed Collection eComments Requested; Revision and Extension of a Previously Approved Collection; Title—Application for Cancellation of Removal (Form EOIR–42A) for Certain Permanent Residents; and Application for Cancellation of Removal and Adjustment of Status (Form EOIR–42B) for Certain Nonpermanent Residents

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Executive Office for Immigration Review (EOIR), Department of Justice (DOJ), will be submitting the

following information collection request (ICR) 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 22, 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: Justine Fuga, Associate General Counsel, Office of the General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041, telephone:

(703) 305- 0265, *Justine.Fuga@usdoj.gov*, *eoir.pra.comments@usdoj.gov*.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** on August 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 1125–0001. This ICR 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:* Revision and extension of a previously approved collection.

2. *Title of the Form/Collection:* Application for Cancellation of Removal for Certain Permanent Residents; and Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* The agency form number is EOIR–42A and EOIR–42B, and the sponsoring DOJ component is EOIR.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected Public: Individuals in removal proceedings before EOIR determined to be removable from the United States.

Abstract: An individual who is removable from the United States may, pursuant to section 240A of the Immigration and Nationality Act (Act), request that the Attorney General cancel their removal. To be granted such relief from removal, the applicant must prove that they meet all of the statutory prerequisites for such relief and that they are entitled to a favorable exercise

of discretion. There are two application forms available for cancellation of removal: Form EOIR–42A, for Certain Permanent Residents; and Form EOIR–42B, Adjustment of Status for Certain Nonpermanent Residents. This information collection is necessary to determine the statutory eligibility of individuals in removal proceedings who have been determined to be removable from the United States for cancellation of their removal, as well as to provide information relevant to a favorable exercise of discretion pursuant to 8 U.S.C. 1229b(a), INA § 240A(a). EOIR is revising these forms to update references to filing fee information, to include a Privacy Act Notice for each form, to include the expiration date for OMB approval on each form, and to implement minor text formatting changes to improve organization, clarity, and readability.

5. *Obligation to Respond:* Required to obtain/retain the benefit of cancellation of removal.

6. *Total Estimated Number of Respondents:* It is estimated that 1,519 respondents will complete the form annually for Cancellation of Removal for Certain Permanent Residents (EOIR–42A) and that 15,757 respondents will complete the form annually for Cancellation of Removal and Adjustment of status for Certain Nonpermanent Residents (EOIR–42B).

7. *Estimated Time per Respondent:* The estimated time per respondent for both forms is 5 hours and 50 minutes.

8. *Frequency:* Once a year.

9. *Total Estimated Annual Time Burden:* 8,856 hours for the EOIR–42A and 91,865 hours for the EOIR–42B.

10. *Total Estimated Annual Other Costs Burden:* The total estimated annual public cost for the EOIR–42A is \$1,683,912 and for the EOIR–42B is \$31,640,056.

TOTAL PUBLIC COST

Activity	Practitioner cost	Filing fee	Total annual responses	Total annual public cost
EOIR–42A	\$70.08/hr × 5.83 hours per response = \$408 per response ..	\$700 per response	1,519	\$1,683,912
EOIR–42B	\$70.08/hr × 5.83 hours per response = \$408 per response ..	\$1,600 per response	15,757	\$31,640,056

Printing and postage costs associated with filing these forms may be avoided because all forms may be submitted electronically. The estimated total public cost for each form is derived by adding the estimated cost to hire a practitioner to assist with preparing the form with the filing fee per form and then multiplying by the total number of

annual responses. The estimated practitioner cost is based on the average hourly wage for an attorney as estimated by the Bureau of Labor Statistics.

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 19, 2025.

Darwin Arceo,
Department Clearance Officer for PRA, U.S.
Department of Justice.

[FR Doc. 2025–20651 Filed 11–20–25; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF LABOR**Agency Information Collection Activities; Submission for OMB Review; Comment Request; Homeless Veterans' Reintegration Program Budget and Narrative**

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Veterans' Employment and Training Service (VETS)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before December 22, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: VETS administers funds for the Homeless Veterans' Reintegration Program (HVRP) grant on an annual basis. The approval of this form will create the use of standardized formats for grant recipients' preparation of the budget and budget narrative. In accordance with 2 CFR Appendix I to Part 200(b)(4)(ii)(I), VETS' annual FOA requires the submission of a budget narrative for VETS' applicants to show that their proposed costs are allowable under 2 CFR 200.403 and are necessary and reasonable for carrying out the HVRP grant. Collecting this information via this form helps to ensure that requested data is provided in a uniform way, reporting burdens are minimized, errors in budget formulation and calculation are nullified, and the impact of collection requirements on respondents are described in its instructions. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 14, 2024 (89 FR 90054).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL 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 DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–VETS.

Title of Collection: Homeless Veterans' Reintegration Program Budget and Narrative.

OMB Control Number: 1293–0NEW.

Affected Public: Private Sector—Businesses or other for-profits, State, Local and Tribal Governments.

Total Estimated Number of Respondents: 151.

Total Estimated Number of Responses: 151.

Total Estimated Annual Time Burden: 906 hours.

Total Estimated Annual Other Costs Burden: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior Paperwork Reduction Act Analyst.
[FR Doc. 2025–20571 Filed 11–20–25; 8:45 am]

BILLING CODE 4510–79–P

NATIONAL LABOR RELATIONS BOARD**Notice of Appointments of Individuals To Serve as Members of Performance Review Boards**

AGENCY: National Labor Relations Board.

ACTION: Notice; appointment to serve as members of performance review boards.

SUMMARY: The National Labor Relations Board is issuing this notice that the individuals whose names and position titles appear below have been appointed to serve as members of performance review boards in the National Labor Relations Board for the rating year beginning October 1, 2024 and ending September 30, 2025.

FOR FURTHER INFORMATION CONTACT: Roxanne L. Rothschild, Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570, (202) 273–1940 (this is not a toll-free number), 1–866–315–6572 (TTY/TDD).

SUPPLEMENTARY INFORMATION:**Name and Title**

Roxanne L. Rothschild—Executive Secretary, The Board
Fred B. Jacob—Solicitor, The Board
Nancy Kessler Platt—Associate General Counsel, Division of Legal Counsel
Joan A. Sullivan—Associate General Counsel, Division of Operations Management
Lara Zick—Deputy Chief Counsel, The Board
Amy E. Bryant—Deputy Chief Counsel, The Board (alternate)
Stephanie Cahn—Acting Deputy General Counsel (alternate)

(Authority: 5 U.S.C. 4314(c)(4).)

Dated: November 18, 2025.

Roxanne L. Rothschild,

Executive Secretary.

[FR Doc. 2025–20521 Filed 11–20–25; 8:45 am]

BILLING CODE 7545–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2025–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of November 24, December 1, 8, 15, 22, and 29, 2025. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: <https://www.nrc.gov/public-involve/public-meetings/schedule.html>.

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please contact the Reasonable Accommodations Resource by email at *Reasonable_Accommodations.Resource@nrc.gov*. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301-415-1969, or by email at *Betty.Thweatt@nrc.gov* or *Samantha.Miklaszewski@nrc.gov*.

MATTERS TO BE CONSIDERED:

Week of November 24, 2025

There are no meetings scheduled for the week of November 24, 2025.

Week of December 1, 2025—Tentative

There are no meetings scheduled for the week of December 1, 2025.

Week of December 8, 2025—Tentative

There are no meetings scheduled for the week of December 8, 2025.

Week of December 15, 2025—Tentative

There are no meetings scheduled for the week of December 15, 2025.

Week of December 22, 2025—Tentative

There are no meetings scheduled for the week of December 22, 2025.

Week of December 29, 2025—Tentative

There are no meetings scheduled for the week of December 29, 2025.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301-287-3591 or via email at *Wesley.Held@nrc.gov*.

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: November 19, 2025.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2025-20574 Filed 11-19-25; 11:15 am]

BILLING CODE 7590-01-P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2026-106 and K2026-106; MC2026-107 and K2026-107; MC2026-108 and K2026-108; MC2026-109 and K2026-109]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* November 26, 2025.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov*. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. Public Proceeding(s)
- III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title

of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. See 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)-(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests. The comment due date discussed below does not apply to Section III proceedings (Docket Nos. MC2026-106 and K2026-106; MC2026-107 and K2026-107; MC2026-108 and K2026-108).

II. Public Proceeding(s)

1 *Docket No(s):* MC2026-109 and K2026-109; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1459 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 18, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public*

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).

Representative: Elsie Lee-Robbins;
Comments Due: November 26, 2025.

III. Summary Proceeding(s)

1. *Docket No(s).*: MC2026–106 and K2026–106; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 924, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 18, 2025; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

2. *Docket No(s).*: MC2026–107 and K2026–107; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 925, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 18, 2025; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

3. *Docket No(s).*: MC2026–108 and K2026–108; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 926, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 18, 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. 2025–20636 Filed 11–20–25; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[**Docket Nos.** CP2024–518; K2025–173; K2025–401; MC2026–100 and K2026–100; MC2026–101 and K2026–101; MC2026–102 and K2026–102; MC2026–103 and K2026–103; MC2026–104 and K2026–104; MC2026–105 and K2026–105]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* November 25, 2025.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <https://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by

telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. Public Proceeding(s)
- III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

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).

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. See 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests. The comment due date discussed below does not apply to Section III proceedings (Docket Nos. MC2026–102 and K2026–102; MC2026–103 and K2026–103; MC2026–104 and K2026–104; MC2026–105 and K2026–105).

II. Public Proceeding(s)

1. *Docket No(s).*: CP2024–518; *Filing Title:* USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 222, with Materials Filed Under Seal; *Filing Acceptance Date:* November 17, 2025; *Filing Authority:* 39 CFR 3035.105, and 39 CFR 3041.505; *Public Representative:* Elsie Lee-Robbins; *Comments Due:* November 25, 2025.

2. *Docket No(s).*: K2025–173; *Filing Title:* USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 550, with Materials Filed Under Seal; *Filing Acceptance Date:* November 17, 2025; *Filing Authority:* 39 CFR 3035.105, and 39 CFR 3041.505; *Public Representative:* Maxine Bradley; *Comments Due:* November 25, 2025.

3. *Docket No(s).*: K2025–401; *Filing Title:* USPS Request Concerning Amendment Two to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 722, with Materials Filed Under Seal; *Filing Acceptance Date:* November 17, 2025; *Filing Authority:* 39 CFR 3035.105, and 39 CFR 3041.505; *Public Representative:* Evan Wise; *Comments Due:* November 25, 2025.

4. *Docket No(s).*: MC2026–100 and K2026–100; *Filing Title:* USPS Request to Add Priority Mail Contract 945 to the

Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: November 17, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Jennaca Upperman; *Comments Due*: November 25, 2025.

5. *Docket No(s)*: MC2026–101 and K2026–101; *Filing Title*: USPS Request to Add Priority Mail Contract 946 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: November 17, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Kenneth Moeller; *Comments Due*: November 25, 2025.

III. Summary Proceeding(s)

1. *Docket No(s)*: MC2026–102 and K2026–102; *Filing Title*: USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 920, and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: November 17, 2025; *Filing Authority*: 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

2. *Docket No(s)*: MC2026–103 and K2026–103; *Filing Title*: USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 921, and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: November 17, 2025; *Filing Authority*: 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

3. *Docket No(s)*: MC2026–104 and K2026–104; *Filing Title*: USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 922, and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: November 17, 2025; *Filing Authority*: 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

4. *Docket No(s)*: MC2026–105 and K2026–105; *Filing Title*: USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 923, and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: November 17, 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. 2025–20569 Filed 11–20–25; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2026–2; Order No. 9360]

Competitive Postal Products

AGENCY: Postal Regulatory Commission.
ACTION: Notice.

SUMMARY: The Commission is recognizing a recently filed Postal Service document with the Commission concerning changes in rates of general applicability for Competitive products. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* December 15, 2025.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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- I. Introduction and Overview
- II. Initial Administrative Actions
- III. Ordering Paragraphs

I. Introduction and Overview

On November 14, 2025, the Postal Service filed notice with the Commission concerning changes in rates and classifications of general applicability for Competitive products.¹ The Postal Service represents that, as required by 39 CFR 3035.102(b) and 39 CFR 3035.104(b), the Notice includes an explanation and justification for the changes, the effective date, and a schedule of the changed rates. See Notice at 1–2. The changes are scheduled to take effect on January 18, 2026. *Id.* at 1.

Attached to the Notice is Governors' Decision No. 25–6, which states the new prices are in accordance with 39 U.S.C. 3632 and 3633 and 39 CFR 3035.102.²

¹ USPS Notice of Changes in Rates and Classifications of General Applicability for Competitive Products, November 14, 2025 (Notice). Pursuant to 39 U.S.C. 3632(b)(2), the Postal Service is obligated to publish the Governors' Decision and record of proceedings in the **Federal Register** at least 30 days before the effective date of the new rates.

² Notice, Decision of the Governors of the United States Postal Service on Changes in Rates and Classification of General Applicability for Competitive Products (Governors' Decision No. 25–6), at 1 (Governors' Decision No. 25–6).

The Governors' Decision provides an analysis of the Competitive products' price and classification changes intended to demonstrate that the changes comply with 39 U.S.C. 3633 and 39 CFR part 3035. Governors' Decision No. 25–6 at 1. The attachment to the Governors' Decision sets forth the classification and price changes and includes draft *Mail Classification Schedule* (MCS) language for Competitive products of general applicability.

The Notice also includes an application for non-public treatment of the attributable costs, contribution, and cost coverage data in the unredacted version of the annex to the Governors' Decision, as well as the supporting materials for the data. Notice at 1.

Planned price and classification changes. The Governors' Decision includes an overview of the Postal Service's planned price changes which are summarized in the table below.

TABLE I—1 PROPOSED PRICE CHANGES

Product name	Average price increase (percent)
Domestic Competitive Products	
Priority Mail Express	5.1
Retail	5.0
Commercial	5.9
Priority Mail	6.6
Retail	6.3
Commercial	6.9
Parcel Select	6.0
Destination Delivery Unit	5.9
Destination Sectional Center Facility	5.9
Connect Local	4.9
USPS Ground Advantage	7.8
Retail	5.9
Commercial	9.6
Alaska Limited Overland Routes	9.9
Domestic Extra Services	
Package Intercept Service	6.0
Adult Signature Service:	
Required	15.5
Restricted Delivery	15.6
Premium Forwarding Service:	
Local	6.8
Reshipment	6.8
Enrollment—online	6.9
Enrollment—retail	6.9
Priority Mail Half Tray Box ..	6.9
Priority Mail Full Tray Box ...	6.9
Priority Mail Express Half Tray Box	6.9
Priority Mail Express Full Tray Box	6.9
Competitive Post Office Box	5.7
Label Delivery Service	6.5

TABLE I—1 PROPOSED PRICE CHANGES—Continued

Product name	Average price increase (percent)
Domestic Business Mailing Fees	
Forward and Return to Sender Parcel Select	5.6
ACS with Shipper Paid Forwarding/Returns, Parcel Select	6.7
International Competitive Products	
Priority Mail Express International	5.9
Priority Mail International	5.9
International Priority Airmail	5.9
Airmail M-Bags	44.0
First-Class Package International Service	5.9
International Ancillary Services and Special Services	
International Certificate of Mailing	14.3
International Insurance	17.1
Customs and Clearance Delivery Fee	5.6

Source: See Governors' Decision No. 25–6 at 2–5. Percentage increases for Premium Forwarding Services are based on the proposed rates specified in the supporting materials filed under seal.

Further classification changes are summarized as follows:

- International Direct Sacks—Airmail M-Bags (M-Bags), which are direct sacks containing printed matter to a single addressee mailed to select destinations, may no longer include articles of merchandise exclusively related to the enclosed printed matter. The contents of M-Bags will be restricted to only the printed matter itself.

- USPS Delivered Duty Paid (DDP) is being added as a Competitive Ancillary Services product within MCS section 2645. DDP is a new competitive ancillary service fee that involves the Postal Service facilitating the prepayment by the mailer of any applicable customs duties, taxes, and fees at the time of mailing.

Notice at 2–5; Attachment to Governors' Decision No. 25–6.

II. Initial Administrative Actions

The Commission establishes Docket No. CP2026–2 to consider the Postal Service's Notice. Interested persons may express views and offer comments on whether the planned changes are consistent with 39 U.S.C. 3632, 3633, and 3642, 39 CFR part 3035, and 39 CFR 3040 subparts B and E. Comments are due no later than December 15, 2025. For specific details of the planned price

changes, interested persons are encouraged to review the Notice, which is available on the Commission's website at www.prc.gov.

Pursuant to 39 U.S.C. 505, Christopher Mohr is appointed to serve as Public Representative to represent the interests of the general public in this docket. The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2026–2 to provide interested persons an opportunity to express views and offer comments on whether the planned changes are consistent with 39 U.S.C. 3632, 3633, and 3642, 39 CFR part 3035, and 39 CFR 3040 subparts B and E.

2. Comments are due no later than December 15, 2025.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Christopher Mohr to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Erica A. Barker,
Secretary.

[FR Doc. 2025–20650 Filed 11–20–25; 8:45 am]

BILLING CODE 7710–FW–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

Summary: In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on

respondents, including the use of automated collection techniques or other forms of information technology.

1. *Title and purpose of information collection:* Employer Reporting; 3220–0005.

Under Section 9 of the Railroad Retirement Act (RRA) (45 U.S.C. 231h), and Section 6 of the Railroad Unemployment Insurance Act (RUIA) (45 U.S.C. 356), railroad employers are required to submit reports of employee service and compensation to the RRB as needed for administering the RRA and RUIA. To pay benefits due on a deceased employee's earnings records or determine entitlement to, and amount of annuity applied for, it is necessary at times to obtain from railroad employers current (lag) service and compensation not yet reported to the RRB through the annual reporting process. The reporting requirements are specified in 20 CFR 209.6 and 209.7.

The RRB currently utilizes the following forms to collect information to obtain the required lag service and related information from railroad employers: Form AA–12, *Notice of Death and Request for Service Needed for Eligibility*, Form G–88A.1 (or its internet equivalent, Form G–88A.1 (internet)), *Request for Verification of Date Last Worked*, and Form G–88A.2 (or its internet equivalent, Form G–88A.2 (internet)), *Notice of Retirement and Request for Service Needed for Eligibility*. Form AA–12 obtains a report of lag service and compensation from the last railroad employer of a deceased employee. This report covers the lag period between the date of the latest record of employment processed by the RRB and the date an employee last worked, the date of death or the date the employee may have been entitled to benefits under the Social Security Act. The information is used by the RRB to determine benefits due on the deceased employee's earnings record. Form G–88A.1 is sent by the RRB via a computer-generated listing or transmitted electronically via the RRB's Employer Reporting System (ERS) to employers. ERS consists of a series of screens with completion instructions and collects essentially the same information as the approved manual version. Form G–88A.1 is used for the specific purpose of verifying information previously provided to the RRB regarding the date last worked by an employee. If the information is correct, the employer need not reply. If the information is incorrect, the employer is asked to provide corrected information. Form G–88A.2 is used by the RRB to secure lag service and

compensation information when it is needed to determine benefit eligibility.

In addition, 20 CFR 209.12(b) requires all railroad employers to furnish the RRB with the home addresses of all employees hired within the last year (new hires). Form BA-6a, *Form BA-6 Address Report* (or its internet

equivalent, Form BA-6a (internet)) is used by the RRB to obtain home address information of employees from railroad employers who do not have the home address information computerized and who submit the information in a paper format. The form also serves as an instruction sheet to railroad employers

who submit the information electronically by CD-ROM. Completion of the forms is mandatory. Multiple responses may be filed by respondent. The RRB proposes no changes to Forms AA-12, BA-6a, BA-6a (Email), BA-6a (internet), G-88A.1, G-88A.1 (internet), G-88A.2 and G-88A.2 (internet).

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
AA-12	60	5	5
G-88A.1	100	5	8
G-88A.1 Internet	400	4	27
G-88A.2	100	5	8
G-88A.2 (Internet)	1,200	2.5	50
BA-6a Internet (RR initiated)	250	17	71
BA-6a Internet (RRB initiated)	250	12	50
BA-6a (Electronic Equivalents to include secure email and File Transfer Protocol)	20	15	5
BA-6a Paper (RRB initiated)	250	32	133
Total	2,630	.....	357

2. Title and purpose of information collection: Survivor Questionnaire; OMB 3220-0032.

Under Section 6 of the Railroad Retirement Act (RRA) (45 U.S.C. 231e), benefits that may be due on the death of a railroad employee or a survivor annuitant include (1) a lump-sum death benefit (2) a residual lump-sum payment (3) accrued annuities due but

unpaid at death, and (4) monthly survivor insurance payments. The requirements for determining the entitlement of possible beneficiaries to these benefits are prescribed in 20 CFR 234.

When the RRB receives notification of the death of a railroad employee or survivor annuitant, an RRB field office utilizes Form RL-94-F, *Survivor*

Questionnaire, to secure additional information from surviving relatives needed to determine if any further benefits are payable under the RRA. Completion is voluntary. One response is requested of each respondent. The RRB proposes no changes to Form RL-94-F.

Form No.	Annual responses	Time (minutes)	Burden (hours)
RL-94-F, Items 5-10, and 18	50	9	8
RL-94-F, Items 5-18	5,000	11	917
RL-94-F, Item 18 only	400	5	34
Total	5,450	.....	959

3. Title and purpose of information collection: Request for Medicare Payment; OMB 3220-0131.

Under Section 7(d) of the Railroad Retirement Act (45 U.S.C. 231f), the RRB administers the Medicare program for persons covered by the railroad retirement system. The collection obtains the information needed by

Palmetto GBA, the Medicare carrier for railroad retirement beneficiaries, to pay claims for payments under Part B of the Medicare program. Authority for collecting the information is prescribed in 42 CFR 424.32.

The RRB currently utilizes Forms G-740S, Patient's Request for Medicare Payment, along with Centers for

Medicare & Medicaid Services Form CMS-1500, to secure the information necessary to pay Part B Medicare Claims. One response is completed for each claim. Completion is required to obtain a benefit. The RRB proposes no changes to Form G-740S.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
G-740S	1	0	1

4. Title and purpose of information collection: Employer's Deemed Service Month Questionnaire; OMB 3220-0156.

Section 3 (i) of the Railroad Retirement Act (RRA) (45 U.S.C. 231b),

as amended by P.L. 98-76, provides that the Railroad Retirement Board (RRB), under certain circumstances, may deem additional months of service in cases where an employee does not actually

work in every month of the year, provided the employee satisfies certain eligibility requirements, including the existence of an employment relation between the employee and his or her

employer. The procedures pertaining to the deeming of additional months of service are found in the RRB's regulations at 20 CFR 210, Creditable Railroad Service.

The RRB utilizes Form GL-99, *Employer's Deemed Service Months Questionnaire*, to obtain service and compensation information from railroad employers to determine if an employee

can be credited with additional deemed months of railroad service. Completion is mandatory. One response is required for each RRB inquiry. The RRB proposes no changes to Form GL-99.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
GL-99	2,000	2	67

Additional Information or Comments:
To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material or comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-1275 or emailed to Brian.Foster@rrb.gov. Written comments should be received within 60 days of this notice.

Brian Foster,

Clearance Officer.

[FR Doc. 2025-20478 Filed 11-20-25; 8:45 am]

BILLING CODE 7905-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104217; File No. SR-CBOE-2025-073]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 7.22 of the Exchange's CAT Compliance Rule

November 18, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on September 29, 2025, Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") proposes to amend

Rule 7.22 of the Exchange's Consolidated Audit Trail Compliance Rule ("CAT Compliance Rule") regarding the National Market System Plan Governing the Consolidated Audit Trail (the "CAT NMS Plan" or "Plan")³ to be consistent with the amendment to the CAT NMS Plan that requires broker-dealers with a reporting obligation to the Consolidated Audit Trail ("CAT") to report whether an original receipt or origination of an order to sell an equity security is a short sale for which a market maker is claiming the bona fide market making exception in Rule 203(b)(2)(iii) of Regulation SHO ("BFMM Locate Exception").⁴ The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (<http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), and at the Exchange's Office of the Secretary.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

³ Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the CAT Compliance Rule. See Chapter 7, Section B of the Exchange's Rulebook.

⁴ See Securities Exchange Act Release Nos. 98738 (October 13, 2023), 88 FR 75100 (November 1, 2023); and 98739 (October 13, 2023), 88 FR 75079 (November 1, 2023).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Rule 7.22 of the CAT Compliance Rule to be consistent with the amendment to the CAT NMS Plan related to the BFMM Locate Exception. In 2023, the Securities and Exchange Commission (the "Commission") amended the CAT NMS Plan to require the reporting to the CAT of reliance on the BFMM Locate Exception.⁵ Specifically, the Commission added paragraph (D) to Section 6.4(d)(ii) of the CAT NMS Plan, which requires each Participant, through its Compliance Rule, to require its Industry Members to record and report to the Central Repository the following:

for the original receipt or origination of an order to sell an equity security, whether the order is for a short sale effected by a market maker in connection with bona fide market making activities in the security for which the exception in Rule 203(b)(2)(iii) of Regulation SHO is claimed.

Accordingly, the Exchange proposes to amend its CAT Compliance Rule to reflect this additional CAT reporting requirement. Specifically, the Exchange proposes to add subparagraph (G) to Rule 7.22(a)(2), which would require each Industry Member to record and report to the Central Repository the following:

for the original receipt or origination of an order to sell an equity security, whether the order is for a short sale effected by a market maker in connection with bona fide market making activities in the security for which the exception in Rule 203(b)(2)(iii) of Regulation SHO is claimed.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

⁵ *Id.*

and, in particular, the requirements of Section 6(b) of the Act.⁶ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁷ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁸ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that this proposal is consistent with the Act because it is consistent with the amendment to the CAT NMS Plan approved by the Commission and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the SEC noted that the Plan “is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.”⁹ To the extent that this proposal implements the Plan as amended, and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the SEC, and is therefore consistent with the Exchange Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The Exchange notes that the proposed rule change is consistent with the amendment to the CAT NMS Plan approved by the Commission and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also

notes that the amendment to the CAT Compliance Rule will apply equally to all Industry Members that trade equity securities. In addition, all national securities exchanges and FINRA are proposing these amendments to their CAT Compliance Rules. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁰ and subparagraph (f)(6) of Rule 19b-4 thereunder.¹¹

A proposed rule change filed under Rule 19b-4(f)(6)¹² normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹³ the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving 30-day operative delay is consistent with the protection of investors and the public interest because the proposal seeks to amend the Exchange's CAT Compliance Rule to reflect the requirement in the CAT NMS Plan that industry members report for the original receipt or origination of an order to sell an equity security, whether the order is for a short sale effected by a market maker in connection with bona fide

market making activities in the security for which the exception in Rule 203(b)(2)(iii) of Regulation SHO is claimed.¹⁴ The proposal does not introduce any novel regulatory issues. Accordingly, the Commission designates the proposed rule change to be operative upon filing.¹⁵

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CBOE-2025-073 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CBOE-2025-073. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright

¹⁰ 15 U.S.C. 78s(b)(3)(A)(iii).

¹¹ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹² 17 CFR 240.19b-4(f)(6).

¹³ 17 CFR 240.19b-4(f)(6)(iii).

¹⁴ See *supra* note 4.

¹⁵ For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

⁸ *Id.*

⁹ See Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696, 84697 (November 23, 2016).

protection. All submissions should refer to file number SR-CBOE-2025-073 and should be submitted on or before December 12, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-20538 Filed 11-20-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104201; File No. SR-BX-2025-026]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Remove the Exchange's Dedicated GPS Antenna Service Under General 8, Section 1(d)

November 18, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on September 30, 2025, Nasdaq BX, Inc. ("BX" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to remove the Exchange's dedicated GPS antenna service under General 8, Section 1(d) (Co-Location Services), as discussed further below.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/nasdaq/rulefilings>, and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these

statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange offers a Global Positioning System ("GPS") antenna, which allows customers that co-locate their servers and equipment within the Exchange's data center ("NY 11") in Carteret, NJ to synchronize their time recording systems to the U.S. Government's GPS network time (the "Service"). GPS network time is the atomic time scale implemented by the atomic clocks in the GPS ground control stations and GPS satellites. Each GPS satellite contains multiple atomic clocks that contribute precise time data to the GPS signals. GPS receivers decode these signals, synchronizing the receivers to the atomic clocks. A GPS antenna serves as a time signal receiver and feeds a primary clock device the GPS network time using precise time data. Firms can use the precise time data provided by the GPS antenna to time-stamp transactional information. Time synchronization services are well established in the U.S. and utilized in many areas of the U.S. economy and infrastructure. The Service is not novel to the securities markets, or to the Exchange.

Historically, the Exchange has offered connectivity to a GPS antenna via two options—over shared infrastructure or a dedicated antenna. The shared infrastructure provides GPS services through Nasdaq installed shared cables and hardware located within the data center, whereas the dedicated antenna requires the firm to supply their own privately owned antenna hardware. The installation fee for the shared connection is \$900, and the monthly fee is \$600. The installation fee for the dedicated connection is \$1,500 and the monthly fee is \$600. Firms may choose to purchase multiple time synchronization services for resiliency or otherwise.³ The Exchange offers the Service as a convenience to firms to provide them with the ability to synchronize their own primary clock devices to GPS time via a shared GPS timing signal and time-stamp

transactional information. Firms do not receive an advantage by purchasing the Service from Nasdaq. The Exchange proposes to remove the dedicated GPS antenna service from its co-location service offering. The decision to remove the dedicated GPS service option is consistent with the Exchange's project to equalize certain connections across its entire data center campus, including both its existing NY11 facility and the NY11-4 expansion (the "Equalization Project") and maintain adequate controls of all cables that run throughout the data center.⁴ The Exchange has identified a risk where customers with a dedicated GPS antenna, which is located on the roof of the data center, may be able to circumvent the equalized infrastructure. In accordance with the Equalization Project's goal of ensuring that customers do not bypass the integrity of the equalized connections maintained throughout the data center, the Exchange is no longer allowing customers to order dedicated GPS antenna service as of September 30, 2025. Service for existing customers with a dedicated GPS antenna will terminate as of April 1, 2026, and all dedicated GPS antennas must be removed by such date. Customers that want to continue to utilize the Service can request the shared GPS antenna.

Currently, approximately 49% of the Exchange's co-location customers subscribe to the Service, most of which opt for the shared option. The Service is an optional product available to any firm that chooses to subscribe. Firms may cancel their subscription at any time. The Service simply provides time synchronization that may be utilized by firms to adjust their own time systems and time-stamp transactional information. The GPS antenna is offered on a completely voluntary basis. No customer is required to purchase the GPS antenna. Potential subscribers may subscribe to the Service only if they voluntarily choose to do so. It is a business decision of each firm whether to subscribe to the Service or not. Customers do not receive an advantage by purchasing the Service from Nasdaq; the Exchange is merely providing access to GPS signals.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁵ in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5)

⁴ See Securities and Exchange Act Release No. 34-101078 (Sept. 18, 2024), 89 FR 77937 (September 24, 2024) (SR-NASDAQ-2024-054) ("Co-Location Expansion Proposal").

⁵ 15 U.S.C. 78f(b).

¹⁶ 17 CFR 200.30-3(a)(12) and (59).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Of the Exchange's co-location customers that subscribe to the Service, approximately 5% of such co-location customers purchase both the dedicated and the shared options of the Service.

of the Act,⁶ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposed change to its connectivity service offering is reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for equity securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: "[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . ."⁷

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."⁸

The Exchange believes that it is reasonable and equitable to remove the dedicated GPS antenna service and fee from its connectivity offerings because the service does not align with the Exchange's Equalization Project and the goal of maintaining the integrity of equalization within the Exchange's data center. The removal of the dedicated antenna is unlikely to burden the market because the purchase of the

Service is optional for all categories of co-location customers and customers can discontinue the use of the Service at any time. Additionally, customers will maintain the option of utilizing the Service via the shared GPS antenna. Additionally, the proposed change is not unfairly discriminatory because the dedicated GPS service will be removed for all market participants and the option to utilize the shared Service will also be available for all market participants. As discussed above, approximately 49% of the Exchange's co-location customers subscribe to the Service and most of them opt for the shared antenna.

The Exchange believes that it is reasonable to provide existing customers with at least six months lead time to prepare to remove their dedicated antenna from the data center's roof before the service terminates. This provides co-location customers with sufficient time to remove their antennas from the data center and switch to the shared GPS antenna service before the direct GPS antenna service is terminated.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Nothing in the proposal imposes any burden on the ability of customers or other exchanges to compete. The Exchange operates in a highly competitive market in which exchanges and other vendors offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations. Eliminating the dedicated GPS antenna services will not cause any burden on inter-market competition. Additionally, there is no burden to intra-market competition because the direct GPS antenna service is being terminated for all customers and the Exchange has provided all customers with the same timeline to terminate or convert to the shared GPS antenna service on a non-discriminatory basis. Use of any co-location service is completely voluntary, and each market participant can determine whether to use co-location services based on the requirements of its business operations.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.⁹

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-BX-2025-026 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-BX-2025-026. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR-BX-2025-026 and should

⁶ 15 U.S.C. 78f(b)(4) and (5).

⁷ *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782-83 (December 9, 2008) (SR-NYSEArca-2006-21)).

⁸ Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) ("Regulation NMS Adopting Release").

⁹ 15 U.S.C. 78s(b)(3)(A)(ii).

be submitted on or before December 12, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁰

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–20546 Filed 11–20–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104199; File No. SR–MRX–2025–27]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Remove the Exchange's Dedicated GPS Antenna Service Under General 8, Section 1(d)

November 18, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on September 30, 2025, Nasdaq MRX, LLC (“MRX” or “Exchange”), filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to remove the Exchange's dedicated GPS antenna service under General 8, Section 1(d) (Co-Location Services), as discussed further below.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/nasdaq/rulefilings>, and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The

Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange offers a Global Positioning System (“GPS”) antenna, which allows customers that co-locate their servers and equipment within the Exchange's data center (“NY 11”) in Carteret, NJ to synchronize their time recording systems to the U.S. Government's GPS network time (the “Service”). GPS network time is the atomic time scale implemented by the atomic clocks in the GPS ground control stations and GPS satellites. Each GPS satellite contains multiple atomic clocks that contribute precise time data to the GPS signals. GPS receivers decode these signals, synchronizing the receivers to the atomic clocks. A GPS antenna serves as a time signal receiver and feeds a primary clock device the GPS network time using precise time data. Firms can use the precise time data provided by the GPS antenna to time-stamp transactional information. Time synchronization services are well established in the U.S. and utilized in many areas of the U.S. economy and infrastructure. The Service is not novel to the securities markets, or to the Exchange.

Historically, the Exchange has offered connectivity to a GPS antenna via two options—over shared infrastructure or a dedicated antenna. The shared infrastructure provides GPS services through Nasdaq installed shared cables and hardware located within the data center, whereas the dedicated antenna requires the firm to supply their own privately owned antenna hardware. The installation fee for the shared connection is \$900, and the monthly fee is \$600. The installation fee for the dedicated connection is \$1,500 and the monthly fee is \$600. Firms may choose to purchase multiple time synchronization services for resiliency or otherwise.³ The Exchange offers the Service as a convenience to firms to provide them with the ability to synchronize their own primary clock devices to GPS time via a shared GPS timing signal and time-stamp

transactional information.⁴ Firms do not receive an advantage by purchasing the Service from Nasdaq.

The Exchange proposes to remove the dedicated GPS antenna service from its co-location service offering. The decision to remove the dedicated GPS service option is consistent with the Exchange's project to equalize certain connections across its entire data center campus, including both its existing NY11 facility and the NY11–4 expansion (the “Equalization Project”) and maintain adequate controls of all cables that run throughout the data center.⁵ The Exchange has identified a risk where customers with a dedicated GPS antenna, which is located on the roof of the data center, may be able to circumvent the equalized infrastructure. In accordance with the Equalization Project's goal of ensuring that customers do not bypass the integrity of the equalized connections maintained throughout the data center, the Exchange is no longer allowing customers to order dedicated GPS antenna service as of September 30, 2025. Service for existing customers with a dedicated GPS antenna will terminate as of April 1, 2026, and all dedicated GPS antennas must be removed by such date. Customers that want to continue to utilize the Service can request the shared GPS antenna.

Currently, approximately 49% of the Exchange's co-location customers subscribe to the Service, most of which opt for the shared option. The Service is an optional product available to any firm that chooses to subscribe. Firms may cancel their subscription at any time. The Service simply provides time synchronization that may be utilized by firms to adjust their own time systems and time-stamp transactional information. The GPS antenna is offered on a completely voluntary basis. No customer is required to purchase the GPS antenna. Potential subscribers may subscribe to the Service only if they voluntarily choose to do so. It is a business decision of each firm whether to subscribe to the Service or not. Customers do not receive an advantage by purchasing the Service from Nasdaq; the Exchange is merely providing access to GPS signals.

⁴ In offering the Service as a convenience to firms, the Exchange incurs certain costs, including costs related to the data center facility, hardware and equipment, and personnel.

⁵ See Securities and Exchange Act Release No. 34–101078 (Sept. 18, 2024), 89 FR 77937 (September 24, 2024) (SR–NASDAQ–2024–054) (“Co-Location Expansion Proposal”).

¹⁰ 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ Of the Exchange's co-location customers that subscribe to the Service, approximately 5% of such co-location customers purchase both the dedicated and the shared options of the Service.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁶ in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,⁷ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposed change to its connectivity service offering is reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for equity securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: "[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'"⁸

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."⁹

The Exchange believes that it is reasonable and equitable to remove the dedicated GPS antenna service and fee from its connectivity offerings because the service does not align with the

Exchange's Equalization Project and the goal of maintaining the integrity of equalization within the Exchange's data center. The removal of the dedicated antenna is unlikely to burden the market because the purchase of the Service is optional for all categories of co-location customers and customers can discontinue the use of the Service at any time. Additionally, customers will maintain the option of utilizing the Service via the shared GPS antenna. Additionally, the proposed change is not unfairly discriminatory because the dedicated GPS service will be removed for all market participants and the option to utilize the shared Service will also be available for all market participants. As discussed above, approximately 49% of the Exchange's co-location customers subscribe to the Service and most of them opt for the shared antenna.

The Exchange believes that it is reasonable to provide existing customers with at least six months lead time to prepare to remove their dedicated antenna from the data center's roof before the service terminates. This provides co-location customers with sufficient time to remove their antennas from the data center and switch to the shared GPS antenna service before the direct GPS antenna service is terminated.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Nothing in the proposal imposes any burden on the ability of customers or other exchanges to compete. The Exchange operates in a highly competitive market in which exchanges and other vendors offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations. Eliminating the dedicated GPS antenna services will not cause any burden on inter-market competition. Additionally, there is no burden to intra-market competition because the direct GPS antenna service is being terminated for all customers and the Exchange has provided all customers with the same timeline to terminate or convert to the shared GPS antenna service on a non-discriminatory basis. Use of any co-location service is completely voluntary, and each market participant can determine whether to use co-location services based on the requirements of its business operations.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.¹⁰

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-MRX-2025-27 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-MRX-2025-27. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(4) and (5).

⁸ *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782-83 (December 9, 2008) (SR-NYSEArca-2006-21)).

⁹ Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) ("Regulation NMS Adopting Release").

¹⁰ 15 U.S.C. 78s(b)(3)(A)(ii).

obscene or subject to copyright protection. All submissions should refer to file number SR-MRX-2025-27 and should be submitted on or before December 12, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-20544 Filed 11-20-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104194; File No. SR-IEX-2025-28]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Rule 11.180, Units of Trading, To Conform to Rule 600 of Regulation NMS

November 18, 2025.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (the "Act")² and Rule 19b-4 thereunder,³ notice is hereby given that, on September 30, 2025, the Investors Exchange LLC ("IEX" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) under the Act,⁴ and Rule 19b-4 thereunder,⁵ the Exchange is filing with the Commission a proposed rule change to amend IEX Rule 11.180, Units of Trading, to conform with a recent amendment to the definition of "round lot" under Rule 600 of Regulation NMS recently approved by the Commission.⁶ The Exchange has designated this proposal as non-controversial and provided the Commission with the

notice required by Rule 19b-4(f)(6)(iii) under the Act.⁷

The text of the proposed rule change is available at the Exchange's website at <https://www.iexexchange.io/resources/regulation/rule-filings> and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend IEX Rule 11.180, Units of Trading, to conform with the definition of round lot under Rule 600 of the Regulation NMS that is to be implemented in November 2025.⁸

In 2020, the Commission adopted amendments to Regulation NMS to modernize the NMS information provided within the national market system for the benefit of market participants and to better achieve Section 11A's goals of assuring "the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities that is prompt, accurate, reliable, and fair" ("MDIR").⁹ These changes included an amendment to Rule 600 of Regulation NMS to include a definition of round lot that assigns each NMS stock to a round lot size based on the stock's average closing price. Prior to this change, a round lot was not defined in the Act or Regulation NMS. The definition of a round lot was included in the rules of each exchange, including IEX Rule 11.180, which typically defined a round lot as 100 shares, but also allowed the exchange, or the primary listing exchange for the

security, discretion to define it otherwise.¹⁰

In light of delays in the implementation of the MDIR, including the definition of round lot, on September 18, 2024, the Commission, among other things, accelerated the implementation of the round lot definition. The Commission also revised the round lot definition as set forth below.¹¹ Rule 600(b)(93) of Regulation NMS, as adopted by the MDIR and as amended in 2024,¹² defines a round lot for NMS stocks¹³ that have an average closing price on the primary listing exchange during the prior Evaluation Period¹⁴ of: (1) \$250.00 or less per share as 100 shares; (2) \$250.01 to \$1,000.00 per share as 40 shares; (3) \$1,000.01 to \$10,000.00 per share as 10 shares; and (4) \$10,000.01 or more per share as 1 share. For any security that becomes an NMS Stock during an operative period, as described in Rule 600(b)(93)(iv)¹⁵ a round lot is 100 shares. Adjustments to the round lot size for a security will occur on a semiannual basis and the calculation of the average closing price on the primary listing exchange will be based on a one month "Evaluation Period."

The revised definition of round lot is to be implemented on November 3, 2025, the first business day of November 2025.¹⁶ The Exchange now proposes to amend IEX Rule 11.180, Units of Trading, to conform with the definition of round lot in Rule 600 of Regulation NMS.

IEX Rule 11.180(a) currently reads as follows:

One hundred (100) shares shall constitute a "round lot" or "normal unit of trade," any amount less than 100 shares shall constitute

¹⁰ As noted in current IEX Rule 11.180, the Exchange then conforms its definition of a round lot to the direction of the primary listing market.

¹¹ See *supra* note 6.

¹² *Id.*

¹³ "NMS stock" is defined under Regulation NMS as any NMS security other than an option. 17 CFR 242.600(b)(65).

¹⁴ Rule 600(b)(93)(iii) of Regulation NMS defines the Evaluation Period as (A) all trading days in March for the round lot assigned on the first business day in May and (B) all trading days in September for the round lot assigned on the first business day of November during which the average closing price of an NMS stock on the primary listing exchange shall be measured by the primary listing exchange to determine the round lot for each NMS stock.

¹⁵ Pursuant to Rule 600(b)(93)(iv) of Regulation NMS the round lot assigned under this section shall be operative on: (A) The first business day of May for the March Evaluation Period and continue through the last business day of October of the calendar year; and (B) The first business day of November for the September Evaluation Period and continue through the last business day of April of the next calendar year.

¹⁶ See *supra* note 8.

¹¹ 17 CFR 200.30-3(a)(12).

¹⁵ U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ 15 U.S.C. 78s(b)(1).

⁵ 17 CFR 240.19b-4.

⁶ See Securities Exchange Act Release No. 101070 (September 18, 2024), 89 FR 81620 (October 8, 2024) (File No. S7-30-22) ("NMS Amendments Final Rule").

⁷ 17 CFR 240.19b-4(f)(6)(iii).

⁸ See NMS Amendments Final Rule, *supra* note 6, 89 FR at 81680.

⁹ See Securities Exchange Act Release No. 90610 (December 9, 2020), 86 FR 18596 (April 9, 2021) ("MDIR Adopting Release").

an “odd lot,” and any amount greater than 100 shares that is not a multiple of a round lot shall constitute a “mixed lot.” Certain securities, as designated by their Listing Markets, have a normal unit of trade of less than 100 shares, and so the Exchange shall conform to the direction of the Listing Markets.

To comply with the round lot definition in Rule 600 of Regulation NMS, the Exchange proposes to revise IEX Rule 11.180(a) to read as follows:

A “round lot” or “normal unit of trade” for each NMS Stock shall be the size assigned by the primary listing market pursuant to Rule 600 of Regulation NMS under the Exchange Act. Any amount less than a round lot shall constitute an “odd lot,” and any amount greater than a round lot that is not a multiple of a round lot shall constitute a “mixed lot.”

Implementation Date

The proposed rule changes will be implemented on November 3, 2025, the same date as the revised definition of round lot under Regulation NMS is to be implemented.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹⁷ in general, and furthers the objectives of Section 6(b)(1),¹⁸ in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its exchange members and person associated with the exchange members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5)¹⁹ of the Act in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

As described in the Purpose section, the proposed changes to IEX Rule 11.180 are being proposed solely to conform the Exchange’s definition of round lot with the definition of round lot found in Rule 600 of Regulation NMS that is to be implemented in November 2025.²⁰ The proposed changes would reduce potential investor and market participant confusion and

therefore remove impediments to and perfect the mechanism of a free and open market and a national market system by ensuring that the Exchange’s rules properly reflect the requirements of Rule 600 of Regulation NMS.

Accordingly, based on the foregoing, the Exchange does not believe that the proposed rule change raises any novel issues not already considered by the Commission.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange believes the proposed rule changes do not impose any burden on intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change to amend the definition of round lot in IEX Rule 11.180(a) is not intended to address competitive issues but rather is concerned solely with amending the Exchange’s Rules to conform with the definition of round lot under Rule 600 of Regulation NMS that is to be implemented in November 2025.²¹

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A)²² of the Act and Rule 19b–4(f)(6)²³ thereunder. Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.

The proposed rule change amending the definition of round lot in IEX Rule 11.180 to conform to Rule 600 of the Regulation NMS will be implemented on November 3, 2025, the same date as the revised definition of round lot under

Regulation NMS is to be implemented, to ensure the Exchange’s rules properly reflect the requirements of Rule 600 of Regulation NMS for the benefit of investors and the investing public.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)²⁴ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission’s internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR–IEX–2025–28 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–IEX–2025–28. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission’s internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–IEX–2025–28 and should be submitted on or before December 12, 2025.

¹⁷ 15 U.S.C. 78f(b).

¹⁸ 15 U.S.C. 78f(b)(1).

¹⁹ 15 U.S.C. 78f(b)(5).

²⁰ See *supra* note 8.

²¹ See *supra* note 8.

²² 15 U.S.C. 78s(b)(3)(A).

²³ 17 CFR 240.19b–4(f)(6).

²⁴ 15 U.S.C. 78s(b)(2)(B).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁵

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–20540 Filed 11–20–25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104212; File No. SR–NYSEARCA–2024–98]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Setting Aside Action by Delegated Authority and Approving a Proposed Rule Change, as Modified by Amendment No. 1, To Amend NYSE Arca Rule 8.500–E (Trust Units) and To List and Trade Shares of the Bitwise 10 Crypto Index ETF Under Amended NYSE Arca Rule 8.500–E (Trust Units)

November 18, 2025.

I. Introduction

On November 14, 2024, NYSE Arca, Inc. (“NYSE Arca” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (“Exchange Act”) ¹ and Rule 19b–4 thereunder,² a proposed rule change to list and trade shares of the Bitwise 10 Crypto Index ETF under certain proposed listing rules.³

On July 22, 2025, the Commission, acting through authority delegated to the Division of Trading and Markets (“Division”),⁴ approved the proposed

rule change, as modified by Amendment No. 1, on an accelerated basis.⁵ On July 22, 2025, the Deputy Secretary of the Commission notified NYSE Arca that, pursuant to Commission Rule of Practice 431,⁶ the Commission would review the Division’s action pursuant to delegated authority and that the Division’s action pursuant to delegated authority was stayed until the Commission ordered otherwise.⁷ On July 29, 2025, the Commission issued a scheduling order, pursuant to Commission Rule of Practice 431, providing until August 22, 2025, for any party or other person to file a written statement in support of, or in opposition to, the Approval Order.⁸

The Commission has conducted a *de novo* review of NYSE Arca’s proposal, giving careful consideration to the entire record, including all comments and statements submitted, to determine whether the proposal is consistent with the requirements of the Exchange Act and the rules and regulations thereunder that are applicable to a national securities exchange. Under section 19(b)(2)(C) of the Exchange Act, the Commission must approve the proposed rule change of a self-regulatory organization if the Commission finds that the proposed rule change is consistent with the requirements of the Exchange Act and the applicable rules and regulations thereunder; if it does not make such a finding, the Commission must disapprove the proposed rule change.⁹ Additionally, under Rule 700(b)(3) of the Commission’s Rules of Practice, the “burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on the self-regulatory organization that proposed the rule change.”¹⁰ The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission

finding.¹¹ Any failure of a self-regulatory organization to provide the information required by Rule 19b–4 and elicited on Form 19b–4 may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the rules and regulations thereunder that are applicable to the self-regulatory organization.¹²

For the reasons discussed further herein, NYSE Arca has met its burden to show that the proposed rule change is consistent with the Exchange Act, and this order sets aside the Approval Order and approves NYSE Arca’s proposed rule change, as modified by Amendment No. 1. In particular, the Commission concludes that the record before the Commission demonstrates that NYSE Arca’s proposal is consistent with section 6(b)(5) of the Exchange Act,¹³ which requires that the rules of a national securities exchange be designed, among other things, to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

II. Summary of the Proposal

The Exchange proposes to list and trade shares (“Shares”) of the Bitwise 10 Crypto Index ETF (“Trust”) under NYSE Arca Rule 8.500–E.¹⁴ The investment objective of the Trust is to invest in a portfolio of digital assets (each, a

²⁵ 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ The proposed rule change was published for comment in the **Federal Register** on December 3, 2024. *See* Securities Exchange Act Release No. 101775 (Nov. 27, 2024), 89 FR 95853 (Dec. 3, 2024). On January 14, 2025, the Commission extended the time period for Commission action on the proposed rule change. *See* Securities Exchange Act Release No. 102186 (Jan. 14, 2025), 90 FR 7199 (Jan. 21, 2025). On March 3, 2025, the Commission instituted proceedings pursuant to section 19(b)(2)(B) of the Exchange Act to determine whether to approve or disapprove the proposed rule change. *See* Securities Exchange Act Release No. 102514 (Mar. 3, 2025), 90 FR 11559 (Mar. 7, 2025). On May 28, 2025, the Commission extended the time period for Commission action on proceedings to determine whether to approve or disapprove the proposed rule change. *See* Securities Exchange Act Release No. 103140 (May 28, 2025), 90 FR 23574 (June 3, 2025). On July 17, 2025, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the proposed rule change in its entirety. The proposed rule change, as modified by Amendment No. 1, was published for comment in the **Federal Register** on July 23, 2025. *See* Securities Exchange Act Release No. 103499 (July 18, 2025), 90 FR 34681 (July 23, 2025) (“Amendment No. 1”).

⁴ 17 CFR 200.30–3(a)(12).

⁵ *See* Securities Exchange Act Release No. 103531 (July 22, 2025), 90 FR 35339 (July 25, 2025) (“Approval Order”).

⁶ 17 CFR 201.431.

⁷ *See* Letter from J. Matthew DeLesDernier, Deputy Secretary, Commission, to Le-Anh Bui, Senior Counsel, NYSE Group, Inc., dated July 22, 2025, available at <https://www.sec.gov/files/rules/sro/nysearca/2025/sr-nysearca-2024-98-rule-431-letter-2025-07-22.pdf>.

⁸ *See* Securities Exchange Act Release No. 103572 (July 29, 2025), 90 FR 36253 (Aug. 1, 2025). Comments on the proposed rule change, including statements concerning the Approval Order, are available at <https://www.sec.gov/comments/sr-nysearca-2024-98/srnysearca202498.htm>.

⁹ 15 U.S.C. 78s(b)(2)(C).

¹⁰ 17 CFR 201.700(b)(3).

¹¹ *See id.*

¹² *See id.* *See also* 17 CFR 240.19b–4.

¹³ 15 U.S.C. 78f(b)(5).

¹⁴ As described in more detail in Amendment No. 1, the Exchange also proposed to make certain amendments to NYSE Arca Rules 8.500–E (Trust Units), 5.3–E (Corporate Governance and Disclosure Policies), and 5.3–E(e) (Shareholder Annual Meetings) to accommodate the listing and trading of Shares of the Trust. *See* Amendment No. 1, *supra* note 3. The Exchange proposed, and the Commission approved, identical amendments to such NYSE Arca Rules in a separate proposed rule change relating to the listing and trading of shares of another ETP. *See* Order Setting Aside Action by Delegated Authority and Approving a Proposed Rule Change, as Modified by Amendment No. 1, to Amend NYSE Arca Rule 8.500–E (Trust Units) and to List and Trade Shares of the Grayscale Digital Large Cap Fund LLC under Amended NYSE Arca Rule 8.500–E (Trust Units), Securities Exchange Act Release No. 103996 (Sept. 17, 2025), 90 FR 45440 (Sept. 22, 2025) (SR–NYSEARCA–2024–87) (approving the listing and trading of the Grayscale Digital Large Cap Fund, which will hold at least 85% of its investments in assets approved by the Commission to underlie an ETP as primary investments) (“Grayscale Digital Large Cap Order”). As a result, the Commission has already addressed identical amendments and does not need to make additional findings with respect to the Exchange’s proposed amendments to such rules in this filing.

“Portfolio Asset” and, collectively, “Portfolio Assets”) that tracks the Bitwise 10 Large Cap Crypto Index (“Index”).¹⁵ The Trust’s only assets will be the Portfolio Assets and cash.¹⁶ The Trust rebalances monthly alongside the rebalance of the Index to stay current with any changes to the Index.¹⁷ The Portfolio Assets, as well as their weightings, are generally expected to be the same as the Index, except that the Sponsor may determine to exclude a particular digital asset from the Portfolio Assets and/or rebalance the weighting of the Portfolio Assets in certain rules-based circumstances.¹⁸ The Sponsor will ensure that, on an initial and a continuing basis, as of 4 p.m. E.T. on every trading day, at least 85% of the Portfolio Assets will consist of commodities that are the primary investment underlying exchange-traded products (“ETPs”) that have been approved by the Commission to list and trade on a national securities exchange (“Approved Components”)¹⁹ and that

¹⁵ See *id.* at 34683. The Trust is a Delaware statutory trust and will operate pursuant to a trust agreement between Bitwise Investment Advisers, LLC (“Sponsor”) and Delaware Trust Company, as trustee. Coinbase Custody Trust Company, LLC will maintain custody of the Trust’s assets. The Bank of New York Mellon (“Administrator”) will be the custodian for the Trust’s cash holdings, as well as the Trust’s administrator and transfer agent. See *id.* at 34682–83.

¹⁶ See *id.* at 34683.

¹⁷ See *id.* The Index is administered by Bitwise Index Services, LLC, an affiliate of the Sponsor. The Index is comprised of ten digital assets and is designed to track the performance of the ten largest digital assets that currently trade publicly on eligible digital asset trading platforms, as selected and weighted by free-float market capitalization. See *id.* at 34683–84. The Sponsor represents that it will maintain a firewall between it and the personnel responsible for the maintenance of the Index or who have access to information concerning changes and adjustments to the Index. See *id.* at 34683 n.15.

¹⁸ See *id.* at 34683. The weighting of the Portfolio Assets will differ slightly from the weightings of the Index components due to the need for the Trust to implement actual rebalance transactions, unlike the Index. See *id.* at 34684 n.29.

¹⁹ As of June 30, 2025, more than 85% of the Portfolio Assets were bitcoin (78.72%) and ether (11.10%). See *id.* at 34683. The Commission approved both spot bitcoin and spot ether to underlie ETPs as primary investments. See Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Bitcoin-Based Commodity-Based Trust Shares and Trust Units, Securities Exchange Act Release No. 99306 (Jan. 10, 2024), 89 FR 3008 (Jan. 17, 2024) (SR–NYSEARCA–2021–90; SR–NYSEARCA–2023–44; SR–NYSEARCA–2023–58; SR–NASDAQ–2023–016; SR–NASDAQ–2023–019; SR–CboeBZX–2023–028; SR–CboeBZX–2023–038; SR–CboeBZX–2023–040; SR–CboeBZX–2023–042; SR–CboeBZX–2023–044; SR–CboeBZX–2023–072) (“Spot Bitcoin ETP Approval Order”); Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Shares of Ether-Based Exchange-Traded Products, Securities Exchange Act Release No. 100224 (May 23, 2024), 89 FR 46937 (May 30,

no more than 15% of the Portfolio Assets will be non-Approved Components.²⁰ As of June 30, 2025, the Trust’s Portfolio Assets and their weightings were: 78.72% bitcoin (BTC), 11.10% ether (ETH), 4.97% XRP (XRP), 3.03% Solana (SOL), 0.78% Cardano (ADA), 0.35% SUI (SUI), 0.32% Chainlink (LINK), 0.28% Avalanche (AVAX), 0.24% Litecoin (LTC), and 0.19% Polkadot (DOT).²¹

To determine the Trust’s net asset value (“NAV”), the Sponsor will rely on

2024) (SR–NYSEARCA–2023–70; SR–NYSEARCA–2024–31; SR–NASDAQ–2023–045; SR–CboeBZX–2023–069; SR–CboeBZX–2023–070; SR–CboeBZX–2023–087; SR–CboeBZX–2023–095; SR–CboeBZX–2024–018) (“Spot Ether ETP Approval Order”); Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 1, to List and Trade Shares of the Hashdex Nasdaq Crypto Index US ETF and Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, to List and Trade Shares of the Franklin Crypto Index ETF, a Series of the Franklin Crypto Trust, Securities Exchange Act Release No. 101998 (Dec. 19, 2024), 89 FR 106707 (Dec. 30, 2024) (SR–NASDAQ–2024–028; SR–CboeBZX–2024–091) (“Spot Bitcoin & Ether ETP Approval Order”). The Spot Bitcoin ETP Approval Order, Spot Ether ETP Approval Order; and Spot Bitcoin & Ether ETP Approval Order each approved the listing and trading of Commodity-Based Trust Shares holding 100% of their assets in spot bitcoin and/or spot ether. Recently, the Commission approved an ETP with an investment objective similar to the Trust, *see* Grayscale Digital Large Cap Order *supra* note 14, and approved proposals to adopt generic listing standards for Commodity-Based Trust Shares that hold spot commodities (or certain derivatives thereon). See Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, to Adopt Generic Listing Standards for Commodity-Based Trust Shares, Securities Exchange Act Release No. 103995 (Sept. 17, 2025), 90 FR 45414 (Sept. 22, 2025) (SR–NASDAQ–2025–056; SR–CboeBZX–2025–104; SR–NYSEARCA–2025–54) (“Commodity-Based Trust Shares Generics Approval Order”). Approved Components would include commodities that would qualify to underlie Commodity-Based Trust Shares that list and trade pursuant to such generic listing standards.

²⁰ See Amendment No. 1 at 34685. The Exchange states that, to the extent the Trust’s composition is, or is anticipated to be, less than 85% Approved Components as of 4 p.m. E.T. on a given trading day, the Sponsor will promptly notify the Exchange. As soon as practicable and in any event by no later than the beginning of the NYSE Arca Core Trading Session on the following trading day, the Sponsor will rebalance the Trust’s portfolio according to the methodology described in the Trust’s prospectus such that at least 85% of the weightings of the Portfolio Assets will consist of Approved Components. If it is anticipated that, as of 4 p.m. E.T. on a given trading day, the Trust’s portfolio will not consist of at least 85% Approved Components by the start of the next NYSE Arca Core Trading Session, the Sponsor will notify the Exchange as soon as practicable (and, in any event, no later than 9:15 a.m. E.T.), and the Exchange will halt trading in the Shares until at least 85% of the weightings of the Portfolio Assets consist of Approved Components. See *id.* The Exchange also states that the Index will implement a rule that will limit the Index components and weightings thereof such that at least 85% of the weight of the Index components shall, on both an initial and a continuing basis, consist of Approved Components. See *id.* at 34684.

²¹ See *id.* at 34683.

CF Benchmarks Ltd. (the “Valuation Vendor”) to calculate and publish the U.S. dollar price for each Portfolio Asset (each, a “Reference Price” and, collectively, “Reference Prices”) as of 4 p.m. E.T.,²² and the Trust will use the Reference Prices to calculate its NAV.²³ The Trust creates and redeems Shares from time to time for cash in one or more “Creation Units,” which will initially consist of at least 10,000 Shares, but may be subject to change.²⁴

III. Discussion and Commission Findings

The Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange.²⁵ In particular, the Commission finds that the proposal is consistent with section 6(b)(5) of the Exchange Act,²⁶ which requires, among other things, that the Exchange’s rules be designed to “prevent fraudulent and manipulative acts and practices” and, “in general, to protect investors and the public interest;” and with section 11A(a)(1)(C)(iii) of the Exchange Act,²⁷ which sets forth Congress’ finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. The Commission therefore approves the proposed rule change, as modified by Amendment No. 1.

A. Exchange Act Section 6(b)(5)

The Commission finds that the listing and trading of the Trust is consistent with the Exchange Act. The structure of

²² See *id.* Each Reference Price aggregates the trade flow of several major digital asset trading platforms during an observation window between 3 p.m. and 4 p.m. E.T. into the U.S. dollar price of one of each Portfolio Asset at 4 p.m. E.T. Digital asset trading platforms considered by the Valuation Vendor currently include Bitstamp, Coinbase, Gemini, iBit, LMAX, and Kraken. See *id.* at 34683 n.17.

²³ See *id.* at 34687. The Trust’s NAV will be determined by the Administrator once each Exchange trading day as of 4 p.m. E.T., or as soon thereafter as practicable. The Administrator will calculate the NAV by multiplying the Portfolio Assets held by the Trust by their respective Reference Prices for such day, adding any additional receivables and subtracting the accrued but unpaid liabilities of the Trust. See *id.*

²⁴ See *id.*

²⁵ In approving this proposed rule change, the Commission has considered the proposed rule change’s impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

²⁶ 15 U.S.C. 78f(b)(5).

²⁷ 15 U.S.C. 78k–1(a)(1)(C)(iii).

the Trust, the terms of its operation and the trading of its Shares, and the representations in the proposal are substantially similar to those of other proposals approved in prior Commission orders. On an initial basis, and on a continuing basis reflecting subsequent ETP approvals, at least 85% of the Trust's holdings will consist of commodities that the Commission has approved to underlie an ETP as primary investments, with no more than 15% of the Trust's investments in other assets, which could include other types of commodities as well as securities.²⁸ The Commission has previously found that the risks associated with fraud and manipulation are sufficiently mitigated if an ETP holds at least 80% of the investments in assets that do not raise concerns relating to fraud and manipulation.²⁹ In approving an ETP

²⁸ See Amendment No. 1 at 34684–85. See also *supra* notes 19–20 and accompanying text.

²⁹ See, e.g., Notice of Filing of Amendment No. 2, and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 2, To List and Trade Shares of the SPDR DoubleLine Short Duration Total Return Tactical ETF of the SSgA Active Trust, Securities Exchange Act Release No. 77499 (Apr. 1, 2016), 81 FR 20428 (Apr. 7, 2016) (SR–BATS–2016–04) (approving the listing and trading of a series of Managed Fund Shares that would hold up to at least 80% of its net assets in a diversified portfolio of fixed income securities, with 20% limitations on certain holdings such as junior bank loans); Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Allow the JPMorgan Core Plus Bond ETF of the J.P. Morgan Exchange-Traded Fund Trust To Hold Certain Instruments in a Manner That May Not Comply With Rule 14.11(i), Managed Fund Shares, Securities Exchange Act Release No. 85701 (Apr. 22, 2019), 84 FR 17902 (Apr. 26, 2019) (SR–CboeBZX–2019–016) (approving the listing and trading of a series of Managed Fund Shares that could hold up to 20% of the weight of the fixed income portion of its portfolio in asset-backed securities and mortgage-backed securities issued by private issuers); Order Granting Approval of Proposed Rule Change, as Modified by Amendment No. 2 Thereto Relating to the Use of Derivative Instruments by PIMCO Total Return Exchange Traded Fund, Securities Exchange Act Release No. 72666 (July 3, 2014), 79 FR 44224 (July 30, 2014) (SR–NYSEARCA–2013–122) (approving the listing and trading of a series of Managed Fund Shares that would invest under normal market circumstances at least 65% of its total assets in a diversified portfolio of fixed income derivatives, including over-the-counter derivatives); Order Granting Approval of Proposed Rule Change, as Modified by Amendment No. 7 Thereto, Amending NYSE Arca Equities Rule 8.600 To Adopt Generic Listing Standards for Managed Fund Shares, Securities Exchange Act Release No. 78397 (July 22, 2016), 81 FR 49320 (July 27, 2016) (SR–NYSEARCA–2015–110) (approving generic listing standards for Managed Fund Shares allowing for up to 10% of the equity weight of the portfolio to consist of non-exchange-traded ADRs; up to 20% of the weight of the fixed income portion of the portfolio to consist of non-agency, non-government-sponsored entity, and privately-issued mortgage-related and other asset-backed securities components; up to 10% of the weight of holdings invested in futures, exchange-traded options, and listed swaps to consist of futures, options, and

with a commodity as a primary investment, the Commission must find under section 6(b)(5) that there are sufficient means to prevent fraud and manipulation.³⁰ Accordingly, the Commission finds that the requirement that the Trust will hold at least 85% of its investments in assets approved by the Commission to underlie an ETP as primary investments will enable adequate surveillance of the Shares on the Exchange.

Pursuant to section 19(b)(2) of the Exchange Act, the Commission must approve a proposed rule change filed by a national securities exchange if it finds that the proposed rule change is consistent with the applicable requirements of the Exchange Act.³¹ As such, based on the record before the Commission, the Commission finds that the proposal is consistent with the requirements of the Exchange Act, including the requirement in section 6(b)(5) ³² that the Exchange's rules be designed to “prevent fraudulent and manipulative acts and practices.”

B. Exchange Act Section 11A(a)(1)(C)(iii)

The proposal sets forth aspects of the Trust, including the availability of pricing information, transparency of portfolio holdings, and types of surveillance procedures, that are consistent with other ETPs that the Commission has approved.³³ This includes commitments regarding: the

swaps which trade on markets that are not members of ISG or with which the Exchange does not have in place a comprehensive surveillance sharing agreement; and up to 20% of the assets in the portfolio to be invested in OTC derivatives (“Managed Fund Shares Order”). In the Managed Fund Shares Order, the Commission found that the 20% limitation on OTC derivatives “is sufficient to mitigate the risks associated with price manipulation because at least 80% of a Managed Fund Shares portfolio would consist of: Cash and cash equivalents; listed derivatives, of which 90% by portfolio weight would be traded on a principal market that is a member of ISG; and equity securities or fixed income instruments subject to numerous restrictions designed to prevent manipulation and ensure pricing transparency.” See Managed Fund Shares Order at 49326. See also Grayscale Digital Large Cap Order, *supra* note 14.

³⁰ For example, as of June 30, 2025, more than 85% of the Trust's holdings would be in bitcoin and ether. In approving the ETPs with primary investments in bitcoin and ether, the Commission found that there were sufficient means to prevent fraud and manipulation of bitcoin and ether ETPs under section 6(b)(5) of the Exchange Act. Similarly, in the Commodity-Based Trust Shares Generics Approval Order, the Commission found that the proposed eligibility requirements for commodities that may underlie Commodity-Based Trust Shares are reasonably designed to help prevent fraudulent and manipulative acts and practices. See *supra* note 19.

³¹ 15 U.S.C. 78s(b)(2)(C).

³² 15 U.S.C. 78f(b)(5).

³³ See, e.g., Spot Bitcoin & Ether ETP Approval Order at 106709.

availability of quotation and last-sale information for the Shares; the availability on the Trust's website of certain information related to the Trust, including NAV; the dissemination of an intra-day indicative value by one or more major market data vendors, updated every 15 seconds throughout the Exchange's core trading session; the Exchange's surveillance procedures and ability to obtain information regarding trading in the Shares; the conditions under which the Exchange would implement trading halts and suspensions; and the requirements of registered market makers in the Shares.³⁴ In addition, the Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities.³⁵ Further, the listing rules of the Exchange require that all statements and representations made in its filing regarding, among others, the description of the Trust's holdings, limitations on such holdings, and the applicability of the Exchange's listing rules specified in the filing, will constitute continued listing requirements.³⁶ Moreover, the proposal states that: the Trust's Sponsor has represented to the Exchange that it will advise the Exchange of any failure by the Trust to comply with the continued listing requirements; pursuant to obligations under section 19(g)(1) of the Exchange Act, the Exchange will monitor for compliance with the continued listing requirements; and if the Trust is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures.³⁷

The Commission therefore finds that the proposal, as with other ETPs that the Commission has approved,³⁸ is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately, to prevent trading when a reasonable degree of transparency cannot be assured, to safeguard material non-public information relating to the Trust's portfolio, and to ensure fair and orderly markets for the Shares.

C. Comments

The Commission received two comment letters supporting the proposal.³⁹ One of these commenters

³⁴ See Amendment No. 1 at 34692–94.

³⁵ See *id.* at 34693.

³⁶ See NYSE Arca Rule 8.500–E, Commentary .03.

³⁷ See Amendment No. 1 at 34694.

³⁸ See Spot Bitcoin ETP Approval Order, Spot Ether ETP Approval Order, and Spot Bitcoin & Ether ETP Approval Order.

³⁹ See Letter from Gregory E. Xethalis, General Counsel, Daniel A. Leonardo, Chief Compliance

states that approving the proposal would provide benefits to investors while promoting fair, orderly, and efficient markets.⁴⁰ The other commenter agrees with the Division's conclusion that the proposal is consistent with the Exchange Act and does not raise novel regulatory issues.⁴¹

One commenter opposing the proposal contends that the proposal should be disapproved because the Fund would hold XRP and Solana and details a number of arguments in favor of disapproval, including, among other things: neither XRP nor Solana has an established futures market; each of XRP and Solana has been allegedly classified as an unregistered security by the Commission; neither XRP nor Solana is truly decentralized; and reliable on-chain analytics are not widely available for either XRP or Solana.⁴² As discussed above, the Trust will limit the amount of assets that are not the primary investment underlying ETPs approved by the Commission to 15% of the weight of the Trust's portfolio, and this limitation is consistent with similar limitations approved by the Commission with respect to ETP investments.⁴³ In addition, although this commenter states that neither XRP nor Solana has an established futures market, the Chicago Mercantile Exchange currently lists and trades both XRP and Solana futures contracts.⁴⁴

Officer & Deputy General Counsel, and Jay B. Stolk, Deputy General Counsel, Multicoin Capital Management, LLC, dated Apr. 29, 2025 ("Multicoin Letter"), and Letter from Samir Kerbage, Chief Investment Officer, Hashdex Asset Management Ltd., dated Aug. 12, 2025 ("Hashdex Letter").

⁴⁰ See Multicoin Letter.

⁴¹ See Hashdex Letter. This commenter requests that the Commission lift the stay and approve the proposal. See *id.* In addition, the commenter requests that the Commission approve other proposals to list and trade similar funds "simultaneously" with this proposal. See Hashdex Letter at 2 (citing to File Nos. SR-NASDAQ-2025-016 and SR-NYSEArca-2024-87). This order addresses the proposal currently before the Commission by setting aside the action by delegated authority and approving the proposal. Other proposals are beyond the scope of this order. In addition, SR-NYSEArca-2024-87 has been approved and SR-NASDAQ-2025-16 has been withdrawn. See Grayscale Digital Large Cap Order, *supra* note 14. See also https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges/all-years?sro_organization=192811&field_display_title_value=&release_number=&file_number=2025-016&year=All&month=All.

⁴² See Letter from Anonymous, dated Feb. 10, 2025.

⁴³ See *supra* notes 28–29.

⁴⁴ See <https://www.cmegroup.com/markets/cryptocurrencies/xrp/xrp.html>. See also <https://www.cmegroup.com/markets/cryptocurrencies/>

Another commenter opposing the proposal states that recent events, such as the hack of crypto exchange Bybit, have exposed the risk that investors will suffer losses due to crypto hacks as well as to crypto assets' extreme volatility, and believes that approving the proposal would endanger investors.⁴⁵ While the Commission acknowledges concerns relating to hacking and volatility, pursuant to section 19(b)(2) of the Exchange Act, the Commission must approve a proposed rule change filed by a national securities exchange if it finds that the proposed rule change is consistent with the applicable requirements of the Exchange Act.⁴⁶ The Commission does not apply a "cannot be manipulated" standard; rather, the Commission examines whether a proposal meets the requirements of the Exchange Act.⁴⁷ The Commission does not understand the Exchange Act to require that a particular product or market be immune from manipulation. Rather, the inquiry into whether the rules of an exchange are designed to prevent fraudulent and manipulative acts and practices and, in general, to protect investors and the public interest, has long focused on the mechanisms in place for the detection and deterrence of fraud and manipulation. For the reasons described above, the Commission finds that the proposal satisfies the requirements of the Exchange Act, including the requirement in section 6(b)(5) that the Exchange's rules be designed to "prevent fraudulent and manipulative acts and practices."

IV. Conclusion

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange.

It is therefore ordered, pursuant to Rule 431 of the Commission's Rules of Practice, that the earlier action taken by delegated authority, Securities Exchange Act Release No. 103531 (July 22, 2025), 90 FR 35339 (July 25, 2025), is set aside and, pursuant to section 19(b)(2) of the Exchange Act, the proposed rule change

solana.html. See also Commodity-Based Trust Shares Generics Approval Order, *supra* note 19.

⁴⁵ See Letter from Benjamin L. Schiffrin, Director of Securities Policy, Better Markets, Inc., dated Mar. 28, 2025.

⁴⁶ See Exchange Act section 19(b)(2)(C), 15 U.S.C. 78s(b)(2)(C).

⁴⁷ See, e.g., Spot Bitcoin ETP Approval Order at 3013 n.61.

(SR-NYSEARCA-2024-98), as modified by Amendment No. 1, hereby is approved.

By the Commission.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-20523 Filed 11-20-25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104210; File Nos. SR-BOX-2025-12; CBOE-2025-014; CboeBYX-2025-007; CboeBZX-2025-034; CboeEDGX-2025-018; ISE-2025-08; MIAx-2025-07; NYSE-2025-34; NYSEAMER-2025-07; NYSEAMER-2025-55; NYSEARCA-2025-16; NYSEARCA-2025-63; NYSEARCA-2025-19; NYSETEX-2025-28; PEARL-2025-08; SAPPHIRE-2025-12]

Self-Regulatory Organizations; BOX Exchange LLC, Cboe Exchange, Inc., Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe EDGX Exchange, Inc., Miami International Securities Exchange, LLC, MIAx PEARL, LLC, MIAx Sapphire, LLC, Nasdaq ISE, LLC, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE National, Inc., and NYSE Texas, Inc.; Notice of Deemed Approval of Various Proposed Rule Changes

November 18, 2025.

On the dates indicated in Table 1 below, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE National, Inc., and NYSE Texas, Inc. filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² the proposed rule changes described in Table 1 concerning hardware procurement services and managed services in those exchanges' co-location facilities.

The proposed rule changes were published for comment in the **Federal Register** on the dates indicated in Table 1. As of October 20, 2025, pursuant to Section 19(b)(2)(D) of the Act,³ the proposed rule changes (SR-NYSE-2025-34, SR-NYSEAMER-2025-55, SR-NYSEARCA-2025-63, SR-NYSEARCA-2025-16, SR-NYSEARCA-2025-19, and SR-NYSETEX-2025-28) are deemed to have been approved by the Commission.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(2)(D).

TABLE 1—COLOCATION HARDWARE PROCUREMENT SERVICES AND MANAGED SERVICES

	File No.	Filing date	Description	Federal Register notice publication	Deemed approved
1	NYSE-2025-34	Aug. 27, 2025	Amend the Connectivity Fee Schedule to add Hardware Procurement Services and Managed Services.	34-103825 (Sept. 2, 2025), 90 FR 42998 (Sept. 5, 2025).	Oct. 20.
2	NYSEAMER-2025-55 ...	Aug. 27, 2025	Amend the Connectivity Fee Schedule to add Hardware Procurement Services and Managed Services.	34-103826 (Sept. 2, 2025), 90 FR 43011 (Sept. 5, 2025).	Oct. 20.
3	NYSEARCA-2025-63	Aug. 27, 2025	Amend the Connectivity Fee Schedule to add Hardware Procurement Services and Managed Services.	34-103827 (Sept. 2, 2025), 90 FR 43006 (Sept. 5, 2025).	Oct. 20.
4	NYSENAT-2025-19	Aug. 27, 2025	Amend the Connectivity Fee Schedule to add Hardware Procurement Services and Managed Services.	34-103828 (Sept. 2, 2025), 90 FR 42995 (Sept. 5, 2025).	Oct. 20.
5	NYSETEX-2025-28	Aug. 27, 2025	Amend the Connectivity Fee Schedule to add Hardware Procurement Services and Managed Services.	34-103829 (Sept. 2, 2025), 90 FR 43003 (Sept. 5, 2025).	Oct. 20.

On the dates indicated in Table 2 below, BOX Exchange LLC, Cboe Exchange, Inc., Cboe BZX Exchange, Inc., Cboe EDGX Exchange, Inc., Nasdaq ISE, LLC, Miami International Securities Exchange, LLC, MIAX PEARL, LLC, MIAX Sapphire, LLC, NYSE American LLC, and NYSE Arca, Inc. filed with the Commission, pursuant to Section 19(b)(1) of the Act⁴ and Rule 19b-4 thereunder,⁵ the proposed rule changes described in Table 2 concerning options on Commodity-Based Trust Shares.

The proposed rule changes were published for comment in the **Federal Register** on the dates indicated in Table 2. As of the dates indicated in Table 2, pursuant to Section 19(b)(2)(D) of the Act,⁶ the proposed rule changes (SR-ISE-2025-08,⁷ SR-NYSEAMER-2025-

07,⁸ SR-BOX-2025-12,⁹ SR-NYSEARCA-2025-16,¹⁰ SR-MIAX-2025-07,¹¹ SR-PEARL-2025-08,¹² SR-

⁸ See also Securities Exchange Act Release Nos. 102931 (Apr. 25, 2025), 90 FR 18717 (May 1, 2025) (SR-NYSEAMER-2025-07) (notice of designation of a longer period for Commission action on the proposed rule change); 103240 (June 12, 2025), 90 FR 25687 (June 17, 2025) (SR-NYSEAMER-2025-07 and SR-NYSEARCA-2025-16) (order instituting proceedings to determine whether to approve or disapprove the proposed rule changes), and 103870 (Sept. 4, 2025), 90 FR 43490 (Sept. 9, 2025) (SR-NYSEAMER-2025-07 and SR-NYSEARCA-2025-16) (notice of designation of a longer period for Commission action on proceedings to determine whether to approve or disapprove the proposed rule changes).

⁹ See also Securities Exchange Act Release No. 103284 (June 17, 2025), 90 FR 26629 (June 23, 2025) (SR-BOX-2025-12) (order instituting proceedings to determine whether to approve or disapprove the proposed rule change).

¹⁰ See also Securities Exchange Act Release Nos. 102930 (Apr. 25, 2025), 90 FR 18718 (May 1, 2025) (SR-NYSEARCA-2025-16) (notice of designation of a longer period for Commission action on the proposed rule change); 103240 (June 12, 2025), 90 FR 25687 (June 17, 2025) (SR-NYSEAMER-2025-07 and SR-NYSEARCA-2025-16) (order instituting proceedings to determine whether to approve or disapprove the proposed rule changes), and 103870 (Sept. 4, 2025), 90 FR 43490 (Sept. 9, 2025) (SR-NYSEAMER-2025-07 and SR-NYSEARCA-2025-16) (notice of designation of a longer period for Commission action on proceedings to determine whether to approve or disapprove the proposed rule changes).

¹¹ See also Securities Exchange Act Release Nos. 102932 (Apr. 25, 2025), 90 FR 18715 (May 1, 2025) (SR-MIAX-2025-07) (notice of designation of a longer period for Commission action on the proposed rule change); 103283 (June 17, 2025), 90 FR 26634 (June 23, 2025) (SR-MIAX-2025-07, SR-PEARL-2025-08, and SR-SAPPHIRE-2025-12) (order instituting proceedings to determine whether to approve or disapprove the proposed rule changes), and 103903 (Sept. 8, 2025), 90 FR 44123 (Sept. 11, 2025) (SR-MIAX-2025-07, SR-PEARL-2025-08, and SR-SAPPHIRE-2025-12) (notice of designation of a longer period for Commission action on proceedings to determine whether to approve or disapprove the proposed rule changes).

¹² See also Securities Exchange Act Release Nos. 102929 (Apr. 25, 2025), 90 FR 18718 (May 1, 2025) (SR-PEARL-2025-08) (notice of designation of a longer period for Commission action on the proposed rule change); 103283 (June 17, 2025), 90

SAPPHIRE-2025-12,¹³ SR-CBOE-2025-014,¹⁴ SR-CboeBZX-2025-034,¹⁵

FR 26634 (June 23, 2025) (SR-MIAX-2025-07, SR-PEARL-2025-08, and SR-SAPPHIRE-2025-12) (order instituting proceedings to determine whether to approve or disapprove the proposed rule changes), and 103903 (Sept. 8, 2025), 90 FR 44123 (Sept. 11, 2025) (SR-MIAX-2025-07, SR-PEARL-2025-08, and SR-SAPPHIRE-2025-12) (notice of designation of a longer period for Commission action on proceedings to determine whether to approve or disapprove the proposed rule changes).

¹³ See also Securities Exchange Act Release Nos. 102928 (Apr. 25, 2025), 90 FR 18717 (May 1, 2025) (SR-SAPPHIRE-2025-12) (notice of designation of a longer period for Commission action on the proposed rule change); 103283 (June 17, 2025), 90 FR 26634 (June 23, 2025) (SR-MIAX-2025-07, SR-PEARL-2025-08, and SR-SAPPHIRE-2025-12) (order instituting proceedings to determine whether to approve or disapprove the proposed rule changes), and 103903 (Sept. 8, 2025), 90 FR 44123 (Sept. 11, 2025) (SR-MIAX-2025-07, SR-PEARL-2025-08, and SR-SAPPHIRE-2025-12) (notice of designation of a longer period for Commission action on proceedings to determine whether to approve or disapprove the proposed rule changes).

¹⁴ See also Securities Exchange Act Release Nos. 102935 (Apr. 25, 2025), 90 FR 18719 (May 1, 2025) (SR-CBOE-2025-014) (notice of designation of a longer period for Commission action on the proposed rule change); 103241 (June 12, 2025), 90 FR 25707 (June 17, 2025) (SR-CBOE-2025-014, SR-CboeBZX-2025-034, and SR-CboeEDGX-2025-018) (order instituting proceedings to determine whether to approve or disapprove the proposed rule changes), and 103871 (Sept. 4, 2025), 90 FR 43497 (Sept. 9, 2025) (SR-CBOE-2025-014, SR-CboeBZX-2025-034, and SR-CboeEDGX-2025-018) (notice of designation of a longer period for Commission action on proceedings to determine whether to approve or disapprove the proposed rule changes).

¹⁵ See also Securities Exchange Act Release Nos. 102934 (Apr. 25, 2025), 90 FR 18717 (May 1, 2025) (SR-CboeBZX-2025-034) (notice of designation of a longer period for Commission action on the proposed rule change); 103241 (June 12, 2025), 90 FR 25707 (June 17, 2025) (SR-CBOE-2025-014, SR-CboeBZX-2025-034, and SR-CboeEDGX-2025-018) (order instituting proceedings to determine whether to approve or disapprove the proposed rule changes), and 103871 (Sept. 4, 2025), 90 FR 43497 (Sept. 9, 2025) (SR-CBOE-2025-014, SR-CboeBZX-2025-034, and SR-CboeEDGX-2025-018) (notice of designation of a longer period for Commission action on proceedings to determine

⁴ 15 U.S.C. 78s(b)(1).

⁵ 17 CFR 240.19b-4.

⁶ 15 U.S.C. 78s(b)(2)(D).

⁷ See also Securities Exchange Act Release Nos. 102628 (Mar. 12, 2025), 90 FR 12587 (Mar. 18, 2025) (SR-ISE-2025-08) (notice of designation of a longer period for Commission action on the proposed rule change); 103116 (May 23, 2025), 90 FR 23084 (May 30, 2025) (SR-ISE-2025-08) (order instituting proceedings to determine whether to approve or disapprove the proposed rule change), and 103718 (Aug. 15, 2025), 90 FR 40680 (Aug. 20, 2025) (SR-ISE-2025-08) (notice of designation of a longer period for Commission action on proceedings to determine whether to approve or disapprove the proposed rule change).

SR-CboeEDGX-2025-018¹⁶) are deemed to have been approved by the Commission.

TABLE 2—OPTIONS ON COMMODITY-BASED TRUST SHARES

	File No.	Filing date	Description	Federal Register notice publication	Deemed approved
1	ISE-2025-08	Feb. 7, 2025	Amend Options 4, Section 3, Criteria for Underlying Securities.	34-102465 (Feb. 20, 2025), 90 FR 10740 (Feb. 26, 2025).	Oct. 24.
2	NYSEAMER-2025-07 ...	Feb. 24, 2025	Amend Rule 915 to permit options on Commodity-Based Trust Shares.	34-102555 (Mar. 10, 2025), 90 FR 12189 (Mar. 14, 2025).	Nov. 9.
3	BOX-2025-12	Apr. 25, 2025	Amend Rule 5020 (Criteria for Underlying Securities) to permit the listing of options on Commodity-Based Trust Shares.	34-103015 (May 9, 2025), 90 FR 20699 (May 15, 2025).	Nov. 11.
4	NYSEARCA-2025-16	Feb. 24, 2025	Amend Rule 5.3-O to permit options on Commodity-Based Trust Shares.	34-102577 (Mar. 11, 2025), 90 FR 12377 (Mar. 17, 2025).	Nov. 12.
5	MIAX-2025-07	Mar. 5, 2025	Amend Exchange Rule 402, Criteria for Underlying Securities, to list and trade options on Commodity-Based Trust Shares.	34-102658 (Mar. 13, 2025), 90 FR 12870 (Mar. 19, 2025).	Nov. 14.
6	PEARL-2025-08	Mar. 5, 2025	Amend Exchange Rule 402, Criteria for Underlying Securities, to list and trade options on Commodity-Based Trust Shares.	34-102659 (Mar. 13, 2025), 90 FR 12876 (Mar. 19, 2025).	Nov. 14.
7	SAPPHIRE-2025-12	Mar. 5, 2025	Amend Exchange Rule 402, Criteria for Underlying Securities, to list and trade options on Commodity-Based Trust Shares.	34-102660 (Mar. 13, 2025), 90 FR 12859 (Mar. 19, 2025).	Nov. 14.
8	CBOE-2025-014	Mar. 5, 2025	Amend Rule 4.3 to permit the listing of options on Commodity-Based Trust Shares.	34-102647 (Mar. 13, 2025), 90 FR 12865 (Mar. 19, 2025).	Nov. 14.
9	CboeBZX-2025-034	Mar. 5, 2025	Amend Rule 19.3 to permit the listing of options on Commodity-Based Trust Shares.	34-102648 (Mar. 13, 2025), 90 FR 12914 (Mar. 19, 2025).	Nov. 14.
10 ..	CboeEDGX-2025-018 ...	Mar. 5, 2025	Amend Rule 19.3 to permit the listing of options on Commodity-Based Trust Shares.	34-102649 (Mar. 13, 2025), 90 FR 12838 (Mar. 19, 2025).	Nov. 14.

On the date indicated in Table 3 below, Cboe BYX Exchange, Inc. filed with the Commission, pursuant to Section 19(b)(1) of the Act¹⁷ and Rule 19b-4 thereunder,¹⁸ the proposed rule

change described in Table 3 concerning its Retail Price Improvement Program.

The proposed rule change was published for comment in the **Federal Register** on the date indicated in Table

3. As of November 15, 2025, pursuant to Section 19(b)(2)(D) of the Act,¹⁹ the proposed rule change (SR-CboeBYX-2025-007²⁰) is deemed to have been approved by the Commission.

TABLE 3—RETAIL PRICE IMPROVEMENT PROGRAM

	File No.	Filing date	Description	Federal Register notice publication	Deemed approved
1	CboeBYX-2025-007	Mar. 13, 2025	Modify Rule 11.24 to introduce an Enhanced RPI Order and expand its Retail Price Improvement Program to include securities priced below \$1.00.	34-102681 (Mar. 14, 2025), 90 FR 13240 (Mar. 20, 2025).	Nov. 15.

whether to approve or disapprove the proposed rule changes).

¹⁶ See also Securities Exchange Act Release Nos. 102933 (Apr. 25, 2025), 90 FR 18715 (May 1, 2025) (SR-CboeEDGX-2025-018) (notice of designation of a longer period for Commission action on the proposed rule change); 103241 (June 12, 2025), 90 FR 25707 (June 17, 2025) (SR-CBOE-2025-014, SR-CboeBZX-2025-034, and SR-CboeEDGX-2025-018) (order instituting proceedings to determine whether to approve or disapprove the proposed rule changes), and 103871 (Sept. 4, 2025), 90 FR 43497

(Sept. 9, 2025) (SR-CBOE-2025-014, SR-CboeBZX-2025-034, and SR-CboeEDGX-2025-018) (notice of designation of a longer period for Commission action on proceedings to determine whether to approve or disapprove the proposed rule changes).

¹⁷ 15 U.S.C. 78s(b)(1).

¹⁸ 17 CFR 240.19b-4.

¹⁹ 15 U.S.C. 78s(b)(2)(D).

²⁰ See also Securities Exchange Act Release Nos. 102956 (Apr. 29, 2025), 90 FR 19013 (May 5, 2025)

(SR-CboeBYX-2025-007) (notice of designation of a longer period for Commission action on the proposed rule change); 103291 (June 18, 2025), 90 FR 26843 (June 24, 2025) (SR-CboeBYX-2025-007) (notice of filing of Amendment No. 3 and order instituting proceedings to determine whether to approve or disapprove the proposed rule change), and 103819 (Sept. 2, 2025), 90 FR 43006 (Sept. 5, 2025) (SR-CboeBYX-2025-007) (notice of designation of a longer period for Commission action on proceedings to determine whether to approve or disapprove the proposed rule change).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²¹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–20532 Filed 11–20–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104196; File No. SR–CboeEDGX–2025–078]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 11.6(s)(1), Round Lot, To Conform With the Amendment to the Definition of Round Lot Under Rule 600 of Regulation NMS

November 18, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on September 26, 2025, Cboe EDGX Exchange, Inc. (“Exchange” or “EDGX”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a “non-controversial” proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act³ and Rule 19b–4(f)(6) thereunder.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (“EDGX” or the “Exchange”) is filing with the Securities and Exchange Commission (the “Commission”) a proposed rule change to amend Exchange Rule 11.6(s)(1), Round Lot, to conform with the amendment to the definition of round lot under Rule 600 of Regulation NMS recently approved by the Commission.⁵ The Exchange also proposes to make conforming, non-substantive changes to Exchange Rule 11.8(g)(10), Quote Depletion Protection, and Exchange Rule 11.20(d)(1),

Continuous, Two-Sided Quote Obligation. The text of the proposed rule changes is in Exhibit 5.

The text of the proposed rule change is also available on the Commission’s website (<https://www.sec.gov/rules/sro.shtml>), the Exchange’s website (https://www.cboe.com/us/equities/regulation/rule_filings/bzx/), and at the principal office of the Exchange.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 11.6(s)(1), Round Lot, to conform with the definition of round lot under Rule 600 of the Regulation NMS that is to be implemented in November 2025.⁶ The Exchange also proposes to make conforming, non-substantive changes to Exchange Rule 11.8(g)(10), Quote Depletion Protection, and Exchange Rule 11.20(d)(1), Continuous, Two-Sided Quote Obligation.

In 2020, the Commission adopted amendments to Regulation NMS to modernize the NMS information provided within the national market system for the benefit of market participants and to better achieve Section 11A’s goals of assuring “the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities that is prompt, accurate, reliable, and fair” (“MDI Rules”).⁷ These changes included an amendment to Rule 600 of Regulation NMS to include a definition of “round lot” that assigns each NMS stock to a round lot size based on the stock’s average closing price.⁸ Prior to this change, a “round lot” was not defined in the Act or

Regulation NMS. The definition of a “round lot” was included in the rules of the individual exchanges, including Exchange Rule 11.6(s)(1), which defined a “Round Lot” as 100 shares or any multiple thereof, but the rules also generally allowed the exchanges, or the primary listing exchange for the stock, discretion to define “round lot” otherwise.

On September 18, 2024, the Commission accelerated the implementation of the round lot definition.⁹ The Commission also revised the round lot definition as set forth below.¹⁰ Rule 600(b)(93) of Regulation NMS, as adopted by the MDI Rules and as amended in 2024,¹¹ defines a round lot for NMS stocks¹² that have an average closing price on the primary listing exchange during the prior Evaluation Period¹³ of: “(1) \$250.00 or less per share as 100 shares; (2) \$250.01 to \$1,000.00 per share as 40 shares; (3) \$1,000.01 to \$10,000.00 per share as 10 shares; and (4) \$10,000.01 or more per share as 1 share.”¹⁴ For any security that becomes an NMS Stock during an operative period, as described in Rule 600(b)(93)(iv),¹⁵ a round lot is 100 shares. Adjustments to the round lot size for a security will occur on a semiannual basis and the calculation of the average closing price on the primary listing exchange will be based on a one-month Evaluation Period.¹⁶ The revised definition of round lot is to be implemented on November 3, 2025, the first business day of November 2025.¹⁷

The Exchange now proposes to amend Exchange Rule 11.6(s)(1), Round Lot, to conform with the definition of round lot under Rule 600 of the Regulation NMS. Exchange Rule 11.6(s)(1) currently

⁹ See *supra* note 5.

¹⁰ See *supra* note 5.

¹¹ See *supra* note 5.

¹² “NMS stock” is defined under Regulation NMS as any NMS security other than an option. 17 CFR 242.600(b)(65).

¹³ Rule 600(b)(93)(iii) of Regulation NMS defines the Evaluation Period as “(A) all trading days in March for the round lot assigned on the first business day in May and (B) all trading days in September for the round lot assigned on the first business day of November during which the average closing price of an NMS stock on the primary listing exchange shall be measured by the primary listing exchange to determine the round lot for each NMS stock.”

¹⁴ See *supra* note 5.

¹⁵ Pursuant to Rule 600(b)(93)(iv) of Regulation NMS the round lot assigned under the section “shall be operative on (A) the first business day of May for the March Evaluation Period and continue through the last business day of October of the calendar year, and (B) the first business day of November for the September Evaluation Period and continue through the last business day of April of the next calendar year.”

¹⁶ See *supra* note 5.

¹⁷ See *supra* note 5.

²¹ 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b–4(f)(6).

⁵ See Securities Exchange Act Release No. 101070 (September 18, 2024), 89 FR 81620 (October 8, 2024) (S7–30–22).

⁶ See *supra* note 5.

⁷ See Securities Exchange Act Release No. 90610 (December 9, 2020), 86 FR 18596 (April 9, 2021) (“MDI Adopting Release”).

⁸ See *id.*

provides that “[o]ne hundred (100) shares or any multiple thereof shall constitute a Round Lot, unless an alternative number of shares is established as a Round Lot by the listing exchange for the security.” The Exchange proposes to replace the above sentence with a sentence that explicitly refers to the definition of round lot under Rule 600 of Regulation NMS. As a result, the above sentence will be deleted and replaced with the following: “[a] Round Lot for each NMS Stock shall be the size assigned by the primary listing market pursuant to Rule 600 of Regulation NMS under the Exchange Act.” Again, this change is being proposed solely to conform the Exchange’s definition of “Round Lot” under Exchange Rule 11.6(s)(1) to the new definition of round lot under Rule 600 of Regulation NMS.

The Exchange also proposes to make conforming, non-substantive changes to Exchange Rule 11.8(g)(10), Quote Depletion Protection, and Exchange Rule 11.20(d)(1), Continuous, Two-Sided Quote Obligation. The Exchange proposes to capitalize the term “round lot” in Exchange Rule 11.8(g)(10). In addition, the Exchange proposes to amend Exchange Rule 11.20(d)(1) to conform with the Exchange’s definition of Round Lot. Exchange Rule 11.20(d)(1) currently provides that “[u]nless otherwise designated, a ‘normal unit of trading’ shall be 100 shares.” The Exchange proposes to replace the aforementioned sentence with a sentence that conforms to the newly adopted definition of Round Lot in the Exchange’s Rulebook. As a result, the above sentence will be deleted and replaced with the following: “[u]nless otherwise designated, a ‘normal unit of trading’ shall be a Round Lot as defined in Exchange Rule 11.6(s)(1).”

The purpose of these changes is to provide greater clarity to Exchange Members¹⁸ and the public regarding the Exchange’s Rulebook. The Exchange does not propose any additional rule changes. The proposed rule changes will be implemented on November 3, 2025, the same date as the revised definition of round lot under Regulation NMS is to be implemented.

2. Statutory Basis

The Exchange believes the proposed rule changes are consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of

Section 6(b) of the Act.¹⁹ Specifically, the Exchange believes the proposed rule changes are consistent with the Section 6(b)(5)²⁰ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule changes are consistent with the Section 6(b)(5)²¹ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange proposes to amend Exchange Rule 11.6(s)(1), Round Lot, to conform with the definition of round lot under Rule 600 of the Regulation NMS that is to be implemented in November 2025.²² This change is proposed solely to conform the Exchange’s definition of “Round Lot” under Exchange Rule 11.6(s)(1) to the new definition of Round Lot under Rule 600 of Regulation NMS. The Exchange also proposes to make conforming, non-substantive changes to Exchange Rule 11.8(g)(10), Quote Depletion Protection, and Exchange Rule 11.20(d)(1), Continuous, Two-Sided Quote Obligation. These changes are limited to capitalizing the term “round lot” in Exchange Rule 11.8(g)(10) and amending Exchange Rule 11.20(d)(1) to conform to with the Exchange’s definition of round lot.

The proposed changes do not amend the operation of the affected rules. The proposed rule changes would reduce potential investor and market participant confusion and therefore remove impediments to and perfect the mechanism of a free and open market and a national market system by ensuring that the Exchange’s rules properly reflect the requirements of Rule 600 of Regulation NMS. The Exchange also believes that the proposed rule changes would remove impediments to and perfect the mechanism of a free and open market by ensuring that persons subject to the Exchange’s jurisdiction, regulators, and the investing public can more easily navigate and understand the Exchange’s

rules. The proposed rule changes would not be inconsistent with the public interest or the protection of investors because investors will not be harmed and, in fact, would benefit from the increased transparency and clarity, thereby reducing potential confusion.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange believes the proposed rule changes do not impose any burden on intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change to amend the definition of round lot is not intended to address competitive issues; rather, the proposed change is concerned solely with amending the Exchange’s Rule to conform with the definition of round lot under Rule 600 of the Regulation NMS. The proposed rule changes to capitalize the term “round lot” in Exchange Rule 11.8(g)(10) and amend Exchange Rule 11.20(d)(1) to conform to with the Exchange’s definition of round lot are conforming and non-substantive in nature, and are not intended to address competitive issues.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

- A. significantly affect the protection of investors or the public interest;
- B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act²³ and Rule 19b-4(f)(6)²⁴ thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if

²³ 15 U.S.C. 78s(b)(3)(A).

²⁴ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁸ See Exchange Rule 1.5(n). A “Member” is defined as “any registered broker or dealer that has been admitted to membership in the Exchange.”

¹⁹ 15 U.S.C. 78f(b).

²⁰ 15 U.S.C. 78f(b)(5).

²¹ *Id.*

²² See *supra* note 5.

it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeEDGX-2025-078 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CboeEDGX-2025-078. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeEDGX-2025-078 and should be submitted on or before December 12, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁵

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-20541 Filed 11-20-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104198; File No. SR-SAPPHIRE-2025-39]

Self-Regulatory Organizations; MIAX Sapphire, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Sapphire Fee Schedule To Establish Fees and Rebates for the Trading Floor of the MIAX Sapphire Exchange

November 18, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on September 25, 2025, MIAX Sapphire, LLC ("MIAX Sapphire" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the MIAX Sapphire Options Exchange Fee Schedule ("Fee Schedule") to amend the MIAX Sapphire Options Exchange Fee Schedule (the "Fee Schedule") to establish fees and rebates for the Trading Floor³ of the MIAX Sapphire Exchange. Additionally, the Exchange proposes to adopt new definitions to the Fee Schedule and to make minor non-substantive changes to harmonize the formatting of the existing QCC and cQCC Fees tables for electronic transactions with the proposed QCC and cQCC Fees tables for Trading Floor transactions. Finally, the Exchange proposes to replace the phrase "complex order book" located in the paragraph below the Complex Stock Option Fees in Section 1)a)v) with the defined term, "Strategy Book."⁴

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ The term "Trading Floor" or "Floor" means the physical trading floor of the Exchange located in Miami, Florida. The Trading Floor shall consist of one "Crowd Area" or "Pit" where Floor Participants will be located and option contracts will be traded. The Crowd Area or Pit shall be marked with specific visible boundaries on the Trading Floor, as determined by the Exchange. A Floor Broker must represent all orders in an "open outcry" fashion in the Crowd Area. See Exchange Rule 100.

⁴ The "Strategy Book" is the Exchange's electronic book of complex orders. See Exchange Rule 100.

MIAX Sapphire received its approval to operate as a national securities exchange on July 15, 2024,⁵ and began electronic trading on August 12, 2024. The MIAX Sapphire Trading Floor began operations on September 12, 2025.

The text of the proposed rule change is available on the Exchange's website at <https://www.miaxglobal.com/markets/us-options/all-options-exchanges/rule-filings>, and at MIAX Sapphire's principal office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule for trading on MIAX Sapphire to create a new fee and rebate structure for transactions occurring on the MIAX Sapphire Trading Floor. The Exchange began trading on the Trading Floor on September 12, 2025, and is submitting this filing to describe the fees and rebates that will be applicable to transactions on the Trading Floor. The Exchange also proposes to adopt definitions to the Fee Schedule to provide additional detail and clarity. Additionally, the Exchange proposes to make minor non-substantive changes to the Fee Schedule to harmonize the existing QCC and cQCC Fees tables for electronic transactions to that of the proposed QCC and cQCC Fees tables for Trading Floor transactions. Finally, the Exchange proposes to replace the phrase "complex order book" located in the paragraph below the Complex Stock Option Fees in Section 1)a)v) with the defined term, "Strategy Book."

The Exchange initially filed this proposal on September 11, 2025, (SR-

⁵ See Securities Exchange Act Release No. 100539 (July 15, 2024), 89 FR 58848 (July 19, 2024) (File No. 10-240) (order approving application of MIAX Sapphire, LLC for registration as a national securities exchange).

²⁵ 17 CFR 200.30-3(a)(12).

SAPPHIRE–2025–36). On September 25, 2025, the Exchange withdrew SR–SAPPHIRE–2025–36 and refiled this proposal in its stead.

Proposed QFO and cQFO Fees and Rebates

The Exchange propose to adopt new paragraph c), Trading Floor Transactions, to Section 1), Transaction Rebates/Fees, of the Fee Schedule. Further, the Exchange proposes to adopt subsection i), “QFO and cQFO Fees and Rebates,” to describe the fees and rebates applicable to Qualified Floor Orders (“QFOs”)⁶ and Complex Qualified Floor Orders (“cQFOs”).⁷ A QFO or cQFO must be entered as a two-sided order, with an initiating side and a contra side,⁸ and the QFO and cQFO fees, rebates, and applicable fee and rebate caps will apply to both sides of the order.

Similar to the fees assessed for transactions in the Exchange’s electronic market, the Exchange proposes to assess fees for transactions on the Trading Floor based on origin. For Priority Customers⁹ and Professional Customers¹⁰ the Exchange proposes to assess a \$0.00 per contract fee for transactions in SPY/QQQ/IWM, Penny Classes (excluding SPY/QQQ/IWM), and Non-Penny Classes.

The Exchange proposes to assess a \$0.25 per contract fee for transactions in SPY/QQQ/IWM, Penny Classes (excluding SPY/QQQ/IWM), and Non-Penny Classes, for Away Market Maker,¹¹ Firm, and Broker-Dealer origins.

The Exchange proposes to assess a \$0.00 per contract fee for transactions in SPY/QQQ/IWM, Penny Classes (excluding SPY/QQQ/IWM), and Non-Penny Classes, for Firm and Broker-Dealer origins facilitating a Priority Customer or Professional Customer.

The Exchange proposes to assess a \$0.50 per contract fee for transactions in SPY/QQQ/IWM, Penny Classes (excluding SPY/QQQ/IWM), and Non-Penny Classes, for Floor Market Maker¹² origins.

The Exchange proposes to provide a (\$0.10) rebate for transactions in SPY/QQQ/IWM, Penny Classes (excluding SPY/QQQ/IWM), and Non-Penny Classes, for Floor Broker¹³ origins on both the Agency and contra sides, if applicable.

The Exchange proposes to provide a (\$0.20) rebate for Floor Broker Breakup credit for transactions in SPY/QQQ/IWM, Penny Classes (excluding SPY/QQQ/IWM), and Non-Penny Classes.

The Exchange proposes to adopt a paragraph below the “QFO and cQFO Fees and Rebates” table, to provide that, “[f]ees and rebates will apply to both executed sides of the paired QFO or cQFO. cQFO fees and rebates are per executed side per leg. Floor Broker rebates are only payable on the Floor Brokers’ billable sides. The rebates will not apply to Priority Customer, Professional Customer, Firm/Broker-Dealer Facilitating a Priority Customer or Professional Customer, competing Floor Broker orders, and Floor Market Maker (sides) executions. Fees for Floor Market Maker volume executed via a Floor Broker are assessed to the Floor Market Maker. Fees and rebates for Floor Broker volume, other than the executing Floor Broker’s own orders, entered on behalf of a competing Floor Broker, are assessed to the competing Floor Broker.”

The Exchange proposes to adopt a second paragraph below the “QFO and cQFO Fees and Rebates” table, to provide that, “[t]he initiating side of the QFO or cQFO executed against an order on the MIAX Sapphire Electronic Book¹⁴ will be treated as a Floor¹⁵ transaction for purposes of the MIAX Sapphire Fee Schedule. The corresponding order on the MIAX Sapphire Electronic Book will be treated as an electronic transaction and will be subject to the fees and rebates in Section 1)a)i) of the MIAX Sapphire Fee Schedule. The Floor Broker Breakup Credit will apply to the Floor Broker that submits the QFO or cQFO instead of the Floor Broker rebate for executions that trade with a Floor Market Maker.”

received permission from the Exchange to trade in options for his own account. See Exchange Rule 2105(b).

¹³ A Floor Broker is an individual who is registered with the Exchange for the purpose, while on the Trading Floor, of accepting and handling options orders. See Exchange Rule 2015.

¹⁴ The term “Electronic Book” means the Exchange’s Simple Order Book and Strategy Book. See Exchange Rule 100. The “Simple Order Book” is the Exchange’s regular electronic book of orders and quotes. See Exchange Rule 100. The term “Strategy Book” is the Exchange’s electronic book of complex orders. See Exchange Rule 100.

¹⁵ See *supra* note 3.

The Exchange proposes to adopt a third paragraph below the “QFO and cQFO Fees and Rebates” table to provide that, “[t]he rates for Firm/Broker-Dealer Facilitating a Priority Customer or Professional Customer will apply to any Trading Floor transaction involving a Firm proprietary trading account that has a Priority Customer or Professional Customer of the same Firm on the contra side of the transaction, or a Broker-Dealer facilitating a Priority Customer or Professional Customer order where the Broker-Dealer and the Priority Customer or Professional Customer both clear through the same clearing firm and the Broker-Dealer clears in the customer range.”

Proposed QCC Order Fees and Rebates

The Exchange proposes to adopt Section 1)c)ii) of the Fee Schedule as, “QCC Fees and Rebates.” A QCC Order is comprised of an originating order to buy or sell at least 1,000 contracts that is identified as being part of a qualified contingent trade, coupled with a contra side order or orders totaling an equal number of contracts.¹⁶ A “qualified contingent trade” is a transaction consisting of two or more component orders, executed as agent or principal, where: (a) at least one component is an NMS Stock, as defined in Rule 600 of Regulation NMS under the Exchange Act; (b) all components are effected with a product or price contingency that either has been agreed to by all the respective counterparties or arranged for by a broker-dealer as principal or agent; (c) the execution of one component is contingent upon the execution of all other components at or near the same time; (d) the specific relationship between the component orders (*e.g.*, the spread between the prices of the component orders) is determined by the time the contingent order is placed; (e) the component orders bear a derivative relationship to one another, represent different classes of shares of the same issuer, or involve the securities of participants in mergers or with intentions to merge that have been announced or cancelled; and (f) the transaction is fully hedged (without regard to any prior existing position) as a result of other components of the contingent trade.¹⁷

The Exchange proposes to adopt a per contract fee for the initiating side of the order based on origin code. Specifically, the Exchange proposes to assess a \$0.00 per contract fee for Priority Customer origin; a \$0.12 per contract fee for

¹⁶ See Exchange Rule 516(j).

¹⁷ See Interpretation and Policy .01 of Exchange Rule 516.

⁶ See Exchange Rule 2040.

⁷ See Exchange Rule 2040(a)(4).

⁸ See Exchange Rule 2040(a)(1).

⁹ The term “Priority Customer” means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). See Exchange Rule 100.

¹⁰ The term “Professional Customer” for the purposes of the Fee Schedule, shall mean a Public Customer that is not a Priority Customer.

¹¹ The term “Away Market Maker” for the purposes of the Fee Schedule, shall mean a non MIAX Sapphire Market Maker.

¹² A Floor Market Maker is a Floor Participant of the Exchange located on the Trading Floor who has

Professional Customer origin; and a \$0.20 per contract fee for all other market participant origins (*i.e.*, Floor Market Maker, Away Market Maker, Broker-Dealer, and Firm).

The Exchange proposes to adopt a per contract fee for the contra side of the order based on origin code. Specifically, the Exchange proposes to assess a \$0.00 per contract fee for Priority Customer contra side origins; a \$0.12 per contract fee for Professional Customer contra side origins; and a \$0.20 per contract fee for all other market participant contra side origins (*i.e.*, Floor Market Maker, Away Market Maker, Broker-Dealer, and Firm).

The Exchange proposes to establish that rebates are paid to the Floor Broker that entered the QCC Order, depending upon both the origin type of the initiating order and the origin type of the contra side of the order. Specifically, the Exchange proposes to provide the following rebates to the following initiating origins when the contra side is a Priority Customer: (\$0.00) per contract for Priority Customer origin; (\$0.07) per contract for Professional Customer origin; and (\$0.17) per contract for all other origins (*i.e.*, Floor Market Maker, Away Market Maker, Broker-Dealer, and Firm).

The Exchange proposes to provide the following rebates for the following initiating origins when the contra side is a Professional Customer: (\$0.07) per contract for Priority Customer origin; (\$0.17) per contract for Professional Customer origin; and (\$0.25) per contract for all other origins (*i.e.*, Floor Market Maker, Away Market Maker, Broker-Dealer, and Firm).

Finally, the Exchange proposes to provide the following rebates for the following initiating origins when the contra side is any other origin (*i.e.*, neither a Priority Customer nor a Professional Customer): (\$0.17) per contract for Priority Customer origin; (\$0.25) per contract for Professional Customer origin; and (\$0.30) per contract for all other origins (*i.e.*, Floor Market Maker, Away Market Maker, Broker-Dealer, and Firm).

The Exchange also proposes to adopt a note below the “QCC Fees and Rebates” table that will specify, “[p]er contract rebates will be paid to the Floor Broker that enters the QCC Order into the MIAX Sapphire System.¹⁸ Additionally, the Exchange proposes to include a definition of a QCC order in the note which will provide that, “[a] QCC transaction is comprised of an

‘initiating order’ to buy (sell) at least 1,000 contracts that is identified as being part of a qualified contingent trade, coupled with a contra side order to sell (buy) an equal number of contracts.” The Exchange notes that with regard to order entry, the first order submitted into the System is marked as the initiating side and the second order is marked as the contra side. Finally, the Exchange notes that these fees and rebates are identical to the fees and rebates for electronic trading on the MIAX Sapphire Exchange.¹⁹

Proposed cQCC Fees and Rebates

The Exchange proposes to adopt Section 1(c)(iii) of the Fee Schedule as, “cQCC Fees and Rebates,” to adopt fees and rebates applicable to cQCC Orders, which are assessed per contract per leg. A cQCC Order is comprised of an originating complex order²⁰ to buy or sell where each component is at least 1,000 contracts that is identified as being part of a qualified contingent trade²¹ coupled with a contra side complex order or orders totaling an equal number of contracts.²²

The Exchange proposes to adopt a per contract fee for the initiating side of the order based on origin code. Specifically, the Exchange proposes to assess a \$0.00 per contract fee for Priority Customer origin; a \$0.12 per contract fee for Professional Customer origin; and a \$0.20 per contract fee for all other market participant origins (*i.e.*, Floor Market Maker, Away Market Maker, Broker-Dealer, and Firm).

The Exchange proposes to adopt a per contract fee for the contra side of the order based on origin code. Specifically, the Exchange proposes to assess a \$0.00 per contract fee for Priority Customer contra side origins; a \$0.12 per contract fee for Professional Customer contra side origins; and a \$0.20 per contract fee for all other market participant contra side origins (*i.e.*, Floor Market Maker, Away Market Maker, Broker-Dealer, and Firm).

The Exchange proposes to establish that rebates are paid to the Floor Broker that entered the cQCC Order, depending

upon both the origin type of the initiating order and the origin type of the contra side of the order. Specifically, the Exchange proposes to provide the following rebates to the following initiating origins when the contra side is a Priority Customer: (\$0.00) per contract for Priority Customer origin; (\$0.07) per contract for Professional Customer origin; and (\$0.17) per contract for all other origins (*i.e.*, Floor Market Maker, Away Market Maker, Broker-Dealer, and Firm).

The Exchange proposes to provide the following rebates for the following initiating origins when the contra side is a Professional Customer: (\$0.07) per contract for Priority Customer origin; (\$0.17) per contract for Professional Customer origin; and (\$0.25) per contract for all other origins (*i.e.*, Floor Market Maker, Away Market Maker, Broker-Dealer, and Firm).

Finally, the Exchange proposes to provide the following rebates for the following initiating origins when the contra side is any other origin (*i.e.*, neither a Priority Customer nor a Professional Customer): (\$0.17) per contract for Priority Customer origins; (\$0.25) per contract for Professional Customer origins; and (\$0.30) per contract for all other origins (*i.e.*, Floor Market Maker, Away Market Maker, Broker-Dealer, and Firm).

The Exchange also proposes to adopt a note below the “cQCC Fees and Rebates” table to specify that, “[p]er contract rebates will be paid to the Floor Broker that enters the cQCC Order into the MIAX Sapphire System.” Additionally, the note will provide that, “[a]ll fees and rebates are per contract leg.” Finally, the note will provide the definition of a cQCC transaction as one that, “is comprised of an ‘initiating complex order’ to buy (sell) where each component is at least 1,000 contracts that is identified as being part of a qualified contingent trade, coupled with a contra side complex order or orders to sell (buy) an equal number of contracts.” The Exchange also proposes to add the following reference sentence at the end of the notes section, “[t]he stock handling fee for the stock leg of cQCC transactions is described in Section 1(c)(vi) of the Fee Schedule.” This will provide clarity to the Exchange’s Fee Schedule and help signal to market participants that the stock handling fees for the stock leg of cQCC transactions is located in a separate section of the Fee Schedule. Finally, the Exchange notes that these fees and rebates (excluding stock handling fees) are identical to the fees

¹⁹ See Section 1(a)(ii), QCC Fees, of the Exchange’s Fee Schedule.

²⁰ In sum, a “complex order” is any order involving the concurrent purchase and/or sale of two or more different options in the same underlying security (the “legs” or “components” of the complex order), for the same account, in a conforming or non-conforming ratio for the purposes of executing a particular investment strategy. See Exchange Rule 518(a). A complex order can also be a “stock-option order” with a conforming or non-conforming ratio as defined in Exchange Rule 518(a).

²¹ See *supra* note 17.

²² Trading of cQCC Orders is governed by Exchange Rule 515(g)(4).

¹⁸ The term “System” means the automated trading system used by the Exchange for the trading of securities. See Exchange Rule 100.

and rebates for electronic trading on the MIAX Sapphire Exchange.²³

Proposed C2C and cC2C Fees and Rebates

The Exchange proposes to adopt Section 1(c)(iv) of the Fee Schedule as, “C2C and cC2C Fees and Rebates.” Customer to Customer Cross Orders (“C2C”) and complex Customer to Customer Cross Orders (“cC2C”) are comprised entirely of Priority Customer orders, and the Exchange proposes to assess \$0.00 per contract transaction fees and provide (\$0.00) per contract rebates to such orders, pursuant to Section 1(a)(i) of the Fee Schedule. The Exchange also proposes to adopt certain explanatory text relating to the C2C and cC2C Fees table. The proposed text will provide that, “[a]ll fees and rebates are per contract per leg.” Also, that “[a] C2C Order is comprised of a Priority Customer Order to buy and a Priority Customer Order to sell at the same price and for the same quantity. A cC2C Order is comprised of one Priority Customer complex order to buy and one Priority Customer complex order to sell at the same price and for the same quantity.”

Proposed Strategy QFO Fees, Rebates, and Fee Cap

The Exchange proposes to adopt Section 1(c)(v) of the Fee Schedule as, “Strategy QFO Fees, Rebates, and Fee Cap,” to establish monthly and daily fee caps for certain transactions on the Trading Floor. Specifically, the Exchange proposes that Trading Floor transaction fees assessed at Section 1(c)(i) rates for the following strategy QFOs will be capped separately from each other on a daily basis per Firm, per underlying. As proposed, Box Spread,²⁴ Jelly Roll Strategy,²⁵ Short/Long Stock

Interest Spread,²⁶ Merger Spread,²⁷ and Reversal/Conversion Spread²⁸ strategies executed on the same trading day will each be capped at \$500 per day, per Firm, and per underlying. Further, on each trading day, all fees collected as the result of the strategy trades described above are fully rebated back to the executing Floor Broker. Proposed subsection v) will also provide that, “Trading Floor transaction fees assessed at Section 1(c)(i) rates for Dividend strategy QFOs will be capped separately from each other on a daily basis per Firm, per underlying.” As proposed, “Dividend strategy QFOs executed on the same trading day in the same options class will be capped separately from each other at \$500 per day,” and “[o]n each trading day, all fees collected as the result of Dividend strategy trades are fully rebated back to the executing Floor Broker.”

Proposed Complex Stock-Option Order Fees

The Exchange proposes to adopt Section 1(c)(vi) of the Fee Schedule as “Complex Stock-Option Order Fees” to detail the fee structure for stock-option orders originating on the Trading Floor. The Exchange proposes to pass through to the Member any stock handling fee applicable to stock-option orders executed against other stock-option orders in the Strategy Book, which the Exchange must route to an outside venue. Specifically, the Exchange proposes that stock handling fees for the stock leg of stock-option orders executed against other stock-option orders in the Strategy Book, which the Exchange must route to an outside venue, that are assessed by the routing broker-dealer utilized by the Exchange with respect to the execution of the stock leg of such order, will be passed

through to the Member. For example, the Exchange anticipates that the routing broker-dealer will bill the Exchange for Section 31 fees and FINRA Trading Activity Fees with respect to the execution of the stock leg of any such order. The Exchange will pass such fees through to the Member, without any additional mark-up.

Definitions

The Exchange currently has a Definitions section at the beginning of its Fee Schedule. The purpose of the Definitions section is to streamline the Fee Schedule by placing many of the defined terms used in the Fee Schedule in one location at the beginning of the Fee Schedule. Many of the defined terms are also defined in the Exchange’s Rulebook, particularly in Exchange Rule 100. Any defined terms that are also defined or otherwise explained in the Exchange’s Rules contain a cross reference to the relevant Exchange Rule.

The Exchange proposes to include the following terms and definitions in the Definitions section of its Fee Schedule.

- “Away Market Maker” for the purposes of this Fee Schedule shall mean a non MIAX Sapphire Market Maker.
- “Box Spread Strategy” is a strategy that synthesizes long and short stock positions to create a profit. Specifically, a long call and short put at one strike is combined with a short call and long put at a different strike to create synthetic long and synthetic short stock positions, respectively.
- “Clerk” means any registered on-Floor person employed by or associated with a Floor Broker or Floor Market Maker and who is not eligible to effect transactions on the Trading Floor as a Floor Market Maker or Floor Broker. See Exchange Rule 2055.
- “Complex Qualified Floor Order” or “cQFO” has the meaning ascribed to such term in the Exchange Rules. See Exchange Rule 2040.
- “Dividend Strategy” is defined as transactions done to achieve a dividend arbitrage involving the purchase, sale and exercise of in-the-money options of the same class, executed the first business day prior to the date on which the underlying stock goes ex-dividend.
- “Electronic Book” means the Exchange’s Simple Order Book and Strategy Book. See Exchange Rule 100.
- “Floor Broker” means an individual who is registered with the Exchange for the purpose, while on the Trading Floor, of accepting and handling options orders. A Floor Broker must be registered as a Floor Participant prior to registering as a Floor Broker. A Floor Broker may take into his own account,

²³ See Section 1(a)(iii), cQCC Fees, of the Exchange’s Fee Schedule.

²⁴ As proposed herein a “Box Spread Strategy” is a strategy that synthesizes long and short stock positions to create a profit. Specifically, a long call and short put at one strike is combined with a short call and long put at a different strike to create synthetic long and synthetic short stock positions, respectively.

²⁵ As proposed herein a “Jelly Roll Strategy” is created by entering into two separate positions simultaneously. One position involves buying a put and selling a call with the same strike price and expiration. The second position involves selling a put and buying a call, with the same strike price, but with a different expiration from the first position.

²⁶ As proposed herein a “Short Stock Interest Strategy” is defined as a transaction done to achieve a short stock interest arbitrage involving the purchase, sale, and exercise of in-the-money options of the same class. A “Long Stock Interest Strategy” is defined as a transaction done to achieve long stock involving the purchase, sale, and exercise of in-the-money options of the same class.

²⁷ As proposed herein a “Merger Strategy” is defined as transactions done to achieve a merger arbitrage involving the purchase, sale, and exercise of options of the same class and expiration date, each executed prior to the date on which shareholders of record are required to elect their respective form of consideration, *i.e.*, cash or stock.

²⁸ As proposed herein “Reversal” and “Conversion” strategies are transactions that employ calls and puts of the same strike price and the underlying stock. “Reversals” are established by combining a short stock position with a short put and a long call position that shares the same strike and expiration. “Conversions” employ long positions in the underlying stock that accompany long puts and short calls sharing the same strike and expiration.

and subsequently liquidate, any position that results from an error made while attempting to execute, as Floor Broker, an order. See Exchange Rule 2015.

- “Floor Market Maker” means a Floor Participant of the Exchange located on the Trading Floor who has received permission from the Exchange to trade in options for his own account. See Exchange Rule 2105.

- “Floor Participant” means Floor Brokers as defined in Rule 2015 and Floor Market Makers as defined in Rule 2105(b). See Exchange Rule 100.

- “Initial Waiver Period” means for each applicable fee the period of time from the initial effectiveness of the fee for the remainder of the partial month once the Trading Floor begins to operate, plus an additional five (5) full calendar months after the completion of the partial month, if applicable, of the launch of Trading Floor operations.

- “Jelly Roll Strategy” is created by entering into two separate positions simultaneously. One position involves buying a put and selling a call with the same strike price and expiration. The second position involves selling a put and buying a call, with the same strike price, but with a different expiration from the first position.

- “Long Stock Interest Strategy” is defined as a transaction done to achieve long stock involving the purchase, sale, and exercise of in-the-money options of the same class.

- “Merger Strategy” is defined as transactions done to achieve a merger arbitrage involving the purchase, sale and exercise of options of the same class and expiration date, each executed prior to the date on which shareholders of record are required to elect their respective form of consideration, *i.e.*, cash or stock.

- “Professional Customer” for the purposes of this Fee Schedule shall mean a Public Customer that is not a Priority Customer.

- “Qualified Floor Order” or “QFO” is a two-sided order with an initiating side and a contra side. QFOs may also be complex orders as defined in Rule 518(a) (“cQFO”) with no more than the applicable number of legs as determined by the Exchange and communicated to Participants via Regulatory Circular. See Exchange Rule 2040.

- “Reversal” and “Conversion” strategies are transactions that employ calls and puts of the same strike price and the underlying stock. “Reversals” are established by combining a short stock position with a short put and a long call position that shares the same strike and expiration. “Conversions” employ long positions in the underlying

stock that accompany long puts and short calls sharing the same strike and expiration.

- “Short Stock Interest Strategy” is defined as a transaction done to achieve a short stock interest arbitrage involving the purchase, sale, and exercise of in-the-money options of the same class.

- “Trading Floor” or “Floor” means the physical trading floor of the Exchange located in Miami, Florida. The Trading Floor shall consist of one “Crowd Area” or “Pit” where Floor Participants will be located and option contracts will be traded. The Crowd Area or Pit shall be marked with specific visible boundaries on the Trading Floor, as determined by the Exchange. A Floor Broker must represent all orders in an “open outcry” fashion in the Crowd Area. See Exchange Rule 100.

Harmonizing Changes

The Exchange proposes to amend the QCC and cQCC Fees and Rebates tables located in the Fee Schedule at Section 1)a)ii) and 1)a)iii) respectively to harmonize the language and formatting of the table to match the language and formatting of the proposed QCC and cQCC Fees and Rebates tables to be located in Section 1)c)ii) and 1)c)iii) respectively.

Specifically, the Exchange proposes to amend the row label, “Public Customer that is Not a Priority Customer,” under the column heading, “Types of Market Participants,” to reflect the proposed definition of Professional Customer. As proposed the amended row label would simply be, “Professional Customer.” Additionally, the Exchange proposes to amend the row label, “Non-Sapphire Market Maker,” under the same column heading, to reflect the proposed definition of Away Market Maker. As proposed the amended row label would simply be, “Away Market Maker.” Further, the Exchange proposes to amend the column heading, “Per Contract Rebate for EEM when Contra is a Public Customer that is not a Priority Customer,” to reflect the proposed definition of Professional Customer. As proposed the amended column heading would be, “Per Contract Rebate for EEM when Contra is a Professional Customer.”

The Exchange also proposes to make minor non-substantive formatting changes to the values displayed in (i) the “Per Contract Rebate for EEM when Contra is a Priority Customer” column; (ii) the “Per Contract Rebate for EEM when Contra is a Professional Customer” column; and (iii) the “Per Contract Rebate for EEM when Contra is all Other Origins” column. Throughout

the Fee Schedule the Exchange differentiates rebates from fees by placing parenthesis around the rebate value while not using parenthesis for fees, (*e.g.*, (\$0.07) would indicate a \$0.07 rebate, while \$0.12 would indicate a \$0.12 fee). Currently, the rebates listed in the aforementioned columns do not use the standard convention of placing rebates in parentheses. Therefore, the Exchange now proposes to amend the formatting of the aforementioned columns in both the QCC and cQCC Fee and Rebates tables to place the rebates in parentheses in order to harmonize the tables to the proposed QCC and cQCC Fee and Rebates tables for Trading Floor transactions, and to also generally harmonize the formatting of the tables to the Fee Schedule’s convention of differentiating fees and rebates.

Finally, the Exchange proposes to make a minor non-substantive edit to Section 1)a)v), “Complex Stock-Option Order Fees,” to replace the phrase “complex order book” with the defined term, “Strategy Book,” which is defined the Exchange’s Rulebook as the Exchange’s electronic book of complex orders.²⁹

Implementation

The proposed changes will become immediately effective.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,³⁰ in general, and furthers the objectives of Section 6(b)(5) of the Act,³¹ in particular, in that it is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange also believes that its proposal is consistent with Section 6(b)(4) of the Act³² because it represents an equitable allocation of reasonable dues, fees and other charges among market participants using any facility or system which the Exchange operates or controls.

Proposed QFO and cQFO Fees and Rebates

The Exchange believes the proposed QFO and cQFO Fees and Rebates for transactions on the Trading Floor are reasonable. Furthermore, several other competing option exchanges have open outcry trading floors and market participants can readily direct order flow to any of these venues if they deem

²⁹ See *supra* note 14.

³⁰ 15 U.S.C. 78f(b).

³¹ 15 U.S.C. 78f(b)(5).

³² 15 U.S.C. 78f(b)(4).

MIAX Sapphire's Trading Floor fees to be excessive.³³

The Exchange believes that not assessing a fee for Priority Customer and Professional Customer Floor transactions is appropriate, equitable and not unfairly discriminatory. The Exchange believes it promotes the best interests of investors to have lower transaction costs for Priority Customers and Professional Customers, and having no fee for QFOs and cQFOs will attract Priority Customer and Professional Customer order flow to the Trading Floor. Additionally, the Exchange notes that at least one other options exchange with an open outcry trading floor does not assess a fee for customer orders.³⁴ The Exchange believes that its Priority Customer and Professional Customer transaction fees are reasonable and not unfairly discriminatory and will incentivize customer order flow to the Trading Floor and market participants will increasingly compete for the opportunity to trade with these orders by sending more orders and providing narrower and larger sized quotations. The Exchange also believes it is necessary to offer these fees from a competitive perspective as at least one other options exchange with open outcry trading offers similar fees for customer orders.³⁵

The Exchange believes the \$0.25 fee for Away Market Maker, Firm, and Broker-Dealer origins is reasonable, equitable, and not unfairly discriminatory. The proposed fees for these transactions have been designed to be comparable to the fees that such orders would be charged at a competing venue.³⁶

The Exchange believes that it is reasonable, equitable, and not unfairly discriminatory to not charge a fee for a Firm/Broker-Dealer facilitating a Priority Customer or Professional

Customer as this proposal will encourage Firms and Broker-Dealers to facilitate customer orders on the Trading Floor and will increase open outcry participation, which will in turn promote increased executions on the Exchange's Trading Floor will benefit all Exchange Participants.³⁷ Further, the Exchange believes that this proposal is reasonable and appropriate as the proposed fees are in line with fees assessed on at least one other options exchange with an open outcry trading floor.³⁸ The Exchange also believes it is necessary to offer these fees from a competitive perspective as at least one other options exchange with open outcry trading offers similar fees for customer orders.³⁹

The Exchange believes its \$0.50 fee for Floor Market Maker QFOs and cQFOs is equitable and not unfairly discriminatory, although it is higher than fees assessed for other origins. Floor Market Makers trade for their own accounts and benefit from having access to interact with orders that are made available in open outcry on the Trading Floor. As such, the Exchange believes that it has set its fees for Floor Market Maker transactions in such a way that Floor Market Makers will not be discouraged from executing transactions on the Trading Floor, but rather will quote aggressively, so that they may interact with such orders and participate in transactions on the Trading Floor. The Exchange believes further that the liquidity and price discovery provided by Floor Market Makers will attract other market participants' orders to the Trading Floor and promote a robust Trading Floor. Further, the Exchange believes it is not unreasonable to assess this fee as it is comparable to the fee assessed to Market Makers on the trading floor of another option exchange with open outcry trading.⁴⁰

The Exchange believes it is equitable and not unfairly discriminatory to

provide Floor Broker rebates of (\$0.10) for the Agency and contra sides of orders, if applicable. The Exchange believes that offering this rebate to Floor Brokers will encourage Floor Brokers to bring liquidity to the Trading Floor which will benefit all market participants because it will attract additional liquidity to the Exchange by providing more trading opportunities. Further, additional liquidity will contribute to a robust trading environment on the Exchange's Trading Floor. Further, the Exchange believes it is necessary to offer this rebate from a competitive perspective as at least one other option exchange with open outcry trading offers a similar rebate for Floor Broker orders presented on the trading floor.⁴¹

Floor Broker Breakup Credit

The Exchange believes its proposal to offer Floor Brokers a Breakup credit of (\$0.20) in SPY/QQQ/IWM, Penny Classes (excluding SPY/QQQ/IWM), and Non-Penny Classes is reasonable, equitably allocated and not unfairly discriminatory as this proposal applies equally to all Floor Brokers. The Exchange believes that its proposal will encourage Floor Broker liquidity in SPY/QQQ/IWM, Penny Classes (excluding SPY/QQQ/IWM), and Non-Penny Classes. Additional liquidity benefits all market participants because it will attract additional liquidity to the Exchange by providing more trading opportunities. Further, additional liquidity will contribute to a robust trading environment on the Exchange's Trading Floor.

The Exchange's proposal to pay Floor Brokers a Breakup Credit is consistent with Section 6(b)(4) of the Act⁴² because it will encourage market participants to execute orders on the Trading Floor. The Exchange believes that the Breakup Credit could improve liquidity on the Exchange to the benefit of all market participants. The Exchange notes that Breakup Credits are not new or novel and are similarly used on its affiliate exchange, MIAX Options, to encourage participants to participate in PRIME and cPRIME Auctions.⁴³ In addition, the proposal is also consistent

³³ See BOX Exchange Fee Schedule; PHLX Pricing Schedule; NYSE Arca Options Fees and Charges; and NYSE America Options Fee Schedule.

³⁴ See Section V. Manual Transaction Fees, A. QOO and FOO Order Fees, of the BOX Exchange Fee Schedule which has a \$0.00 fee for Public Customer transactions in both Penny Interval and Non-Penny Interval Classes.

³⁵ See Section V. Manual Transaction Fees, A. QOO and FOO Order Fees, of the BOX Exchange Fee Schedule, where Public Customers are assessed a \$0.00 fee and Professional Customers are assessed a \$0.10 fee for transactions in both Penny Interval Classes and Non-Penny Interval Classes.

³⁶ The Exchange notes that the BOX Exchange similarly does not charge a fee to Public Customers for Qualified Open Orders in either Penny or Non-Penny Interval Classes on its trading floor. The BOX Exchange similarly charges Broker Dealers a fee of \$0.25 and Market Makers \$0.50 for Qualified Open Orders in either Penny or Non-Penny Interval Classes on its trading floor. See the BOX Exchange Fee Schedule available online at <https://boxexchange.com/regulatory/fees/>.

³⁷ The term "Participant" means a firm, or organization that is registered with the Exchange pursuant to Chapter II of the MIAX Sapphire Rulebook for purposes of participating in trading on a facility of the Exchange and includes a Floor Participant. See Exchange Rule 100.

³⁸ See BOX Exchange Fee Schedule, Section V, Paragraph A, establishing a \$0.00 fee for a Broker Dealer Facilitating a Public Customer in Penny Interval and Non-Penny Interval Classes.

³⁹ See Section V. Manual Transaction Fees, A. QOO and FOO Order Fees, of the BOX Exchange Fee Schedule, where a Broker Dealer facilitating a Public Customer Order is assessed \$0.00 in both Penny Interval Classes and Non-Penny Interval Classes.

⁴⁰ See Section V. Manual Transaction Fees, A. QOO and FOO Order Fees, of the BOX Exchange Fee Schedule that provides for a \$0.50 fee to be assessed to Market Makers in both Penny Interval Classes and Non-Penny Interval Classes.

⁴¹ See Section V. Manual Transaction Fees, C. QOO and FOO Order Rebate, of the BOX Exchange Fee Schedule that provides a \$0.10 per contract rebate to Floor Brokers for all Broker Dealer and Market Maker QOO and FOO Orders presented on the Trading Floor and a \$0.05 per contract for all Professional Customer QOO and FOO Order presented on the Trading Floor.

⁴² 15 U.S.C. 78f(b)(4).

⁴³ See Section 1(a)(vi) of the MIAX Options Fee Schedule.

with Section 6(b)(5) of the Act⁴⁴ because it perfects the mechanisms of a free and open market and a national market system and protects investors and the public interest because it applies equally to all Floor Broker QFOs and cQFOs which are subject to a break-up and access to the Exchange is offered on terms that are not unfairly discriminatory.

Proposed QCC/cQCC Fees and Rebates

The Exchange believes the proposed fees and rebates for QCC and cQCC Orders are reasonable because the Exchange believes the proposal will increase competition and potentially attract additional QCC and cQCC Order flow from various origins to the Exchange's Trading Floor, which will grow the Exchange's market share in this segment. The Exchange also believes it is reasonable and not unfairly discriminatory to provide higher rebates for QCC and cQCC Orders for Floor Brokers for executions against origins other than Priority Customer or Professional Customer because Priority Customer and Professional Customer QCC and cQCC Orders are already incentivized with reduced fees for the initiator and contra-side of such orders. The Exchange believes that it is equitable and not unfairly discriminatory to assess lower fees to Priority Customer and Professional Customer QCC and cQCC Orders than to other origins because the securities markets generally, and MIAx Sapphire in particular, have historically aimed to improve markets for investors and for customer benefit.⁴⁵ As such, the Exchange believes that not assessing a fee for a Priority Customer and assessing a lower fee for Professional Customer versus other Professional origins is equitable and not unfairly discriminatory. The Exchange believes that it is equitable and not unfairly discriminatory that Priority Customer and Professional Customer origins be treated differently than Professional origins (*i.e.*, Floor Market Maker, Away Market Maker, Broker-Dealer, and Firm) who are assessed higher fees for QCC and cQCC Orders. Priority Customer and Professional Customer liquidity benefits all market participants by providing more trading opportunities. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in

order flow from other market participants. The Exchange also believes its proposed fee and rebate structure is reasonable, equitably allocated and not unfairly discriminatory because the rebate and fee structure for QCC and cQCC Orders is similar to the rebate and fee structure on the Exchange's electronic market.⁴⁶

Further, the Exchange believes its proposal provides for the equitable allocation of reasonable dues and fees and is not unfairly discriminatory since the Exchange has different net transaction revenues based on different combinations of origins and contra-side orders. For example, when a Priority Customer is both the initiator and contra-side, no rebates are paid (for both QCC and cQCC transactions). The Exchange notes that Priority Customers are generally assessed a \$0.00 transaction fee. Accordingly, the Exchange believes that it is reasonable, equitable, and not unfairly discriminatory to provide the proposed higher Floor Broker rebates for QCC and cQCC Orders for Professional Customer and other origins when they trade against an origin other than Priority Customer, in order to increase competition and potentially attract different combinations of additional QCC and cQCC Order flow to the Exchange. The Exchange also believes it is reasonable, equitable, and not unfairly discriminatory to continue to provide higher rebates for Floor Brokers for QCC and cQCC Orders for professionals when they trade against origins other than Priority Customers or Professional Customers because Priority Customers and Professional Customers are already incentivized by reduced fees for submitting QCC and cQCC Orders, as compared to professionals (*i.e.*, Floor Market Makers, Away Market Makers, Broker-Dealers, and Firms) that submit QCC and cQCC Orders. The Exchange notes that its proposed fee and rebate structure is identical to the fee and rebate structure for electronic transactions on the Exchange.⁴⁷

Proposed C2C and cC2C Fees and Rebates

The Exchange believes that adding the C2C and cC2C Fees and Rebates for the Trading Floor to the Fee Schedule is reasonable because the proposed amount is identical to the fee assessed for C2C and cC2C electronic transactions, which is currently \$0.00.⁴⁸

The proposed fees would be charged to all Priority Customers alike and the Exchange believes that assessing a \$0.00 fee to Priority Customers is equitable and not unfairly discriminatory. By assessing a \$0.00 fee to Priority Customer orders, the C2C and cC2C transaction fees will not discourage the sending of Priority Customer orders. Further, the Exchange notes that the proposed C2C and cC2C fees are identical to those assessed in the Exchange's electronic market.

Proposed Strategy QFO Fees, Rebates, and Fee Cap

The Exchange believes that the proposed Strategy QFO fee cap is reasonable and appropriate. The proposed fee cap of \$500 per day for certain strategies executed on the same trading day in the same underlying is similar to a fee cap at a competing options exchange with an open outcry trading floor.⁴⁹ Further, the Exchange believes that this proposed fee cap is equitable and not unfairly discriminatory because it provides incentives for all Participants to submit certain strategy orders from the MIAx Sapphire Trading Floor, which brings increased liquidity and order flow to the Floor for the benefit of all market participants. Finally, the Exchange believes it is reasonable, equitable, and not unfairly discriminatory to provide that Floor Brokers are eligible to be rebated all fees assessed for strategy trades on each trading day.

While the \$500 fee cap for Dividend strategy QFOs is the same as the fee cap for other strategy QFOs described in section 1(c)(v) of the Fee Schedule, the Exchange believes that adopting a separate section for Dividend strategy QFOs gives the Exchange flexibility in the future to adjust the fee cap for Dividend strategies without changing the format of the Fee Schedule. The Exchange believes that separating dividend strategies from non-dividend strategies in proposed Section v) of the Fee Schedule is reasonable, as other exchanges segregate fee caps for dividend strategies.⁵⁰

Proposed Complex Stock-Option Order Fees

The Exchange believes that the proposed stock handling fee for stock-option orders is consistent with Section

⁴⁴ 15 U.S.C. 78f(b)(1) and (b)(5).

⁴⁵ See Section 1(a)(i) of the MIAx Sapphire Fee Schedule, which provides a rebate to Priority Customer orders and assesses a fee for Market Maker and Non Priority Customer/Non Market Maker orders.

⁴⁶ See *supra* note 19 and 23.

⁴⁷ See Section 1(a)(ii) and 1(a)(iii) of the MIAx Sapphire Fee Schedule.

⁴⁸ See MIAx Sapphire Fee Schedule, Section a)(1)(iv).

⁴⁹ See BOX Exchange Fee Schedule, Section V, Paragraph D, establishing a \$500 fee cap for strategy orders other than dividend strategies, and establishing a \$1,000 cap for dividend strategies.

⁵⁰ See Section V, Manual Transactions, D, Strategy QOO Order Fee Cap and Rebate & Strategy FOO Order Fee Cap and Rebate, paragraph 2., of the BOX Exchange Fee Schedule.

6(b)(4) of the Act in that it is reasonable, equitable and not unfairly discriminatory. The Exchange believes the proposed stock handling fee for stock-option orders is reasonable and equitable as the Exchange proposes to pass through to the Member at cost any fees assessed by the routing broker-dealer utilized by the Exchange with respect to the execution of the stock leg of any such order. The Exchange also believes that its proposal is consistent with Section 6(b)(5) of the Act⁵¹ because all stock-option orders that originate from the MIAX Sapphire Trading Floor will be treated equally.

Definitions

The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act⁵² in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers. The Exchange believes providing a Definitions section in its Fee Schedule protects investors and the public interest by clarifying terms and locating them in a dedicated section of the Fee Schedule for ease of reference, thereby reducing the chance of confusion. The Exchange notes that the proposed definitions for “Box Spread Strategy,” “Jelly Roll Strategy,” “Long Stock Interest Strategy,” “Merger Strategy,” and “Short Stock Interest Strategy” are substantially similar to the definitions used in the fee schedule of another options exchange that operates a trading floor.⁵³ Additionally, the Exchange notes that the proposed definitions for “Dividend Strategy,” and “Reversal and Conversion Strategies” are substantially similar to the definitions used in the pricing schedule of another options exchange that operates a trading floor.⁵⁴

Harmonizing Changes

The Exchange believes its proposal to harmonize the language and formatting of the current Fee Schedule to that of the proposed additions to the Fee Schedule promotes just and equitable principles of trade, removes impediments to and perfects the mechanisms of a free and open market and a national market system, and in

general, protects investors and the public interest by promoting clarity and consistency in the Exchange’s Fee Schedule.

The Exchange believes that the proposed changes to its Fee Schedule add additional detail and provide further clarification to Members, investors, and the public, regarding the Exchange’s Fee Schedule. Transparency and clarity are consistent with the Act because it removes impediments to and helps perfect the mechanism of a free and open market and a national market system, and, in general, protects investors and the public interest by accurately describing the fees and rebates of the Exchange. The Exchange believes it is in the public interest for its Fee Schedule to be accurate and consistent so as to eliminate the potential for confusion.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intra-Market Competition

QFO and cQFO Fees and Rebates

The proposal does not impose an undue burden on intra-market competition as its fees will be applied uniformly to each respective origin in accordance to the type of transaction being executed on the Trading Floor. The Exchange believes its proposal will encourage Members to submit Priority Customer and Professional Customer Orders to the Exchange which will increase liquidity and benefit market participants by providing more trading opportunities and tighter spreads. Accordingly, the Exchange believes that the proposed changes will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because it will continue to encourage order flow, which provides greater volume and liquidity, benefiting all market participants by providing more trading opportunities and tighter spreads. Additionally, the Exchange does not believe its fees and rebates will impose a burden on intra-market competition as the fees and rebates will be applied in a uniform manner to similarly situated participants in accordance to the order type (QFO or cQFO), origin, and class.

The Exchange does not believe that Floor Market Makers will be discouraged from transacting on the Trading Floor as Floor Market Makers trade for their own accounts and benefit

from having access to interact with orders that are made available in open outcry on the Trading Floor. The Exchange also believes that Floor Market Maker fees relative to other market participants do not impose an undue burden on competition because Floor Market Makers are not obligated to engage in transactions on the Trading Floor.

The Exchange does not believe that offering a rebate to Floor Brokers will impose an undue burden on competition because all Floor Brokers are eligible to transact QFOs and cQFOs and receive a rebate, if applicable. Further, the Exchange believes that the rebate will promote competition by allowing Floor Brokers to competitively price their services and for the Exchange to remain competitive with other exchanges with open outcry trading floors.

The Exchange does not believe that offering a Floor Broker Breakup Credit will impose an undue burden on competition because all Floor Brokers are eligible to transact QFOs and cQFOs and thus may improve intra-market competition.

QCC and cQCC Fees and Rebates

The Exchange believes that the proposed QCC and cQCC fees and rebates do not impose an undue burden on intra-market competition because the Exchange does not believe that its proposal will place any category of market participant at a competitive disadvantage. The Exchange believes that the proposed changes will encourage market participants to send their QCC and cQCC Orders to the Exchange’s Trading Floor for execution in order to obtain greater rebates and lower their costs. The Exchange believes the proposed fees and rebates for QCC and cQCC Orders will not impose an undue burden on intra-market competition because the proposed changes will increase competition and potentially attract different combinations of additional QCC and cQCC order flow to the Exchange, which will grow the Exchange’s market share in this segment. The Exchange’s proposal to provide higher rebates for QCC and cQCC Orders for Floor Brokers that trade against origins other than Priority Customer or Professional Customer does not impose an undue burden on intra-market competition because Priority Customer and Professional Customer QCC and cQCC Orders are already incentivized with reduced fees for such orders. The Exchange’s proposed fee and rebate structure is similar to the fee and rebate

⁵¹ 15 U.S.C. 78f(b)(5).

⁵² 15 U.S.C. 78f(b)(5).

⁵³ See BOX Exchange Fee Schedule.

⁵⁴ See Nasdaq Phlx Options 7 Pricing Schedule, Section 4.

structure for electronic transactions on the Exchange.⁵⁵

C2C and cC2C Fees and Rebates

The Exchange believes that the proposed C2C and cC2C fee of \$0.00 and proposed rebate of (\$0.00) does not impose an undue burden on intra-market competition because the proposed fee and rebate is identical to the fee/rebate structure of the Exchange's electronic market.⁵⁶ The Exchange believes that the proposal will encourage market participants to send their Priority Customer orders to the Exchange.

Strategy QFO Fees, Rebates, and Fee Cap

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Further, the Exchange does not believe that capping the fees for certain Strategy Qualified Floor Orders will impose an undue burden on intra-market competition because all Floor Participants are eligible for the fee cap. Further, the Exchange believes that the fee cap will promote competition by allowing the Exchange to remain competitive with other exchanges with open outcry trading floors.⁵⁷

Inter-Market Competition

The proposal does not impose an undue burden on inter-market competition. The Exchange believes its proposal remains competitive with other options markets that operate open outcry trading floors. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive.⁵⁸ The Exchange believes that the Exchange's proposal reflects this competitive environment, and to the extent it successfully attracts order flow to its Trading Floor, all of the Exchange's market participants should benefit from the quality of the Exchange's market.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,⁵⁹ and Rule 19b-4(f)(2)⁶⁰ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-SAPPHIRE-2025-39 on the subject line.

Paper Comments

- Send paper comments in triplicate to Vanessa Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-SAPPHIRE-2025-39. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-SAPPHIRE-2025-39

and should be submitted on or before December 12, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶¹

Sherry R. Haywood,
Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104207; File No. SR-IEX-2025-26]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Certain Displayed Liquidity Adding Rebate Tiers

November 18, 2025.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (the "Act")² and Rule 19b-4 thereunder,³ notice is hereby given that, on September 30, 2025, the Investors Exchange LLC ("IEX" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) under the Securities Exchange Act of 1934 ("Act"),⁴ and Rule 19b-4 thereunder,⁵ Investors Exchange LLC ("IEX" or "Exchange") is filing with the Securities and Exchange Commission ("Commission") a proposed rule change to amend the Exchange's fee schedule applicable to Members⁶ (the "Fee Schedule")⁷ pursuant to IEX Rule 15.110(a) and (c) to introduce certain minimum quoting requirements for Exchange Traded Products ("ETPs") as an additional means of qualifying for two of its Displayed Liquidity Adding Rebate Tiers for executions priced at or

⁶¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ 15 U.S.C. 78s(b)(1).

⁵ 17 CFR 240.19b-4.

⁶ See IEX Rule 1.160(s).

⁷ See Investors Exchange Fee Schedule, available at <https://www.iexexchange.io/resources/trading/fee-schedule>.

⁵⁵ See *supra* note 47.

⁵⁶ See *supra* note 48.

⁵⁷ See *supra* note 49.

⁵⁸ See *supra* note 33.

⁵⁹ 15 U.S.C. 78s(b)(3)(A)(ii).

⁶⁰ 17 CFR 240.19b-4(f)(2).

above \$1.00 per share. Changes to the Fee Schedule pursuant to this proposal are effective upon filing,⁸ and will be operative on October 1, 2025.

The text of the proposed rule change is available at the Exchange's website at <https://www.iexexchange.io/resources/regulation/rule-filings> and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to modify the Transaction Fees section of its Fee Schedule, pursuant to IEX Rule 15.110(a) and (c), to introduce an additional way to qualify for two of its Displayed Liquidity Adding Rebate Tiers for executions priced at or above \$1.00. Specifically, the Exchange proposes to incorporate certain minimum quoting requirements for ETPs⁹ as an additional eligibility basis for two of the rebate tiers, as described below. Notably, IEX is not proposing to change the amounts of any rebates or fees, the existing volume-based methods in which Members may qualify for rebates, or the overall tiering pricing structure in the Transaction Fees section of the Fee Schedule.

As reflected in footnote 4 in the Transaction Fees section of the Fee Schedule, the Exchange currently offers Members seven Displayed Liquidity Adding Rebate tiers. The two tiers that are the subject of this proposal are Displayed Liquidity Adding Rebate Tier 3 ("Tier 3") and Displayed Liquidity Adding Rebate Tier 4 ("Tier 4"):

- Tier 3: provides Member a rebate of \$0.0014 per share for all added displayed liquidity if the Member either: adds at least

3,000,000 ADV¹⁰ of displayed liquidity and less than 10,000,000 ADV of displayed liquidity; or trades at least 10,000,000 non-displayed ADV.

- Tier 4: provides Member a rebate of \$0.0016 per share for all added displayed liquidity if the Member adds at least 10,000,000 ADV of displayed liquidity and less than 15,000,000 ADV of displayed liquidity.

The Exchange proposes to modify Tiers 3 and 4 to add an additional means of qualifying for the rebate tiers. Specifically, the Exchange proposes to extend the Tier 3 and Tier 4 pricing incentives to Members that meet certain minimum quoting requirements in at least 250 ETPs (to qualify for Tier 3) or 750 ETPs (to qualify for Tier 4). If a Member qualifies for Tiers 3 or 4 through the specified quoting requirements, the associated rebates will be applied to the Member's transactions in the same manner as they currently are: to the Member's executions of displayed liquidity adding orders priced at or above \$1.00 per share.

The proposed changes are designed to encourage Members to improve displayed liquidity and promote order flow on the Exchange by quoting at the NBB¹¹ or the NBO¹² in at least 250 ETPs for a significant part of the day. The Exchange believes the proposed changes will improve market quality in ETPs and more generally on the Exchange by increasing quoting competition and displayed liquidity, and potentially narrowing spreads in a targeted manner, which will benefit the Exchange and all market participants.

To reflect the additional eligibility criteria for Tier 3, IEX proposes to amend the Fee Schedule's Base Rates table to update the description and fees associated with Base Fee Code "ML" ("Add displayed liquidity"). As amended, the Base Rates table will continue to list seven base rates for Fee Code "ML," but the description of the base rate paid for a Member who adds at least 3,000,000 ADV of displayed liquidity and less than 10,000,000 ADV of displayed liquidity; or trades at least 10,000,000 non-displayed ADV will state that a Member also can qualify for that base rate if it has an "NBBO Time" (a new term discussed in detail below) of at least 50% in at least 250 ETPs. Similarly, IEX proposes to update the description of Tier 3 in Footnote 4 to the Transaction Fees section. As proposed,

Footnote 4 will be amended to reflect that a Member can also qualify for Tier 3 if it has an NBBO Time of at least 50% in at least 250 ETPs.

In addition, IEX proposes to amend the Base Rate table such that the description of the base rate paid for Fee Code "ML" for a Member who adds at least 10,000,000 ADV of displayed liquidity and less than 15,000,000 ADV of displayed liquidity will state that a Member also can qualify for that base rate if it has an NBBO Time of at least 50% in at least 750 ETPs. Similarly, IEX proposes to update the description of Tier 4 in Footnote 4 to the Transaction Fees section. As proposed, Footnote 4 will be amended to reflect that a Member can also qualify for Tier 4 if it has an NBBO Time of at least 50% in at least 750 ETPs.

As proposed, to qualify for Tier 3 or 4 rebates based on ETP quoting, a Member must enter displayed trading interest (*i.e.*, at least one displayed order or quote of at least one round lot size¹³) at either the NBB or the NBO (the "NBBO Time" requirement) for at least 50% of time during regular market hours¹⁴ in at least 250 ETPs (for Tier 3) or 750 ETPs (for Tier 4) on average per day during the month. To calculate NBBO Time, the Exchange will add a Member's percentage of regular market hours quoting on the NBB ("Percent Time at NBB") to that Member's percentage of regular market hours quoting on the NBO ("Percent Time at NBO").

The Exchange proposes to remove the term "Percent Time at NBBO" from the Supplemental Market Quality ("SMQ") Program section of the Fee Schedule to avoid potential confusion from using a similar term that is, in substance, different from the proposed "NBBO Time."¹⁵ The Exchange proposes to add the following terms to the Definitions¹⁶ in the Transaction Fees section of the Fee Schedule:

- "Percent Time at NBB" means the aggregate of the percentage of time during Regular Market Hours where a Member has a displayed order of at least one round lot at the national best bid ("NBB").
- "Percent Time at NBO" means the aggregate of the percentage of time during Regular Market Hours where a Member has a displayed order of at least one round lot at the national best offer ("NBO").

¹³ See IEX Rule 11.180(a).

¹⁴ See IEX Rule 1.160(gg).

¹⁵ Concurrently with this rule filing, the Exchange is filing a proposed rule change regarding the SMQ Program that incorporates the term NBBO Time and proposes other related changes to the SMQ Program. See SR-IEX-2025-27.

¹⁶ As discussed below, the Exchange also proposes to rename the "Definitions and Information" section to "Definitions."

⁸ 15 U.S.C. 78s(b)(3)(A)(ii).

⁹ The term "ETPs" includes any security traded on the Exchange, under unlisted trading privileges pursuant to Rule 19b-4(e) of the Act, as a UTP Derivative Security pursuant to IEX Rule 16.160.

¹⁰ "ADV" means average daily volume calculated as the number of shares added or removed (as applicable) that execute at or above \$1.00 per share, per day. ADV is calculated on a monthly basis. See Fee Schedule, *supra* note 7, Definitions.

¹¹ See IEX Rule 1.160(u).

¹² See IEX Rule 1.160(u).

• “NBBO Time” means the Member’s Percent Time at NBB plus the Member’s Percent Time at NBO.

For added clarity as to how the Exchange will count a Member’s time at either the NBB or NBO, the Exchange proposes to include the following example in a bullet point following the definition of NBBO Time:

• For example, for a particular security, if a Member’s Percent Time at NBB is 25% and Percent Time at NBO is 15%, its NBBO Time would be 40%. Alternatively, if a Member’s Percent Time at NBB is 20% and concurrently, the Member’s Percent Time at NBO is also 20%, then that Member’s NBBO Time would be 40%.

On a daily basis, the Exchange will calculate the number of ETPs for which each Member’s NBBO Time meets the threshold criteria. At the end of the month, the Exchange will calculate the monthly average of the Member’s qualified ETP quoting activity. If a Member has an NBBO Time of at least 50% in at least 250 ETPs during the month, the Member will qualify for Tier 3, and receive a \$0.0014 per share rebate for all displayed liquidity adding trades that execute at or above \$1.00. And if a Member has an NBBO Time of at least 50% in at least 750 ETPs during the month, the Member will qualify for Tier 4, and receive a \$0.0016 per share rebate for all displayed liquidity adding trades that execute at or above \$1.00. The Exchange proposes to explain this calculation by adding a new “Notes” subheading under the Definitions and Information subheading in the Transaction Fees section of the Fee Schedule, and adding the following bullet point:

Unless otherwise specified, for any tiers that include NBBO Time as a required criteria (for example, the Displayed Liquidity Adding Rebate Tiers in footnote 4 and the Supplemental Market Quality Program), on a daily basis, the Exchange will determine the number of securities in which a Member meets the threshold value (set forth in the tier) for NBBO Time for that day. At the end of the month, the Exchange will take the average (rounded to the nearest whole number) of the number of securities in which a Member’s NBBO Time was at least the threshold value set forth in the applicable tier.

As proposed, the NBBO Time calculation will exclude days with system disruptions that last for more than 60 minutes and days with scheduled early closes when determining the numerator and the denominator. An Exchange system disruption may occur, for example, where a certain group of securities traded on the Exchange is unavailable for trading due to an Exchange system

issue. Similarly, the Exchange may be able to perform certain functions with respect to accepting and processing orders, but may have a failure in another significant process, such as routing to other market centers, that would lead Members that rely on such process to avoid utilizing the Exchange until the Exchange’s entire system was operational. The Exchange believes that these types of Exchange system disruptions could preclude Members from participating on the Exchange to the same extent that they might have otherwise participated on such days, and thus, the Exchange believes it is appropriate to exclude such days when determining a Member’s NBBO Time to avoid penalizing Members that might otherwise have met the applicable rebate tier requirements. For similar reasons, the Exchange believes it is appropriate to exclude trading days with scheduled early closes, because the shorter trading days are likely to result in a lower daily quoting activity for each Member. The Exchange notes that excluding system disruption days and trading days with scheduled early closes is consistent with the methodologies used by other exchanges that offer incentive payments for quoting activity on the Exchange.¹⁷

The Exchange will allow Members to aggregate their NBBO Time with other Members with which they are affiliated,¹⁸ if Members provide prior notice to the Exchange. As proposed, to the extent that two or more affiliated companies maintain separate memberships with the Exchange and can demonstrate their affiliation by showing they control, are controlled by, or are under common control with each other, the Exchange would permit such Members to aggregate their NBBO Time. Members will be responsible for having proper internal documentation in their books and records substantiating that the two or more Members seeking to aggregate their NBBO Time are affiliates of one another. IEX notes that this grouping of Member affiliates is consistent with how IEX allows Member affiliates to group their trading activity to qualify for IEX’s Displayed Liquidity Adding Rebate Tiers and for the SMQ Program.

As described above, the Exchange proposes to introduce a new “Notes” subheading under the “Definitions and

Information” subheading of the Transaction Fees section of the Fee Schedule to incorporate the exclusions described above and other relevant information. Specifically, the Exchange proposes to revise the “Definitions and Information” subheading to separate it into two distinct subheadings, “Definitions” and “Notes.” The Exchange proposes moving the first and fourth bullet points that currently appear under the definition of “ADV,” to below the new “Notes” subheading. These bullet points describe the exclusions the Exchange currently applies to determining a Member’s ADV and are identical to the exclusions that the Exchange will apply to determining a Member’s NBBO Time, as described above. The Exchange thus proposes to make conforming language to make clear that the exclusions apply to the calculation of ADV, as well as the calculations of Percent Time at NBB and Percent Time at NBO.

Additionally, the Exchange proposes to move the bullet describing the manner in which Members may aggregate their ADV with other Members from the Definitions subheading to the Notes subheading, and updating the text to reflect that the aggregation with affiliates is available for purposes of calculating ADV, as well as for calculating Percent Time at NBB and Percent Time at NBO. Thus, the first three bullets of the Notes section will read as follows:

- The Exchange excludes from its calculation of ADV, Percent Time at NBB, and Percent Time at NBO:
 - Any trading day that the Exchange’s system experiences a disruption that lasts for more than 60 minutes during Regular Market Hours; and
 - Any day with a scheduled early market close.
- The Exchange excludes from its calculation of Percent Time at NBB and Percent Time at NBO any portion of Regular Market Hours when a security is subject to a trading halt or pause.
- With prior notice to the Exchange, a Member may aggregate ADV, Percent Time at NBB, and Percent Time at NBO with other Members with which the Member is affiliated pursuant to Rule 12b–2 under the Act.

These proposed ETP quoting incentives will be open to all Members and will not impose any two-sided quotation obligations on any Member seeking to qualify for Tiers 3 and 4. In fact, as described above, the quoting incentives reward Members for time spent quoting at either the NBB or the NBO by adding the Percent Time at NBB to the Percent Time at NBO to calculate the NBBO Time. Accordingly, these additional criteria for qualifying for rebates under Tiers 3 and 4 are designed

¹⁷ See Securities Exchange Act Release No. 94929 (May 17, 2022), 87 FR 31269, at 31270 (May 23, 2022) (SR–PEARL–2022–21) (rule filing establishing a Market Quality program based on minimum quoting requirements across a specified number of securities with similar exclusions).

¹⁸ As defined in Rule 12b–2 under the Act, 17 CFR 240.12b–2.

to attract liquidity from any firm that is willing to provide liquidity at the NBB or NBO in any ETPs.

The Exchange notes that the proposed ETP quoting incentives are similar to MEMX's Displayed Liquidity Incentive Tiers, which pay rebates to Members that quote at least 25% or 50% of trading hours in an average of at least 500 or 1,000 securities during the month.¹⁹ The ETP quoting incentives proposed herein are also similar to the Exchange's Supplemental Market Quality ("SMQ") Program which pays an incentive fee to Members that meet specified thresholds for certain minimum quoting requirements in the "SMQ Securities" designated by the Exchange.²⁰ Furthermore, this model of offering quote-based rebates is consistent with similar rebates offered by competitor exchanges.²¹

2. Statutory Basis

IEX believes that the proposed rule change is consistent with the provisions of Section 6(b)²² of the Act in general, and furthers the objectives of Sections 6(b)(4)²³ of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange believes that the proposed fee change is reasonable, fair and equitable, and non-discriminatory.

The Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. IEX has concluded that, in the context of current regulatory requirements governing access fees and rebates, it is able to more effectively compete with other exchanges for order

flow by offering Members an additional means of qualifying for higher rebate incentives. Based upon informal discussions with market participants, IEX believes that Members and other market participants may be more willing to send displayed orders in ETPs to IEX if the proposed fee changes are adopted.

As noted in the Purpose section, the proposed ETP quoting criteria for qualifying for rebates in Tiers 3 and 4 are designed to increase quoting competition and displayed liquidity, potentially narrowing spreads in a targeted manner, which will benefit the Exchange and all market participants. Accordingly, IEX has designed the proposed changes to Tiers 3 and 4 to allow Members an additional way to qualify for those particular rebate tiers on displayed liquidity-adding transactions. As noted in the Purpose section, the proposed changes to Tiers 3 and 4 are an expansion of the current criteria to qualify for Displayed Liquidity Adding Rebate Tiers 3 and 4.

With these proposed changes, IEX's rebates are still designed to attract and incentivize displayed orders as well as order flow seeking to trade with such displayed orders. Moreover, increases in displayed liquidity would contribute to the public price discovery process which would benefit all market participants and protect investors and the public interest.

As discussed above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. Within that context, the proposed additional criteria for qualifying for Tiers 3 and 4 are designed to keep IEX's displayed trading prices competitive with those of other exchanges. The proposed additional criteria for qualifying for rebates in Tiers 3 and 4 are comparable to the criteria applied by competing exchanges, and thus IEX does not believe that the proposal raises any new or novel issues not already considered by the Commission in the context of other exchanges' fees.²⁴

Additionally, IEX believes that the proposed formatting changes and conforming edits to the Definitions and Information subheading in the Transaction Fees section of the Fee Schedule, including consolidating definitions currently found in the Transaction Fees and SMQ sections of the Fee Schedule into the new Notes subheading of the Transaction Fees section, are consistent with the Act

because they will provide additional clarity for Members on transaction fees, consistent with Section 6(b)(1)²⁵ of the Act. These proposed changes are designed to reduce any potential confusion for market participants using IEX's Fee Schedule and to provide clarity and consistency between the Fee Schedule and the Rule Book. Further, IEX believes these changes would contribute to reasonably ensuring that the requirements of the Displayed Liquidity Adding Rebate Tiers and the SMQ Program, as well as any other activity-based incentive or rebate described in the Fee Schedule, are clear, accurate, and consistent with the Rule Book.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive market in which market participants can readily favor competing venues if fee schedules at other venues are viewed as more favorable. Consequently, the Exchange believes that the degree to which IEX fees could impose any burden on competition is extremely limited and does not believe that such fees would burden competition between Members or competing venues. Moreover, as noted in the Statutory Basis section, the Exchange does not believe that the proposed changes raise any new or novel issues not already considered by the Commission.

The Exchange does not believe that the proposed rule changes will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because, while different rebates are assessed on Members, these rebate tiers are not based on the type of Member entering the quotes, but rather on the Member's own quoting activity. Further, the proposed rule changes continue to be intended to encourage market participants to bring increased order flow to the Exchange, which benefits all market participants.

¹⁹ See MEMX Fee Schedule, <https://info.memxtrading.com/equities-trading-resources/us-equities-fee-schedule/>.

²⁰ See SR-IEX-2025-27 for certain changes the Exchange is proposing to make to the SMQ.

²¹ See, e.g., MIAx Pearl's Market Quality Tiers, available at https://www.miaxglobal.com/sites/default/files/fee_schedule-files/MIAx_Pearl_Equities_Fee_Schedule_08012025.pdf, which provide enhanced rebates for executions of Added Displayed Volume for members who meet certain minimum quoting requirements in a specified number of securities; and Cboe BZX's Liquidity Management Program, available at https://www.cboe.com/us/equities/membership/fee_schedule/bzx/, which provides additional rebates for executions of liquidity-adding displayed orders in Tape B securities priced at or above \$1.00 per share for members that, in addition to other requirements, quote at the NBBO during regular trading hours in a specific number of securities designated as "LMP Securities."

²² 15 U.S.C. 78f.

²³ 15 U.S.C. 78f(b)(4).

²⁴ See *supra* notes 19 and 21.

²⁵ 15 U.S.C. 78f(b)(1).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii)²⁶ of the Act.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)²⁷ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-IEX-2025-26 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to file number SR-IEX-2025-26. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish

to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-IEX-2025-26 and should be submitted on or before December 12, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁸

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-20528 Filed 11-20-25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104211; File No. SR-CboeEDGX-2025-075]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt Fees for the One-Minute Interval Intraday Open-Close Report

November 18, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on September 23, 2025, Cboe EDGX Exchange, Inc. (the "Exchange" or "EDGX") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the "Exchange" or "EDGX") proposes to adopt fees for the One-Minute Interval Intraday Open-Close Report. The text of the proposed rule change is in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (<https://www.sec.gov/rules/sro.shtml>), the Exchange's website (https://www.cboe.com/us/equities/regulation/rule_filings/bzx/), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fee schedule to adopt fees for its One-Minute Interval Intraday Open-Close Report and establish the Qualifying Academic Discount Program for ad hoc purchases of historical One-Minute Interval Intraday Open-Close Report. The Exchange recently adopted a new data product known as the One-Minute Interval Intraday Open-Close Report and the Exchange now proposes to adopt fees for this product.³

By way of background, the Exchange currently offers End-of-Day ("EOD") and Intraday Open-Close Data (collectively, "Open-Close Data"). EOD Open-Close Data is an end-of-day volume summary of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), price, and transaction type (opening or closing). The customer and professional customer volume is further broken down into trade size buckets (less than 100 contracts, 100-199 contracts, greater than 199 contracts). The EOD Open-Close Data is proprietary Exchange trade data and does not include trade data from any other exchange. It is also a historical data product and not a real-time data feed. The Exchange also offers Intraday Open-Close Data, which provides similar information to that of EOD Open-Close Data but is produced and updated every 10 minutes during the trading day. Data is captured in "snapshots" taken every 10 minutes throughout the trading day and is available to subscribers within five minutes of the conclusion of each

²⁶ 15 U.S.C. 78s(b)(3)(A)(ii).

²⁷ 15 U.S.C. 78s(b)(2)(B).

²⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 103321 (June 25, 2025), 90 FR 27894 (June 30, 2025) (SR-CboeEDGX-2025-047).

10-minute period.⁴ The Intraday Open-Close Data provides a volume summary of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), and transaction type (opening or closing). The customer and professional customer volume are further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The Intraday Open-Close Data is proprietary Exchange trade data and does not include trade data from any other exchange. All Open-Close Data products are completely voluntary products, in that the Exchange is not required by any rule or regulation to make this data available and that potential customers may purchase it on an ad-hoc basis only if they voluntarily choose to do so.

The Exchange recently adopted a new Intraday Open-Close Data that is the same as the existing Intraday Open-Close Data, except that it is produced and updated every minute during the trading day (the “One-Minute Intraday Open-Close Data”). The One-Minute Intraday Open-Close Data is captured in “snapshots” taken every 1 minute throughout the trading day and would be available to subscribers within five minutes of the conclusion of each one-minute period.⁵ Similar to the existing Intraday Open-Close Data, the One-Minute Intraday Open-Close Data provides a volume summary of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), and transaction type (opening or closing). The customer and professional customer volume are further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater

than 199 contracts). The One-Minute Intraday Open-Close Data is proprietary Exchange trade data and does not include trade data from any other exchange.⁶

The Exchange proposes to provide in its Fee Schedule that firms may purchase One-Minute Intraday Open-Close Data on a subscription basis or by ad hoc request for a specified month (historical file). The Exchange proposes to assess a monthly fee of \$5,000 (or \$60,000 per year) for subscribing to the data feed. The Exchange also proposes to assess a fee of \$1,500 per request per month for an ad-hoc request of historical One-Minute Intraday Open-Close Data covering all Exchange-listed securities. An ad-hoc request can be for any number of months beginning with March 2019 for which the data is available.⁷

Additionally, the Exchange proposes to adopt a fee for the external distribution of products derived from the One-Minute Intraday Open-Close Data. The Exchange currently assesses a fee of \$5,000 per month to allow the unlimited external distribution of Derived Data from the Ten-Minute Interval Open-Close Data.⁸ By way of background, “Derived Data” is pricing data or other data that (i) is created in whole or in part from Exchange Data, (ii) is not an index or financial product, and (iii) cannot be readily reverse-engineered to recreate Exchange Data or used to create other data that is a reasonable facsimile or substitute for Exchange Data. Derived Data may be created by Distributors for a number of different purposes, as determined by the Distributor. The Exchange now proposes to adopt a fee of \$7,500 per month to allow the unlimited external distribution of Derived Data from One-Minute Intraday Open-Close Data.⁹

Lastly, the Exchange proposes to implement a similar Qualifying Academic Discount that is in place for the existing Intraday Open-Close Data to apply to the One-Minute Intraday Open-Close Data.¹⁰ The proposed Qualifying

Academic Discount for the One-Minute Intraday Open-Close Data shall permit qualifying academic purchasers to purchase historical One-Minute Intraday Open-Close Data for \$1,500 per year for the first year (as opposed to the existing rate of \$1,000 per year for the first year for the existing Intraday Open-Close Data). Additional months after the first year may be purchased separately and will be assessed at a prorated amount based on the yearly rate (*i.e.*, \$125 per month for historical Intraday Open-Close). Particularly, the Exchange believes that academic institutions and researchers provide a valuable service for the Exchange in studying and promoting the options market. Though academic institutions and researchers have need for granular options data sets, they do not trade upon the data for which they subscribe. The Exchange believes the proposed reduced fee for qualifying academic purchasers of historical One-Minute Intraday Open-Close Data will encourage and promote academic studies of its market data by academic institutions. In order to qualify for the academic pricing, an academic purchaser must be (1) an accredited academic institution or member of the faculty or staff of such an institution, (2) that will use the data in independent academic research, academic journals and other publications, teaching and classroom use, or for other bona fide educational purposes (*i.e.*, academic use). Furthermore, use of the data must be limited to faculty and students of an accredited academic institution, and any commercial or profit-seeking usage is excluded. Academic pricing will not be provided to any purchaser whose research is funded by a securities industry participant. The Exchange notes that these same qualifications are in place for Qualifying Academic Discount for both the Short Trade Volume Report offered by the Exchange’s affiliated equities exchanges and the existing EOD Open-Close Data and Intraday Open-Close Data, offered by the Exchange and its affiliated options exchanges.¹¹ The Exchange notes that while the One-Minute Intraday Open-Close Data is priced higher than its existing pricing for the Intraday Open-Close Data this is to be expected, as a participant subscribing to the One-Minute Intraday Open-Close Data receives 10x the data points than

⁴ For example, subscribers to the intraday product receive the first calculation of intraday data by approximately 9:42 a.m. ET, which represents data captured from 9:30 a.m. to 9:40 a.m. Subscribers receive the next update at 9:52 a.m., representing the data previously provided together with data captured from 9:40 a.m. through 9:50 a.m., and so forth. Each update represents the aggregate data captured from the current “snapshot” and all previous “snapshots.”

⁵ For example, subscribers to the one-minute intraday product would receive the first calculation of intraday data by approximately 9:34 a.m. ET, which represents data captured from 9:30 a.m. to 9:31 a.m. Subscribers will receive the next update at 9:35 a.m., representing the data previously provided together with data captured from 9:31 a.m. through 9:32 a.m., and so forth. Each update will represent the aggregate data captured from the current “snapshot” and all previous “snapshots.” There may be variability in the time delivered during the day based on market activity; the Exchange expects to deliver this in intervals ranging from 2–5 minutes after the one-minute interval.

⁶ The Exchange also notes that it has introduced clarifying edits to the existing Intraday Open-Close Data in its Fees Schedule to distinguish between the pricing for the ten-minute intraday data and the one-minute intraday data.

⁷ For example, a firm that requests historical Intraday Open-Close Data for the months of June 2025 and July 2025, would be assessed a total of \$3,000.

⁸ See Securities Exchange Act Release No. 94914 (May 13, 2022), 87 FR 30542 (May 19, 2022) (SR-CboeEDGX–2022–028).

⁹ The Exchange notes that this fee is in addition to the product fees for the One-Minute Intraday Open-Close Data.

¹⁰ See Securities Exchange Act Release No. 92167 (June 14, 2021), 86 FR 33439 (June 24, 2021) (SR-CboeEDGX–2021–028).

¹¹ See *e.g.*, Securities Exchange Act Release No. 102967 (May 1, 2025), 90 FR 19343 (May 7, 2025) (SR-CboeBYX–2025–009) and see also Securities Exchange Act Release No. 92173 (June 14, 2021), 86 FR 33399 (June 24, 2021) (SR-C2–2021–010).

a subscriber of Intraday Open-Close Data.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.¹² Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹³ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁴ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (“SROs”) and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the proposal to make the One-Minute Intraday Open-Close Data available for purchase would further broaden the availability of U.S. option market data to investors consistent with the principles of Regulation NMS. The proposal also promotes increased transparency through the dissemination of One-Minute Intraday Open-Close Data. The proposed rule change would benefit investors by making the One-Minute Intraday Open-Close Data available for purchase, which as noted above, may promote better informed trading. Particularly, information regarding opening and closing activity across different option series may indicate investor sentiment, which can be helpful trading information. Subscribers to the data may be able to enhance their ability to analyze option trade and

volume data on an intraday basis, and create and test trading models and analytical strategies. The Exchange believes One-Minute Intraday Open-Close Data provides a valuable tool that subscribers can use to gain comprehensive insight into the trading activity in a particular series, but also emphasizes such data is not necessary for trading. The Exchange believes that market participants may find it beneficial to receive additional data based on these shorter intervals as opposed to the existing 10-minute intervals provided in the Intraday Open-Close Data. While use cases are the same as the existing 10-minute intervals currently provided, the increased frequency provides more current information and more data reporting intervals throughout the day to gain knowledge of the trading activity by origin. Of further note, the Exchange has created this proposed new report in response to customer feedback.

The Exchange believes the proposed fees are reasonable as the proposed fees reflect modest increases in price relative to the additional data points being offered in this new One-Minute Intraday Open-Close Data. As discussed above, a participant who subscribes to the One-Minute Intraday Open-Close Data receives ten times the data points that they would receive in comparison to the Intraday Open-Close Data and are only seeing an increase of five times in the cost for ten times the amount of data. Similarly, a participant who purchases the historical One-Minute Intraday Open-Close Data for the month of August 2025 receives ten times the amount of data in contrast to a participant who purchases the historical Intraday Open-Close Data for the month of August 2025 with just 3x difference in the costs. Meaning, a participant receives ten times the data for just three times the cost. Finally, a Distributor of the Intraday Open-Close Data for Derived Data is charged \$5,000 while a Distributor of the One Minute Intraday Open-Close Data is charged \$7,500—again this permits a Distributor to distribute Derived Data based on ten times the amount of underlying data points and to only pay an increased fee of 1.5 times the fee for the Intraday Open-Close Derived Data. In summary, for each fee for the One-Minute Intraday Open-Close Data, a participant is able to receive a greater increase in the amount of data points it receives relative to the increase in the fee they would pay to receive this additional data.

Of further note, other exchanges also offer similar data product.¹⁵ Specifically, NASDAQ OMX PHLX (“PHLX”) and the NASDAQ Stock Market LLC (“NASDAQ”) offer the PHLX Options Trade Outline (“PHOTO”) and NASDAQ Options Trade Outline (“NOTO”), respectively. PHOTO and NOTO provide similar information as that included in the proposed One-Minute Intraday Open-Close Data. Similar to the One-Minute Intraday Open-Close Data, both the PHOTO and NOTO intraday products include periodic, cumulative data for a particular trading session for a particular option series. Both reports include information regarding the aggregate number of trades to open a position, aggregate number of trades to close a position, and the origin of the trades based on the specific categories of market participants (*i.e.*, customers, broker-dealers, market makers, etc.).¹⁶ The primary distinction between these reports is that the One-Minute Interval Intraday Open-Close Report is provided in one minute intervals as opposed to ten minute intervals.

The Exchange notes that while the pricing of these similar reports is lower¹⁷ than the proposed fees, similar to above, a participant receives a greater increase in the amount of data relative to the increased fee of a competitor offering.¹⁸

Furthermore, proposing fees that are excessively higher than established fees for similar data products, such as the Intraday Open-Close Data, would simply serve to reduce demand for the

¹⁵ See Securities Exchange Act Release No. 62887 (September 10, 2010), 75 FR 57092 (September 17, 2010) (SR-PHLX-2010-121); See also Securities Exchange Act Release No. 65587 (October 18, 2011), 76 FR 65765 (October 24, 2011) (SR-NASDAQ-2011-144).

¹⁶ *Id.*

¹⁷ See Price List—U.S. Derivatives Data for Nasdaq PHLX, LLC (“PHLX”), The Nasdaq Stock Market, LLC (“Nasdaq”), Nasdaq ISE, LLC (“ISE”), and Nasdaq GEMX, LLC (“GEMX”), available at <http://www.nasdaqtrader.com/Trader.aspx?id=DPPPriceListOptions#web>. Particularly, PHLX offers “Nasdaq PHLX Options Trade Outline (PHOTO)” and assesses \$3,000 per month for an intra-day subscription and \$1,000 per month for historical reports; Nasdaq offers the “Nasdaq Options Trade Outline (NOTO)” and assesses \$2,000 per month for an intra-day subscription and \$500 per month for historical reports; ISE offers the “Nasdaq ISE Open/Close Trade Profile” and assesses \$2,500 per month for an intra-day subscription and \$1,000 per month for historical reports; and GEMX offers the “Nasdaq GEMX Open/Close Trade Profile” and assesses \$1,500 per month for an intra-day subscription and \$750 per month for historical reports.

¹⁸ For example, if a firm subscribes to the PHOTO report and the One-Minute Interval Intraday Open-Close Report, a firm receives ten times the amount of data provided in the Exchange’s One-Minute Interval Intraday Open-Close Report for only double the cost.

¹² 15 U.S.C. 78f(b).

¹³ 15 U.S.C. 78f(b)(5).

¹⁴ *Id.*

Exchange's data product, which as noted, is entirely optional. Like the Exchange's Intraday Open-Close Data and similar data products offered at other exchanges, the One-Minute Intraday Open-Close Data provides insight into trading on a specific market and may likewise aid in assessing investor sentiment. Similarly, market participants may be able to analyze option trade and volume data, and create and test trading models and analytical strategies using only the Intraday Open-Close Data. As such, if a market participant views the Intraday Open-Close Data as a more attractive offering for its specific business needs, then such market participant can merely choose to purchase the Exchange's the Intraday Open-Close Data.

The Exchange also believes the proposed fees are reasonable as they would support the introduction of a new market data product that is designed to aid investors by providing further insight into trading on the Exchange. The Exchange believes One-Minute Intraday Open-Close Data provides a valuable tool that subscribers can use to gain comprehensive insight into the trading activity in a particular series, but also emphasizes such data is not necessary for trading. The Exchange believes that market participants may find it beneficial to receive additional data based on these shorter intervals as opposed to the existing 10-minute intervals provided in the Intraday Open-Close Data. While use cases are the same as the existing 10-minute intervals currently provided, the increased frequency provides more current information and more data reporting intervals throughout the day to gain knowledge of the trading activity by origin. The Exchange also believes the proposed fees are equitable and not unfairly discriminatory as the fees would apply equally to all users who choose to purchase such data. The Exchange's proposed fees would not differentiate between subscribers that purchase One-Minute Intraday Open-Close Data and would allow any interested market participant to purchase such data based on their business needs.

Lastly, the Exchange believes that the discount for qualifying academic purchasers for the historical One-Minute Intraday Open-Close Data is reasonable because academic institutions are not able to monetize access to the data as they do not trade on the data set. The Exchange believes the proposed discount will allow for more academic institutions to purchase the historical One-Minute Intraday Open-Close Data, and, as a result,

promote research and studies of the options industry to the benefit of all market participants. The Exchange believes that the proposed discount is equitable and not unfairly discriminatory because it will apply equally to all academic institutions that submit an application and meet the accredited academic institution and academic use criteria. As stated above, qualified academic purchasers will subscribe to the data set for educational use and purposes and are not permitted to use the data for commercial or monetizing purposes, nor can they qualify if they are funded by an industry participant. As a result, the Exchange believes the proposed discount is equitable and not unfairly discriminatory because it maintains equal treatment for all industry participants or other subscribers that use the data for vocational, commercial or other for-profit purposes.

As noted above, the Exchange anticipates a wide variety of market participants to purchase One-Minute Intraday Open-Close Data, including but not limited to individual customers, buy-side investors and investment banks. The Exchange reiterates that the decision as to whether or not to purchase the One-Minute Intraday Open-Close Data is entirely optional for all potential subscribers. Indeed, no market participant is required to purchase the One-Minute Intraday Open-Close Data, and the Exchange is not required to make the One-Minute Intraday Open-Close Data available to all investors. Rather, the Exchange is voluntarily making One-Minute Intraday Open-Close Data available, as requested by customers, and market participants may choose to receive (and pay for) this data based on their own business needs. Potential purchasers may request the data at any time if they believe it to be valuable or may decline to purchase such data.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that the proposal will promote competition by permitting the Exchange to make available a data product for purchase that is similar to those offered by other competitor options exchanges but contains finer data reporting intervals.¹⁹

The Exchange also does not believe the proposed fees would cause any

unnecessary or inappropriate burden on intermarket competition as other exchanges are free to introduce their own comparable reports that includes additional data points with lower prices to better compete with the Exchange's offerings. The Exchange operates in a highly competitive environment, and its ability to price the reports is constrained by competition among exchanges who choose to adopt similar products. The Exchange must consider this in its pricing discipline in order to compete for subscribers of the Exchange's market data via the reports. For example, proposing fees that are excessively higher than fees for potentially similar data products would simply serve to reduce demand for the Exchange's reports, which as discussed, market participants are under no obligation to utilize. In this competitive environment, potential purchasers are free to choose which, if any, similar product to purchase to satisfy their need for market information. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

The Exchange does not believe the proposed rule change would cause any unnecessary or inappropriate burden on intramarket competition. Particularly, the proposed fees apply uniformly to any purchaser in that the Exchange does not differentiate between the different market participants that may purchase the report. The proposed fees are set at a reasonable level that would allow any interested market participant to purchase such data based on their business needs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act²⁰ and paragraph (f) of Rule 19b-4²¹ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the

²⁰ 15 U.S.C. 78s(b)(3)(A).

²¹ 17 CFR 240.19b-4(f).

¹⁹ See supra note 15.

Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeEDGX-2025-075 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CboeEDGX-2025-075. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeEDGX-2025-075 and should be submitted on or before December 12, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²²

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-20533 Filed 11-20-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104205; File No. SR-GEMX-2025-28]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Remove the Exchange's Dedicated GPS Antenna Service Under General 8, Section 1(d)

November 18, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on September 30, 2025, Nasdaq GEMX, LLC ("GEMX" or "Exchange"), filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to remove the Exchange's dedicated GPS antenna service under General 8, Section 1(d) (Co-Location Services), as discussed further below.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/nasdaq/rulefilings>, and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange offers a Global Positioning System ("GPS") antenna, which allows customers that co-locate their servers and equipment within the Exchange's data center ("NY 11") in Carteret, NJ to synchronize their time recording systems to the U.S. Government's GPS network time (the "Service"). GPS network time is the atomic time scale implemented by the atomic clocks in the GPS ground control stations and GPS satellites. Each GPS satellite contains multiple atomic clocks that contribute precise time data to the GPS signals. GPS receivers decode these signals, synchronizing the receivers to the atomic clocks. A GPS antenna serves as a time signal receiver and feeds a primary clock device the GPS network time using precise time data. Firms can use the precise time data provided by the GPS antenna to time-stamp transactional information. Time synchronization services are well established in the U.S. and utilized in many areas of the U.S. economy and infrastructure. The Service is not novel to the securities markets, or to the Exchange.

Historically, the Exchange has offered connectivity to a GPS antenna via two options—over shared infrastructure or a dedicated antenna. The shared infrastructure provides GPS services through Nasdaq installed shared cables and hardware located within the data center, whereas the dedicated antenna requires the firm to supply their own privately owned antenna hardware. The installation fee for the shared connection is \$900, and the monthly fee is \$600. The installation fee for the dedicated connection is \$1,500 and the monthly fee is \$600. Firms may choose to purchase multiple time synchronization services for resiliency or otherwise.³ The Exchange offers the Service as a convenience to firms to provide them with the ability to synchronize their own primary clock devices to GPS time via a shared GPS timing signal and time-stamp transactional information.⁴ Firms do not

³ Of the Exchange's co-location customers that subscribe to the Service, approximately 5% of such co-location customers purchase both the dedicated and the shared options of the Service.

⁴ In offering the Service as a convenience to firms, the Exchange incurs certain costs, including costs related to the data center facility, hardware and equipment, and personnel.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

²² 17 CFR 200.30-3(a)(12).

receive an advantage by purchasing the Service from Nasdaq.

The Exchange proposes to remove the dedicated GPS antenna service from its co-location service offering. The decision to remove the dedicated GPS service option is consistent with the Exchange's project to equalize certain connections across its entire data center campus, including both its existing NY11 facility and the NY11-4 expansion (the "Equalization Project") and maintain adequate controls of all cables that run throughout the data center.⁵ The Exchange has identified a risk where customers with a dedicated GPS antenna, which is located on the roof of the data center, may be able to circumvent the equalized infrastructure. In accordance with the Equalization Project's goal of ensuring that customers do not bypass the integrity of the equalized connections maintained throughout the data center, the Exchange is no longer allowing customers to order dedicated GPS antenna service as of September 30, 2025. Service for existing customers with a dedicated GPS antenna will terminate as of April 1, 2026, and all dedicated GPS antennas must be removed by such date. Customers that want to continue to utilize the Service can request the shared GPS antenna.

Currently, approximately 49% of the Exchange's co-location customers subscribe to the Service, most of which opt for the shared option. The Service is an optional product available to any firm that chooses to subscribe. Firms may cancel their subscription at any time. The Service simply provides time synchronization that may be utilized by firms to adjust their own time systems and time-stamp transactional information. The GPS antenna is offered on a completely voluntary basis. No customer is required to purchase the GPS antenna. Potential subscribers may subscribe to the Service only if they voluntarily choose to do so. It is a business decision of each firm whether to subscribe to the Service or not. Customers do not receive an advantage by purchasing the Service from Nasdaq; the Exchange is merely providing access to GPS signals.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁶ in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5)

of the Act,⁷ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposed change to its connectivity service offering is reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for equity securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: "[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . ." ⁸

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."⁹

The Exchange believes that it is reasonable and equitable to remove the dedicated GPS antenna service and fee from its connectivity offerings because the service does not align with the Exchange's Equalization Project and the goal of maintaining the integrity of equalization within the Exchange's data center. The removal of the dedicated antenna is unlikely to burden the market because the purchase of the

Service is optional for all categories of co-location customers and customers can discontinue the use of the Service at any time. Additionally, customers will maintain the option of utilizing the Service via the shared GPS antenna. Additionally, the proposed change is not unfairly discriminatory because the dedicated GPS service will be removed for all market participants and the option to utilize the shared Service will also be available for all market participants. As discussed above, approximately 49% of the Exchange's co-location customers subscribe to the Service and most of them opt for the shared antenna.

The Exchange believes that it is reasonable to provide existing customers with at least six months lead time to prepare to remove their dedicated antenna from the data center's roof before the service terminates. This provides co-location customers with sufficient time to remove their antennas from the data center and switch to the shared GPS antenna service before the direct GPS antenna service is terminated.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Nothing in the proposal imposes any burden on the ability of customers or other exchanges to compete. The Exchange operates in a highly competitive market in which exchanges and other vendors offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations. Eliminating the dedicated GPS antenna services will not cause any burden on inter-market competition. Additionally, there is no burden to intra-market competition because the direct GPS antenna service is being terminated for all customers and the Exchange has provided all customers with the same timeline to terminate or convert to the shared GPS antenna service on a non-discriminatory basis. Use of any co-location service is completely voluntary, and each market participant can determine whether to use co-location services based on the requirements of its business operations.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

⁵ See Securities and Exchange Act Release No. 34-101078 (Sept. 18, 2024), 89 FR 77937 (September 24, 2024) (SR-NASDAQ-2024-054) ("Co-Location Expansion Proposal").

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(4) and (5).

⁸ *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782-83 (December 9, 2008) (SR-NYSEArca-2006-21)).

⁹ Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) ("Regulation NMS Adopting Release").

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.¹⁰

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-GEMX-2025-28 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-GEMX-2025-28. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-GEMX-2025-28 and should be submitted on or before December 12, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-20526 Filed 11-20-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104219; File No. SR-MIAX-2025-45]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Amend Rule 1703, Consolidated Audit Trail Compliance Rule—Industry Member Data Reporting

November 18, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on September 26, 2025, Miami International Securities Exchange, LLC ("MIAX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 1703 of the Exchange's compliance rule ("CAT Compliance Rule") regarding the National Market System Plan Governing the Consolidated Audit Trail (the "CAT NMS Plan" or "Plan")³ to be consistent with the amendment to the CAT NMS Plan that requires broker-dealers with a reporting obligation to CAT to report whether an original receipt or origination of an order to sell an equity security is a short sale for which a market maker is claiming the bona fide market making exception in Rule 203(b)(2)(iii) of Regulation SHO ("BFMM Locate Exception").⁴

The text of the proposed rule change is available on the Exchange's website at

<https://www.miaxglobal.com/markets/us-options/all-options-exchanges/rule-filings>, and at the Exchange's principal office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Rule 1703 of the CAT Compliance Rule to be consistent with the amendment to the CAT NMS Plan related to the BFMM Locate Exception. In 2023, the Securities and Exchange Commission (the "SEC" or the "Commission") amended the CAT NMS Plan to require the reporting to the CAT of reliance on the BFMM Locate Exception.⁵ Specifically, the Commission added paragraph (D) to Section 6.4(d)(ii) of the CAT NMS Plan, which requires each Participant, through its Compliance Rule, to require its Industry Members to record and report to the Central Repository the following:

for the original receipt or origination of an order to sell an equity security, whether the order is for a short sale effected by a market maker in connection with bona fide market making activities in the security for which the exception in Rule 203(b)(2)(iii) of Regulation SHO is claimed.

Accordingly, the Exchange proposes to amend its CAT Compliance Rule to reflect this additional CAT reporting requirement. Specifically, the Exchange proposes to add paragraph (G) to Rule 1703, which would require each Industry Member to record and report to the Central Repository the following:

for the original receipt or origination of an order to sell an equity security, whether the order is for a short sale effected by a market maker in connection with bona fide market making activities in the security for which the exception in Rule 203(b)(2)(iii) of Regulation SHO is claimed.

⁵ *Id.*

¹⁰ 15 U.S.C. 78s(b)(3)(A)(ii).

¹¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the CAT Compliance Rule.

⁴ See Securities Exchange Act Rel. Nos. 98738 (Oct. 13, 2023), 88 FR 75100 (Nov. 1, 2023); and 98739 (Oct. 13, 2023), 88 FR 75079 (Nov. 1, 2023).

The Exchange notes that Exchange Rule 1703 as proposed to be amended by this filing, is incorporated by reference into the rulebooks of the Exchange's affiliates, MIAX PEARL, LLC ("MIAX Pearl"), MIAX Emerald, LLC ("MIAX Emerald"), and MIAX Sapphire, LLC ("MIAX Sapphire"). As such, the amendment of Exchange Rule 1703 as proposed herein will also apply to MIAX Pearl, MIAX Emerald, and MIAX Sapphire members.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b)(5) of the Act,⁶ which require, among other things, that the Exchange's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and Section 6(b)(8) of the Act,⁷ which requires that the Exchange's rules not impose any burden on competition that is not necessary or appropriate.

The Exchange believes that this proposal is consistent with the Act because it is consistent with the amendment to the CAT NMS Plan approved by the Commission, and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the SEC noted that the Plan "is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act."⁸ To the extent that this proposal implements the Plan as amended, and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the SEC, and is therefore consistent with the Exchange Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The Exchange notes that the proposed rule change is consistent with the amendment to the CAT NMS Plan approved by the Commission, and is

designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also notes that the amendment to the CAT Compliance Rule will apply equally to all Industry Members that trade equity securities. In addition, all national securities exchanges and FINRA are proposing these amendments to their CAT Compliance Rules. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act⁹ and subparagraph (f)(6) of Rule 19b-4 thereunder.¹⁰

A proposed rule change filed under Rule 19b-4(f)(6)¹¹ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹² the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving 30-day operative delay is consistent with the protection of investors and the public interest because the proposal seeks to amend the Exchange's CAT Compliance Rule to reflect the requirement in the CAT NMS Plan that industry members report for the original receipt or origination of an order to sell an equity security, whether the order is

for a short sale effected by a market maker in connection with bona fide market making activities in the security for which the exception in Rule 203(b)(2)(iii) of Regulation SHO is claimed.¹³ The proposal does not introduce any novel regulatory issues. Accordingly, the Commission designates the proposed rule change to be operative upon filing.¹⁴

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-MIAX-2025-45 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to file number SR-MIAX-2025-45. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from

¹³ See *supra* note 4.

¹⁴ For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

⁶ 15 U.S.C. 78f(b)(6).

⁷ 15 U.S.C. 78f(b)(8).

⁸ See Securities Exchange Act Release No. 79318 (Nov. 15, 2016), 81 FR 84696, 84697 (Nov. 23, 2016).

⁹ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁰ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹¹ 17 CFR 240.19b-4(f)(6).

¹² 17 CFR 240.19b-4(f)(6)(iii).

publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-MIAX-2025-45 and should be submitted on or before December 12, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁵

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-20539 Filed 11-20-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104195; File No. 600-45]

ICE Clear Credit LLC; Order Instituting Proceedings To Determine Whether To Grant or Deny an Application for Registration as a Clearing Agency Under Section 17A of the Securities Exchange Act of 1934

November 18, 2025.

I. Introduction

On August 1, 2025, ICE Clear Credit LLC (“ICC”) filed with the Securities and Exchange Commission (“Commission” or “SEC”) an application on Form CA-1 (“Application”) under section 17A of the Securities Exchange Act of 1934 (“Exchange Act”) seeking to register as a clearing agency for the purpose of clearing transactions involving U.S. Treasury securities.¹ Notice of the Application was published for comment in the **Federal Register** on August 21, 2025,² and the Commission received comments in response to the Application.³

Section 19(a)(1) of the Exchange Act requires the Commission, within ninety days of the date of publication of notice of an application for registration as a clearing agency, or such longer period as to which the applicant consents, to, by order, grant such registration or

institute proceedings to determine whether such registration should be denied.⁴ This order institutes proceedings under section 19(a)(1)(B) of the Exchange Act to determine whether ICC’s Application for registration as a clearing agency should be granted or denied, and provides notice of the grounds for denial under consideration by the Commission, as set forth below.

II. Description of the Application

ICC is applying to register as a clearing agency to provide central counterparty clearing services to market participants for their secondary cash market transactions in U.S. Treasury securities and transactions in repurchase and reverse repurchase agreements involving U.S. Treasury securities, which ICC refers to as its Treasury Business.⁵ The Application describes how ICC will clear transactions involving U.S. Treasury securities.⁶ The Application states that ICC will offer clearing of transactions involving U.S. Treasury securities to direct members of ICC, which ICC calls “Treasury Participants.”⁷ A Treasury Participant is a person who has: (i) been approved by ICC for the submission of transactions involving U.S. Treasury securities; (ii) entered into an agreement with ICC specifically relating to such transactions; and (iii) agreed to abide by ICC’s rules and procedures related to such transactions. Under those rules, a person that is not a Treasury Participant may clear at ICC through a Treasury Participant. However, where a Treasury Participant clears a transaction for a non-participant, the Treasury Participant becomes fully and directly liable as principal and not as guarantor or surety for all obligations to ICC in respect of such transaction. In addition, the Application describes other aspects of ICC’s Treasury Business, including counterparty risk management, financial risk management, default management,⁸ operational risk (including resilience, availability and disaster recovery, and data backup),⁹ and fees.¹⁰

III. Proceedings To Determine Whether to Grant or Deny the Application and Grounds for Potential Denial Under Consideration

To grant ICC’s request to register as a clearing agency, the Commission must find that the Application satisfies the requirements of the Exchange Act and the rules and regulations thereunder, including the determinations set forth in paragraphs (A) through (I) of section 17A(b)(3) of the Exchange Act.¹¹ In addition, pursuant to section 17A of the Exchange Act, the Commission is directed, having due regard for the public interest, the protection of investors, the safeguarding of securities and funds, and maintenance of fair competition among brokers and dealers, clearing agencies, and transfer agents, to use its authority to: (i) facilitate the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities (other than exempt securities); and (ii) facilitate the establishment of linked or coordinated facilities for clearance and settlement of transactions in securities in accordance with the findings and to carry out the objectives set forth in section 17A.¹²

To support its analysis under the above statutory directives and required determinations, the Commission is instituting proceedings pursuant to section 19(a)(1)(B) of the Exchange Act to determine whether to grant or deny the Application.¹³ Institution of such proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, the Commission seeks and encourages interested persons to comment on the Application and provide the Commission with arguments and data to support the Commission’s analysis as to whether to grant or deny the Application.

Pursuant to section 19(a)(1)(B) of the Exchange Act,¹⁴ the Commission is providing notice of the grounds for denial under consideration. The Commission is instituting proceedings to allow for additional analysis of, and input from commenters with respect to, the Application’s consistency with the requirements of section 17A of the Exchange Act and the rules and regulations thereunder, including the following provisions:

¹⁵ 17 CFR 200.30-3(a)(12) and (59).

¹ 15 U.S.C. 78q-1. Non-confidential aspects of the Application, including any exhibits thereto cited in this order, are available on the Commission’s website at: <https://www.sec.gov/rules-regulations/commission-orders-notices/icc-form-ca-1>.

² Release No. 34-103727 (Aug. 18, 2025), 90 FR 40879 (Aug. 21, 2025).

³ The public comment file for the Application is available on the Commission’s website at: <https://www.sec.gov/rules-regulations/2025/08/600-45>. 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.

⁴ 15 U.S.C. 78s(a)(1).

⁵ See Exhibit J. As described in the Application, the Treasury Business would be distinct from ICC’s existing CDS Business, including separate membership requirements, financial risk management and default waterfalls, and rulebooks. See *id.*

⁶ Exhibit J also describes how ICC clears transactions involving CDS.

⁷ See Exhibit J.

⁸ See Exhibit J.

⁹ See Exhibit K; Exhibit M.

¹⁰ See Exhibit E; Annex E-4; Exhibit Q.

¹¹ 15 U.S.C. 78s(a); 15 U.S.C. 78q-1(b)(3). The determinations are described further below.

¹² 15 U.S.C. 78q-1(a)(2)(A).

¹³ 15 U.S.C. 78(s)(a)(1)(B).

¹⁴ *Id.*

A. Section 17A(b)(3)(A): Organization and Capacity

Section 17A(b)(3)(A) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines that such clearing agency is so organized and has the capacity to be able to facilitate the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts, and transactions for which it is responsible, to safeguard securities and funds in its custody or control or for which it is responsible, to comply with the provisions of the Exchange Act and the rules and regulations thereunder, to enforce (subject to any rule or order of the Commission pursuant to section 17(d) or 19(g)(2) of the Exchange Act) compliance by its participants with the rules of the clearing agency, and to carry out the purposes of this section.

B. Section 17A(b)(3)(B): Participation Standards

Section 17A(b)(3)(B) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines that, among other things, the rules of the clearing agency provide that any (i) registered broker or dealer, (ii) other registered clearing agency, (iii) registered investment company, (iv) bank, (v) insurance company, or (vi) other person or class of persons as the Commission, by rule, may from time to time designate as appropriate to the development of a national system or the prompt and accurate clearance and settlement of securities transactions may become a participant in such clearing agency.¹⁵

C. Section 17A(b)(3)(C): Fair Representation

Section 17A(b)(3)(C) of the Exchange Act states that, among other things, a clearing agency shall not be registered unless the Commission determines that the rules of the clearing agency assure a fair representation of its shareholders (or members) and participants in the selection of its directors and administration of its affairs.¹⁶

D. Section 17A(b)(3)(D) and (E): Fees

Section 17A(b)(3)(D) of the Exchange Act states that a clearing agency shall

not be registered unless the Commission determines that the rules of the clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges among its participants. Section 17A(b)(3)(E) of the Exchange Act states that a clearing agency shall not be registered unless the rules of the clearing agency do not impose any schedule of prices, or fix rates or other fees, for services rendered by its participants.

E. Section 17A(b)(3)(F): Rules Designed to Promote Prompt and Accurate Clearance and Settlement and the Safeguarding of Securities and Funds

Section 17A(b)(3)(F) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines, among other things, that the rules of the clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, and, in general, to protect investors and the public interest.

F. Section 17A(b)(3)(G) and (H): Participant Discipline

Section 17A(b)(3)(G) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines that the rules of the clearing agency provide that (subject to any rule or order of the Commission pursuant to section 17(d) or 19(g)(2) of the Exchange Act) its participants shall be appropriately disciplined for violation of any provision of the rules of the clearing agency by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, or any other fitting sanction. Section 17A(b)(3)(H) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines, among other things, that the rules of the clearing agency, in general, provide a fair procedure with respect to the disciplining of participants, the denial of participation to any persons seeking participation therein, and the prohibition or limitation by the clearing agency of any person with respect to

access to services offered by the clearing agency.¹⁷

G. Section 17A(b)(3)(I): Competition

Section 17A(b)(3)(I) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines that the rules of the clearing agency do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.

IV. Request for Comment

The Commission requests that interested persons provide written views and data with respect to ICC's Application and its consistency with section 17A(b)(3) of the Exchange Act, as discussed above, as well as any other concerns that they may have with the Application. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/other.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number 600-45 on the subject line.

Paper Comments

- Send paper comments to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number 600-45. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/other.shtml>).

Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to File Number 600-45 and should be submitted on or before December 12, 2025.

By the Commission.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-20480 Filed 11-20-25; 8:45 am]

BILLING CODE 8011-01-P

¹⁵ Section 17A(b)(3)(B) of the Exchange Act also states that the rules of the clearing agency are subject to the provisions of section 17A(b)(4) of the Exchange Act.

¹⁶ Section 17A(b)(3)(C) of the Exchange Act also states that the Commission may determine that the representation of participants is fair if they are afforded a reasonable opportunity to acquire voting stock of the clearing agency, directly or indirectly, in reasonable proportion to their use of such clearing agency.

¹⁷ Section 17A(b)(3)(H) of the Exchange Act also states that the rules of the clearing agency be in accordance with the provisions of section 17A(b)(5) of the Exchange Act.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104218; File No. SR–CboeEDGX–2025–079]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 4.7 of the Exchange's CAT Compliance Rule

November 18, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on September 26, 2025, Cboe EDGX Exchange, Inc. (the “Exchange” or “EDGX”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the “Exchange” or “EDGX”) proposes to amend Rule 4.7 of the Exchange's Consolidated Audit Trail Compliance Rule (“CAT Compliance Rule”) regarding the National Market System Plan Governing the Consolidated Audit Trail (the “CAT NMS Plan” or “Plan”)³ to be consistent with the amendment to the CAT NMS Plan that requires broker-dealers with a reporting obligation to the Consolidated Audit Trail (“CAT”) to report whether an original receipt or origination of an order to sell an equity security is a short sale for which a market maker is claiming the bona fide market making exception in Rule 203(b)(2)(iii) of Regulation SHO (“BFMM Locate Exception”).⁴ The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (<http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), and at the Exchange's Office of the Secretary.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Rule 4.7 of the CAT Compliance Rule to be consistent with the amendment to the CAT NMS Plan related to the BFMM Locate Exception. In 2023, the Securities and Exchange Commission (the “Commission”) amended the CAT NMS Plan to require the reporting to the CAT of reliance on the BFMM Locate Exception.⁵ Specifically, the Commission added paragraph (D) to Section 6.4(d)(ii) of the CAT NMS Plan, which requires each Participant, through its Compliance Rule, to require its Industry Members to record and report to the Central Repository the following:

for the original receipt or origination of an order to sell an equity security, whether the order is for a short sale effected by a market maker in connection with bona fide market making activities in the security for which the exception in Rule 203(b)(2)(iii) of Regulation SHO is claimed.

Accordingly, the Exchange proposes to amend its CAT Compliance Rule to reflect this additional CAT reporting requirement. Specifically, the Exchange proposes to add subparagraph (G) to Rule 4.7(a)(2), which would require each Industry Member to record and report to the Central Repository the following:

for the original receipt or origination of an order to sell an equity security, whether the order is for a short sale effected by a market maker in connection with bona fide market making activities in the security for which the exception in Rule 203(b)(2)(iii) of Regulation SHO is claimed.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the

Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁶ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁷ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁸ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that this proposal is consistent with the Act because it is consistent with the amendment to the CAT NMS Plan approved by the Commission and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the SEC noted that the Plan “is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.”⁹ To the extent that this proposal implements the Plan as amended, and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the SEC, and is therefore consistent with the Exchange Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The Exchange notes that the proposed rule change is consistent with the amendment to the CAT NMS Plan approved by the Commission and is

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the CAT Compliance Rule. See Rules 4.5 through 4.17 of the Exchange's Rulebook.

⁴ See Securities Exchange Act Release Nos. 98738 (October 13, 2023), 88 FR 75100 (November 1, 2023); and 98739 (October 13, 2023), 88 FR 75079 (November 1, 2023).

⁵ *Id.*

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

⁸ *Id.*

⁹ See Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696, 84697 (November 23, 2016).

designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also notes that the amendment to the CAT Compliance Rule will apply equally to all Industry Members that trade equity securities. In addition, all national securities exchanges and FINRA are proposing these amendments to their CAT Compliance Rules. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁰ and subparagraph (f)(6) of Rule 19b-4 thereunder.¹¹

A proposed rule change filed under Rule 19b-4(f)(6)¹² normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹³ the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving 30-day operative delay is consistent with the protection of investors and the public interest because the proposal seeks to amend the Exchange's CAT Compliance Rule to reflect the requirement in the CAT NMS Plan that industry members report for the original receipt or origination of an order to sell

an equity security, whether the order is for a short sale effected by a market maker in connection with bona fide market making activities in the security for which the exception in Rule 203(b)(2)(iii) of Regulation SHO is claimed.¹⁴ The proposal does not introduce any novel regulatory issues. Accordingly, the Commission designates the proposed rule change to be operative upon filing.¹⁵

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeEDGX-2025-079 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to file number SR-CboeEDGX-2025-079. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish

to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeEDGX-2025-079 and should be submitted on or before December 12, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-20522 Filed 11-20-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104213; File No. SR-CboeEDGA-2025-032]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 4.7 of the Exchange's CAT Compliance Rule

November 18, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on September 26, 2025, Cboe EDGA Exchange, Inc. (the "Exchange" or "EDGA") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGA Exchange, Inc. (the "Exchange" or "EDGA") proposes to amend Rule 4.7 of the Exchange's Consolidated Audit Trail Compliance Rule ("CAT Compliance Rule") regarding the National Market System Plan Governing the Consolidated Audit Trail (the "CAT NMS Plan" or "Plan")³ to be consistent with the amendment to the CAT NMS Plan that requires broker-dealers with a reporting obligation to the Consolidated Audit Trail ("CAT") to

¹⁶ 17 CFR 200.30-3(a)(12) and (59).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the CAT Compliance Rule. See Rules 4.5 through 4.17 of the Exchange's Rulebook.

¹⁰ 15 U.S.C. 78s(b)(3)(A)(iii).

¹¹ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹² 17 CFR 240.19b-4(f)(6).

¹³ 17 CFR 240.19b-4(f)(6)(iii).

¹⁴ See *supra* note 4.

¹⁵ For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

report whether an original receipt or origination of an order to sell an equity security is a short sale for which a market maker is claiming the bona fide market making exception in Rule 203(b)(2)(iii) of Regulation SHO ("BFMM Locate Exception").⁴ The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (<http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), and at the Exchange's Office of the Secretary.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Rule 4.7 of the CAT Compliance Rule to be consistent with the amendment to the CAT NMS Plan related to the BFMM Locate Exception. In 2023, the Securities and Exchange Commission (the "Commission") amended the CAT NMS Plan to require the reporting to the CAT of reliance on the BFMM Locate Exception.⁵ Specifically, the Commission added paragraph (D) to Section 6.4(d)(ii) of the CAT NMS Plan, which requires each Participant, through its Compliance Rule, to require its Industry Members to record and report to the Central Repository the following:

for the original receipt or origination of an order to sell an equity security, whether the order is for a short sale effected by a market maker in connection with bona fide market making activities in the security for which the exception in Rule 203(b)(2)(iii) of Regulation SHO is claimed.

Accordingly, the Exchange proposes to amend its CAT Compliance Rule to reflect this additional CAT reporting requirement. Specifically, the Exchange proposes to add subparagraph (G) to Rule 4.7(a)(2), which would require each Industry Member to record and report to the Central Repository the following:

for the original receipt or origination of an order to sell an equity security, whether the order is for a short sale effected by a market maker in connection with bona fide market making activities in the security for which the exception in Rule 203(b)(2)(iii) of Regulation SHO is claimed.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁶ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁷ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁸ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that this proposal is consistent with the Act because it is consistent with the amendment to the CAT NMS Plan approved by the Commission and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the SEC noted that the Plan "is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the

purposes of the Act."⁹ To the extent that this proposal implements the Plan as amended, and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the SEC, and is therefore consistent with the Exchange Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The Exchange notes that the proposed rule change is consistent with the amendment to the CAT NMS Plan approved by the Commission and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also notes that the amendment to the CAT Compliance Rule will apply equally to all Industry Members that trade equity securities. In addition, all national securities exchanges and FINRA are proposing these amendments to their CAT Compliance Rules. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁰ and subparagraph (f)(6) of Rule 19b-4 thereunder.¹¹

⁹ See Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696, 84697 (November 23, 2016).

¹⁰ 15 U.S.C. 78s(b)(3)(A)(iii).

¹¹ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

⁴ See Securities Exchange Act Release Nos. 98738 (October 13, 2023), 88 FR 75100 (November 1, 2023); and 98739 (October 13, 2023), 88 FR 75079 (November 1, 2023).

⁵ *Id.*

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

⁸ *Id.*

A proposed rule change filed under Rule 19b-4(f)(6)¹² normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹³ the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving 30-day operative delay is consistent with the protection of investors and the public interest because the proposal seeks to amend the Exchange's CAT Compliance Rule to reflect the requirement in the CAT NMS Plan that industry members report for the original receipt or origination of an order to sell an equity security, whether the order is for a short sale effected by a market maker in connection with bona fide market making activities in the security for which the exception in Rule 203(b)(2)(iii) of Regulation SHO is claimed.¹⁴ The proposal does not introduce any novel regulatory issues. Accordingly, the Commission designates the proposed rule change to be operative upon filing.¹⁵

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or

- Send an email to rule-comments@sec.gov. Please include file number SR-CboeEDGA-2025-032 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to file number SR-CboeEDGA-2025-032. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeEDGA-2025-032 and should be submitted on or before December 12, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-20534 Filed 11-20-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104204; File No. SR-PHLX-2025-58]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Remove the Exchange's Dedicated GPS Antenna Service Under General 8, Section 1(d)

November 18, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on September 30, 2025, Nasdaq PHLX LLC ("Phlx" or "Exchange"), filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been

prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to remove the Exchange's dedicated GPS antenna service under General 8, Section 1(d) (Co-Location Services), as discussed further below.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/nasdaq/rulefilings>, and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange offers a Global Positioning System ("GPS") antenna, which allows customers that co-locate their servers and equipment within the Exchange's data center ("NY 11") in Carteret, NJ to synchronize their time recording systems to the U.S. Government's GPS network time (the "Service"). GPS network time is the atomic time scale implemented by the atomic clocks in the GPS ground control stations and GPS satellites. Each GPS satellite contains multiple atomic clocks that contribute precise time data to the GPS signals. GPS receivers decode these signals, synchronizing the receivers to the atomic clocks. A GPS antenna serves as a time signal receiver and feeds a primary clock device the GPS network time using precise time data. Firms can use the precise time data provided by the GPS antenna to time-stamp transactional information. Time synchronization services are well established in the U.S. and utilized in many areas of the U.S. economy and infrastructure. The Service is not novel

¹² 17 CFR 240.19b-4(f)(6).

¹³ 17 CFR 240.19b-4(f)(6)(iii).

¹⁴ See *supra* note 4.

¹⁵ For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁶ 17 CFR 200.30-3(a)(12) and (59).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

to the securities markets, or to the Exchange.

Historically, the Exchange has offered connectivity to a GPS antenna via two options—over shared infrastructure or a dedicated antenna. The shared infrastructure provides GPS services through Nasdaq installed shared cables and hardware located within the data center, whereas the dedicated antenna requires the firm to supply their own privately owned antenna hardware. The installation fee for the shared connection is \$900, and the monthly fee is \$600. The installation fee for the dedicated connection is \$1,500 and the monthly fee is \$600. Firms may choose to purchase multiple time synchronization services for resiliency or otherwise.³ The Exchange offers the Service as a convenience to firms to provide them with the ability to synchronize their own primary clock devices to GPS time via a shared GPS timing signal and time-stamp transactional information.⁴ Firms do not receive an advantage by purchasing the Service from Nasdaq.

The Exchange proposes to remove the dedicated GPS antenna service from its co-location service offering. The decision to remove the dedicated GPS service option is consistent with the Exchange's project to equalize certain connections across its entire data center campus, including both its existing NY11 facility and the NY11-4 expansion (the "Equalization Project") and maintain adequate controls of all cables that run throughout the data center.⁵ The Exchange has identified a risk where customers with a dedicated GPS antenna, which is located on the roof of the data center, may be able to circumvent the equalized infrastructure. In accordance with the Equalization Project's goal of ensuring that customers do not bypass the integrity of the equalized connections maintained throughout the data center, the Exchange is no longer allowing customers to order dedicated GPS antenna service as of September 30, 2025. Service for existing customers with a dedicated GPS antenna will terminate as of April 1, 2026, and all dedicated GPS antennas must be removed by such date. Customers that

want to continue to utilize the Service can request the shared GPS antenna.

Currently, approximately 49% of the Exchange's co-location customers subscribe to the Service, most of which opt for the shared option. The Service is an optional product available to any firm that chooses to subscribe. Firms may cancel their subscription at any time. The Service simply provides time synchronization that may be utilized by firms to adjust their own time systems and time-stamp transactional information. The GPS antenna is offered on a completely voluntary basis. No customer is required to purchase the GPS antenna. Potential subscribers may subscribe to the Service only if they voluntarily choose to do so. It is a business decision of each firm whether to subscribe to the Service or not. Customers do not receive an advantage by purchasing the Service from Nasdaq; the Exchange is merely providing access to GPS signals.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁶ in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,⁷ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposed change to its connectivity service offering is reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for equity securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: "[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in

the execution of order flow from broker dealers'. . . ."⁸

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."⁹

The Exchange believes that it is reasonable and equitable to remove the dedicated GPS antenna service and fee from its connectivity offerings because the service does not align with the Exchange's Equalization Project and the goal of maintaining the integrity of equalization within the Exchange's data center. The removal of the dedicated antenna is unlikely to burden the market because the purchase of the Service is optional for all categories of co-location customers and customers can discontinue the use of the Service at any time. Additionally, customers will maintain the option of utilizing the Service via the shared GPS antenna. Additionally, the proposed change is not unfairly discriminatory because the dedicated GPS service will be removed for all market participants and the option to utilize the shared Service will also be available for all market participants. As discussed above, approximately 49% of the Exchange's co-location customers subscribe to the Service and most of them opt for the shared antenna.

The Exchange believes that it is reasonable to provide existing customers with at least six months lead time to prepare to remove their dedicated antenna from the data center's roof before the service terminates. This provides co-location customers with sufficient time to remove their antennas from the data center and switch to the shared GPS antenna service before the direct GPS antenna service is terminated.

⁸ *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

⁹ Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) ("Regulation NMS Adopting Release").

³ Of the Exchange's co-location customers that subscribe to the Service, approximately 5% of such co-location customers purchase both the dedicated and the shared options of the Service.

⁴ In offering the Service as a convenience to firms, the Exchange incurs certain costs, including costs related to the data center facility, hardware and equipment, and personnel.

⁵ See Securities and Exchange Act Release No. 34–101078 (Sept. 18, 2024), 89 FR 77937 (September 24, 2024) (SR–NASDAQ–2024–054) ("Co-Location Expansion Proposal").

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(4) and (5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Nothing in the proposal imposes any burden on the ability of customers or other exchanges to compete. The Exchange operates in a highly competitive market in which exchanges and other vendors offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations. Eliminating the dedicated GPS antenna services will not cause any burden on inter-market competition. Additionally, there is no burden to intra-market competition because the direct GPS antenna service is being terminated for all customers and the Exchange has provided all customers with the same timeline to terminate or convert to the shared GPS antenna service on a non-discriminatory basis. Use of any co-location service is completely voluntary, and each market participant can determine whether to use co-location services based on the requirements of its business operations.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.¹⁰

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-PHLX-2025-58 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to file number SR-PHLX-2025-58. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-PHLX-2025-58 and should be submitted on or before December 12, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-20525 Filed 11-20-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104209; File No. SR-NYSE-2025-38]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 7.5

November 18, 2025.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 ("Act")² and Rule 19b-4 thereunder,³ notice is hereby given that on

September 25, 2025, New York Stock Exchange LLC ("NYSE" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7.5 (Trading Units) to conform with a recent amendment to the definition of round lot under Regulation NMS. The proposed rule change is available on the Exchange's website at www.nyse.com and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 7.5 (Trading Units) to conform with the definition of round lot under Regulation NMS ("Reg NMS") that is to be implemented in November 2025.⁴

Background and Proposed Rule Change

Rule 7.5 defines a "round lot" as 100 shares, unless specified by a primary listing market to be fewer than 100 shares. Under Rule 7.5, any amount less than a round lot constitutes an "odd lot," and any amount greater than a round lot that is not a multiple of a round lot constitutes a "mixed lot."

In 2020, the Commission amended Reg NMS to modernize the NMS information provided within the national market system for the benefit of

¹¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ See Securities Exchange Act Release No. 101070 (September 18, 2024), 89 FR 81620 (October 8, 2024) (S7-30-22) ("Release No. 101070").

¹⁰ 15 U.S.C. 78s(b)(3)(A)(ii).

market participants and to better achieve Section 11A's goals of assuring "the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities that is prompt, accurate, reliable, and fair" (the "MDI Rules").⁵ These changes included an amendment to Rule 600 of Reg NMS to include a definition of "round lot" that assigns each NMS stock to a round lot size based on the stock's average closing price.

As part of the amendments to certain Reg NMS rules in 2024, the Commission revised the round lot and odd-lot definitions adopted in 2020 under the MDI Rules and accelerated the compliance date for the amended definitions.⁶ Rule 600(b)(93) under Reg NMS defines a round lot and provides that for NMS stocks that have an average closing price on the primary listing exchange during the prior evaluation period of: (1) \$250.00 or less per share, a round lot is 100 shares; (2) \$250.01 to \$1,000.00 per share, a round lot is 40 shares; (3) \$1,000.01 to \$10,000.00 per share, a round lot is 10 shares; and (4) \$10,000.01 or more per share, a round lot is 1 share.⁷ The round lot definition will be implemented on the first business day of November 2025.⁸

In anticipation of the upcoming compliance date, the Exchange proposes to amend its definition of round lot to reflect the definition of round lot under Reg NMS. To effectuate this change, the Exchange would replace "specified by the primary listing market" with "required by the definition of 'round lot' under Regulation NMS." As proposed, the second sentence of Rule 7.5 would read "A 'round lot' is 100 shares, unless required by the definition of 'round lot' under Regulation NMS to be fewer than 100 shares." The Exchange does not propose any other changes to Rule 7.5.

Implementation Date

The Exchange proposes that the rule change would become operative on November 3, 2025, the same date as the compliance deadline for the updated definition of round lot under Reg NMS is to be implemented.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁹ in general, and furthers the objectives of Section

6(b)(1)¹⁰ in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5)¹¹ of the Act in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

As discussed above, the Exchange proposes to amend Rule 7.5 to conform with the definition of round lot under Reg NMS that is to be implemented in November 2025. The Exchange believes that the proposed rule change would increase the clarity and transparency of the Exchange's rules and remove impediments to and perfect the mechanism of a free and open market by ensuring that the Exchange's rules properly reflect the requirements of Rule 600 of Reg NMS. The Exchange also believes that the proposed rule change would remove impediments to and perfects the mechanism of a free and open market by ensuring that persons subject to the Exchange's jurisdiction, regulators, and the investing public can more easily navigate and understand the Exchange's rules. The proposed rule change would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from the increased transparency and clarity, thereby reducing potential confusion. The Exchange accordingly believes that the proposed rule change does not raise any new or novel issues not previously considered by the Commission.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather is

concerned solely with updating the Exchange's definition of round lot to reflect the definition of that term in Reg NMS in anticipation of the upcoming compliance deadline in November 2025.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act¹² and Rule 19b-4(f)(6) thereunder.¹³ Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act¹⁴ and Rule 19b-4(f)(6)¹⁵ thereunder.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹⁶ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

¹² 15 U.S.C. 78s(b)(3)(A)(iii).

¹³ 17 CFR 240.19b-4(f)(6).

¹⁴ 15 U.S.C. 78s(b)(3)(A).

¹⁵ Rule 19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁶ 15 U.S.C. 78s(b)(2)(B).

⁵ See Securities Exchange Act Release No. 90610 (December 9, 2020), 86 FR 18596 (April 9, 2021) (File No. S7-03-20) ("MDI Adopting Release").

⁶ See Release 01070, 89 FR at 81680.

⁷ See 17 CFR 242.600(b)(93).

⁸ See Release No. No. 101070, 89 FR at 81666.

⁹ 15 U.S.C. 78f(b)(5).

¹⁰ 15 U.S.C. 78f(b)(1).

¹¹ 15 U.S.C. 78f(b)(5).

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR–NYSE–2025–38 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSE–2025–38. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSE–2025–38 and should be submitted on or before December 12, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁷

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025–20530 Filed 11–20–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104215; File No. SR–CboeBYX–2025–032]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 4.7 of the Exchange's CAT Compliance Rule

November 18, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on

September 29, 2025, Cboe BYX Exchange, Inc. (the “Exchange” or “BYX”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BYX Exchange, Inc. (the “Exchange” or “BYX”) proposes to amend Rule 4.7 of the Exchange's Consolidated Audit Trail Compliance Rule (“CAT Compliance Rule”) regarding the National Market System Plan Governing the Consolidated Audit Trail (the “CAT NMS Plan” or “Plan”)³ to be consistent with the amendment to the CAT NMS Plan that requires broker-dealers with a reporting obligation to the Consolidated Audit Trail (“CAT”) to report whether an original receipt or origination of an order to sell an equity security is a short sale for which a market maker is claiming the bona fide market making exception in Rule 203(b)(2)(iii) of Regulation SHO (“BFMM Locate Exception”).⁴ The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (<http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), and at the Exchange's Office of the Secretary.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

³ Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the CAT Compliance Rule. See Rules 4.5 through 4.17 of the Exchange's Rulebook.

⁴ See Securities Exchange Act Release Nos. 98738 (October 13, 2023), 88 FR 75100 (November 1, 2023); and 98739 (October 13, 2023), 88 FR 75079 (November 1, 2023).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Rule 4.7 of the CAT Compliance Rule to be consistent with the amendment to the CAT NMS Plan related to the BFMM Locate Exception. In 2023, the Securities and Exchange Commission (the “Commission”) amended the CAT NMS Plan to require the reporting to the CAT of reliance on the BFMM Locate Exception.⁵ Specifically, the Commission added paragraph (D) to Section 6.4(d)(ii) of the CAT NMS Plan, which requires each Participant, through its Compliance Rule, to require its Industry Members to record and report to the Central Repository the following:

for the original receipt or origination of an order to sell an equity security, whether the order is for a short sale effected by a market maker in connection with bona fide market making activities in the security for which the exception in Rule 203(b)(2)(iii) of Regulation SHO is claimed.

Accordingly, the Exchange proposes to amend its CAT Compliance Rule to reflect this additional CAT reporting requirement. Specifically, the Exchange proposes to add subparagraph (G) to Rule 4.7(a)(2), which would require each Industry Member to record and report to the Central Repository the following:

for the original receipt or origination of an order to sell an equity security, whether the order is for a short sale effected by a market maker in connection with bona fide market making activities in the security for which the exception in Rule 203(b)(2)(iii) of Regulation SHO is claimed.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁶ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁷ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to,

⁵ *Id.*

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

¹⁷ 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁸ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that this proposal is consistent with the Act because it is consistent with the amendment to the CAT NMS Plan approved by the Commission and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the SEC noted that the Plan “is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.”⁹ To the extent that this proposal implements the Plan as amended, and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the SEC, and is therefore consistent with the Exchange Act.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The Exchange notes that the proposed rule change is consistent with the amendment to the CAT NMS Plan approved by the Commission and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also notes that the amendment to the CAT Compliance Rule will apply equally to all Industry Members that trade equity securities. In addition, all national securities exchanges and FINRA are proposing these amendments to their CAT Compliance Rules. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁰ and subparagraph (f)(6) of Rule 19b–4 thereunder.¹¹

A proposed rule change filed under Rule 19b–4(f)(6)¹² normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),¹³ the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving 30-day operative delay is consistent with the protection of investors and the public interest because the proposal seeks to amend the Exchange’s CAT Compliance Rule to reflect the requirement in the CAT NMS Plan that industry members report for the original receipt or origination of an order to sell an equity security, whether the order is for a short sale effected by a market maker in connection with bona fide market making activities in the security for which the exception in Rule 203(b)(2)(iii) of Regulation SHO is claimed.¹⁴ The proposal does not introduce any novel regulatory issues. Accordingly, the Commission

designates the proposed rule change to be operative upon filing.¹⁵

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission’s internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR–CboeBYX–2025–032 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeBYX–2025–032. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission’s internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeBYX–2025–032 and should be submitted on or before December 12, 2025.

¹⁵ For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule’s impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁰ 15 U.S.C. 78s(b)(3)(A)(iii).

¹¹ 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹² 17 CFR 240.19b–4(f)(6).

¹³ 17 CFR 240.19b–4(f)(6)(iii).

¹⁴ See *supra* note 4.

⁸ *Id.*

⁹ See Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696, 84697 (November 23, 2016).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025–20536 Filed 11–20–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104214; File No. SR–BOX–2025–26]

Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 16030 of the Exchange's Compliance Rule Regarding the National Market System Plan Governing the Consolidated Audit Trail

November 18, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on September 30, 2025, BOX Exchange LLC (the “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 16030 (Consolidated Audit Trail—Industry Member Data Reporting) of the Exchange's compliance rule (“CAT Compliance Rule”) regarding the National Market System Plan Governing the Consolidated Audit Trail (the “CAT NMS Plan”)³ to be consistent with the amendment to the CAT NMS Plan that requires broker-dealers with a reporting obligation to CAT to report whether an original receipt or origination of an order to sell an equity security is a short sale for which a market maker is claiming the bona fide market making exception in Rule 203(b)(2)(iii) of Regulation SHO (“BFMM Locate Exception”).⁴ The text of the proposed

rule change is available from the principal office of the Exchange, and also on the Exchange's internet website at <https://rules.boxexchange.com/rulefilings>.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Rule 16030 of the CAT Compliance Rule to be consistent with the amendment to the CAT NMS Plan related to the BFMM Locate Exception. In 2023, the Commission amended the CAT NMS Plan to require the reporting to the CAT of reliance on the BFMM Locate Exception.⁵ Specifically, the Commission added paragraph (D) to Section 6.4(d)(ii) of the CAT NMS Plan, which requires each Participant, through its Compliance Rule, to require its Industry Members to record and report to the Central Repository the following:

for the original receipt or origination of an order to sell an equity security, whether the order is for a short sale effected by a market maker in connection with bona fide market making activities in the security for which the exception in Rule 203(b)(2)(iii) of Regulation SHO is claimed.

Accordingly, the Exchange proposes to amend its CAT Compliance Rule to reflect this additional CAT reporting requirement. Specifically, the Exchange proposes to add paragraph (G) to Rule 16030, which would require each Industry Member to record and report to the Central Repository the following:

for the original receipt or origination of an order to sell an equity security, whether the order is for a short sale effected by a market maker in connection with bona fide market making activities in the security for which the exception in Rule 203(b)(2)(iii) of Regulation SHO is claimed.

⁵ *Id.*

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b)(5) of the Act,⁶ which require, among other things, that the Exchange's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and Section 6(b)(8) of the Act,⁷ which requires that the Exchange's rules not impose any burden on competition that is not necessary or appropriate.

The Exchange believes that this proposal is consistent with the Act because it is consistent with the amendment to the CAT NMS Plan approved by the Commission and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the SEC noted that the Plan “is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.”⁸ To the extent that this proposal implements the Plan as amended, and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the SEC, and is therefore consistent with the Exchange Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The Exchange notes that the proposed rule change is consistent with the amendment to the CAT NMS Plan approved by the Commission and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also notes that the amendment to the CAT Compliance Rule will apply equally to all Industry Members that trade equity securities. In addition, all national securities exchanges and FINRA are proposing these amendments to their CAT Compliance Rules. Therefore, this is not a competitive rule filing, and,

⁶ 15 U.S.C. 78f(b)(6).

⁷ 15 U.S.C. 78f(b)(8).

⁸ See Securities Exchange Act Release No. 79318 (Nov. 15, 2016), 81 FR 84696, 84697 (Nov. 23, 2016).

¹⁶ 17 CFR 200.30–3(a)(12) and (59).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the CAT Compliance Rule.

⁴ See Securities Exchange Act Rel. No. 98738 (Oct. 13, 2023), 88 FR 75100 (Nov. 1, 2023); Securities Exchange Act Rel. No. 98739 (Oct. 13, 2023), 88 FR 75079 (Nov. 1, 2023).

therefore, it does not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act⁹ and subparagraph (f)(6) of Rule 19b-4 thereunder.¹⁰

A proposed rule change filed under Rule 19b-4(f)(6)¹¹ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹² the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving 30-day operative delay is consistent with the protection of investors and the public interest because the proposal seeks to amend the Exchange's CAT Compliance Rule to reflect the requirement in the CAT NMS Plan that industry members report for the original receipt or origination of an order to sell an equity security, whether the order is for a short sale effected by a market maker in connection with bona fide market making activities in the security for which the exception in Rule 203(b)(2)(iii) of Regulation SHO is claimed.¹³ The proposal does not introduce any novel regulatory issues. Accordingly, the Commission

designates the proposed rule change to be operative upon filing.¹⁴

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-BOX-2025-26 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-BOX-2025-26. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-BOX-2025-26 and should be submitted on or before December 12, 2025.

¹⁴ For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁵

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-20535 Filed 11-20-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235-XXXX]

Agency Information Collection Activities; Proposed Collection; Comment Request; Request for a New OMB Control Number: Cost of AML/CFT Compliance Survey

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 soliciting comments on the proposed collection of information. The collection of information is in the form of a survey and will seek information on Bank Secrecy Act ("BSA")¹ Anti-Money Laundering ("AML")/Countering the Financing of Terrorism ("CFT") compliance costs and related topics. The collection of information is voluntary. The purpose of the collection of information is to better understand the cost of AML/CFT compliance for entities registered with the Commission that have AML/CFT obligations under the BSA. The information collected will help assess the cumulative impact of BSA AML/CFT regulations and may inform efforts to adjust regulatory obligations and advance deregulatory proposals consistent with the executive orders of the Trump administration. The data may also support the development of deregulatory rulemakings or guidance to reduce compliance burden without compromising the effectiveness of current AML/CFT frameworks. Subject to the provisions of the Freedom of Information Act, 5 U.S.C. 552, and the Commission's rules thereunder (17 CFR 200.80(b)(4)(iii)), the Commission will not generally publish or make available information contained in any reports, summaries, analyses, letters, or memoranda arising out of this collection. As such, individual responses to the survey will not be made publicly available and will not be

¹⁵ 17 CFR 200.30-3(a)(12) and (59).

¹ 31 U.S.C. 5311 *et seq.*

⁹ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁰ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹¹ 17 CFR 240.19b-4(f)(6).

¹² 17 CFR 240.19b-4(f)(6)(iii).

¹³ See *supra* note 4.

used for examination or enforcement purposes.

There are approximately 3,289 registered broker-dealers and 1,355 registered mutual funds. The staff estimates that the average amount of time necessary to complete the survey will be eight hours. Each respondent choosing to respond would only need to complete the survey once. The total burden, if all respondents reply, would therefore be 37,152 hours.

Interested members of the public may view the proposed survey on at the following web page: <https://www.sec.gov/files/sec-bsa-aml-cft-burden-survey.pdf>.

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.

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.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to PaperworkReductionAct@sec.gov by January 20, 2026. There will be a second opportunity to comment on this SEC request following the **Federal Register** publishing a 30-Day Submission Notice.

Dated: November 18, 2025.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-20493 Filed 11-20-25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104208; File No. SR-PEARL-2025-46]

Self-Regulatory Organizations: Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by MIAX PEARL, LLC To Amend the MIAX Pearl Equities Fee Schedule

November 18, 2025.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on September 30, 2025, MIAX PEARL, LLC ("MIAX Pearl" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the fee schedule (the "Fee Schedule") applicable to MIAX Pearl Equities, an equities trading facility of the Exchange, to amend the following: (i) the standard rebate for executions of orders in securities priced at or above \$1.00 per share that add displayed liquidity to the Exchange and update the corresponding Liquidity Indicator Codes; (ii) the standard rebate for executions of orders in securities priced at or above \$1.00 per share that add non-displayed liquidity to the Exchange and update the corresponding Liquidity Indicator Codes; (iii) the standard fee for executions of orders in securities priced at or above \$1.00 per share that remove liquidity from the Exchange and update the corresponding Liquidity Indicator Codes; (iv) the NBBO Setter Plus Table (described below) to amend certain volume thresholds and the standard and enhanced rebates for executions of orders in securities priced at or above \$1.00 per share that add displayed liquidity to the Exchange; (v) the NBBO Setter Additive Rebate under the NBBO Setter Plus Program (described below); and (vi) Note 3 of the NBBO Setter Plus Table.

The text of the proposed rule change is available on the Exchange's website at <https://www.miaxglobal.com/markets/>

us-options/pearl-options/rule-filings and at MIAX Pearl's principal office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to amend the following: (i) the standard rebate³ for executions of orders in securities priced at or above \$1.00 per share that add displayed liquidity to the Exchange ("Added Displayed Volume") across all Tapes and update the corresponding Liquidity Indicator Codes⁴; (ii) the standard rebate for executions of orders in securities priced at or above \$1.00 per share that add non-displayed liquidity to the Exchange ("Added Non-Displayed Volume") and update the corresponding Liquidity Indicator Codes; (iii) the standard fee for executions of orders in securities priced at or above \$1.00 per share that remove liquidity from the Exchange and update the corresponding Liquidity Indicator Codes; (iv) the NBBO Setter Plus Table⁵ to amend certain volume thresholds and the standard and enhanced rebates for executions of orders in securities priced at or above \$1.00 per share that add displayed liquidity to the Exchange; (v) the NBBO Setter Additive Rebate under the NBBO Setter Plus Program (referred to herein as the "NBBO Program"); and (vi) Note 3 of the NBBO Setter Plus Table.

Proposal To Amend Standard Rebate for Added Displayed Volume

The Exchange proposes to amend Section 1(a) of the Fee Schedule to amend the standard rebate for executions of orders in securities priced

³ The Exchange notes that rebates are indicated by parentheses in the Fee Schedule. See the General Notes section of the Fee Schedule.

⁴ See, generally, Fee Schedule, Section (1)(b).

⁵ See, generally, Fee Schedule, Section (1)(c).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

at or above \$1.00 per share that add displayed liquidity to the Exchange across all Tapes in all trading sessions. Currently, the Exchange provides a standard rebate of (\$0.0018) per share for executions of orders in securities priced at or above \$1.00 per share that add displayed liquidity to the Exchange across all Tapes in all trading sessions.⁶ The Liquidity Indicator Codes applicable to this rebate are as follows: AA, EA, FA, AB, EB, FB, AC, EC, and FC.⁷

The Exchange now proposes to reduce the standard rebate from (\$0.0018) to (\$0.0016) per share for executions of orders in securities priced at or above \$1.00 per share that add displayed liquidity to the Exchange across all Tapes in all trading sessions. The purpose of this proposed change is for business and competitive reasons. The Exchange notes that despite the change proposed herein, the Exchange's proposed standard rebate of (\$0.0016) per share for executions of orders in securities priced at or above \$1.00 per share that add displayed liquidity to the Exchange remains competitive with the standard rebate for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume that is provided by other equity exchanges.⁸

Proposal To Amend Standard Rebate for Added Non-Displayed Volume

The Exchange proposes to amend Section 1(a) of the Fee Schedule to amend the standard rebate for executions of orders in securities priced at or above \$1.00 per share that add non-displayed liquidity to the Exchange across all Tapes in all trading sessions. Currently, the Exchange provides a standard rebate of (\$0.00205) per share for executions of orders in securities priced at or above \$1.00 per share that add non-displayed liquidity to the Exchange across all Tapes in all trading sessions.⁹ The Liquidity Indicator Codes applicable to this rebate are as follows: Aa, Ea, Fa, Ab, Eb, Fb, Ac, Ec, Fc, Ap, Ep, Fp, Ar, Er, and Fr.¹⁰

The Exchange now proposes to reduce the standard rebate from (\$0.00205) to (\$0.00200) per share for executions of

orders in securities priced at or above \$1.00 per share that add non-displayed liquidity to the Exchange across all Tapes in all trading sessions. The purpose of this proposed change is for business and competitive reasons. The Exchange notes that despite the change proposed herein, the Exchange's proposed standard rebate of (\$0.00200) per share for executions of orders in securities priced at or above \$1.00 per share that add non-displayed liquidity to the Exchange remains competitive with the standard rebate for executions of orders in securities priced at or above \$1.00 per share for Added Non-Displayed Volume that is provided by at least one other equity exchange.¹¹

Proposal To Amend Standard Fee for Removed Volume

The Exchange proposes to amend Section 1(a) of the Fee Schedule to amend the standard fee for executions of orders in securities priced at or above \$1.00 per share that remove liquidity from the Exchange across all Tapes in all trading sessions. Currently, the Exchange assesses a standard fee of \$0.00295 per share for executions of orders in securities priced at or above \$1.00 per share that remove liquidity from the Exchange across all Tapes in all trading sessions.¹² The Liquidity Indicator Codes applicable to this fee are as follows: RA, eA, fA, Ra, ea, fa, RB, eB, fB, Rb, eb, fb, RC, eC, fC, Rc, ec, fc, Rp, ep, fp, RR, eR, fR, Rr, er, fr, RT, eT, fT, Rt, et, and ft.¹³

The Exchange now proposes to increase the standard fee from \$0.00295 to \$0.00300 per share for executions of orders in securities priced at or above \$1.00 per share that remove liquidity from the Exchange across all Tapes in all trading sessions. The purpose of this proposed change is for business and competitive reasons. The Exchange notes that despite the change proposed herein, the Exchange's proposed standard fee of \$0.00300 per share for executions of orders in securities priced at or above \$1.00 per share that remove liquidity from the Exchange remains competitive with the standard fee for executions of orders in securities priced at or above \$1.00 per share for removed volume that is charged by other equity exchanges.¹⁴

Proposal To Make Corresponding Changes to Liquidity Indicator Codes

Next, the Exchange proposes to amend Section 1(b) of the Fee Schedule to make the corresponding changes to the Liquidity Indicator Codes that are impacted as a result of the Exchange's proposal to amend the standard rebate for executions of orders in securities priced at or above \$1.00 per share that add displayed liquidity to the Exchange across all Tapes in all trading sessions. In particular, the Exchange proposes to amend the table of Liquidity Indicator Codes and Associated Fees to update the rebate from (\$0.0018) to (\$0.0016) that is associated with Liquidity Indicator Codes AA, EA, FA, AB, EB, FB, AC, EC, and FC.

In addition, the Exchange proposes to amend Section 1(b) of the Fee Schedule to make the corresponding changes to the Liquidity Indicator Codes that are impacted as a result of the Exchange's proposal to amend the standard rebate for executions of orders in securities priced at or above \$1.00 per share that add non-displayed liquidity to the Exchange across all Tapes in all trading sessions. In particular, the Exchange proposes to amend the table of Liquidity Indicator Codes and Associated Fees to update the rebate from (\$0.00205) to (\$0.00200) that is associated with Liquidity Indicator Codes Aa, Ea, Fa, Ab, Eb, Fb, Ac, Ec, Fc, Ap, Ep, Fp, Ar, Er, and Fr.

The Exchange also proposes to amend Section 1(b) of the Fee Schedule to make the corresponding changes to the Liquidity Indicator Codes that are impacted as a result of the Exchange's proposal to amend the standard fee for executions of orders in securities priced at or above \$1.00 per share that remove liquidity from the Exchange across all Tapes in all trading sessions. In particular, the Exchange proposes to amend the table of Liquidity Indicator Codes and Associated Fees to update the fee from \$0.00295 to \$0.00300 that is associated with Liquidity Indicator Codes RA, eA, fA, Ra, ea, fa, RB, eB, fB, Rb, eb, fb, RC, eC, fC, Rc, ec, fc, Rp, ep, fp, RR, eR, fR, Rr, er, fr, RT, eT, fT, Rt, et, and ft.

The purpose of amending the table of Liquidity Indicator Codes and Associated Fees is to provide Equity Members¹⁵ increased clarity as to the amended rebates and fees that will be

priced at or above \$1.00 per share for removed volume); EDGX Equities Fee Schedule, Standard Rates (providing standard fee of \$0.0030 per share for executions of orders in securities priced at or above \$1.00 per share that removes liquidity).

¹⁵ The term "Equity Member" is a Member authorized by the Exchange to transact business on MIAX Pearl Equities. See Exchange Rule 1901.

⁶ See Fee Schedule, Section 1(a).

⁷ See Fee Schedule, Sections 1(a)–(b).

⁸ See, e.g., MEMX LLC ("MEMX") Equities Fee Schedule, Transaction Fees (providing standard rebate of \$0.0015 per share for executions of orders in securities priced at or above \$1.00 per share for added displayed volume); and Cboe EDGX Exchange, Inc. ("EDGX"), Equities Fee Schedule, Standard Rates (providing standard rebate of \$0.0016 per share for executions of orders in securities priced at or above \$1.00 per share that add liquidity).

⁹ See Fee Schedule, Section 1(a).

¹⁰ See Fee Schedule, Sections 1(a)–(b).

¹¹ See, e.g., NYSE Arca, Inc. ("NYSE Arca") Equities Fees and Charges, Section VII, page 9 (providing rebates ranging from \$0.0004 up to \$0.0020 per share for non-displayed orders adding liquidity across all tapes).

¹² See Fee Schedule, Section 1(a).

¹³ See Fee Schedule, Sections 1(a)–(b).

¹⁴ See, e.g., MEMX Equities Fee Schedule, Transaction Fees (providing standard fee of \$0.0030 per share for executions of orders in securities

applied to these particular executions in light of the Exchange's proposed changes to the standard rebates and fees in Section 1)a) of the Fee Schedule, described above.

Proposal To Amend Certain Volume Thresholds and Rebates for the NBBO Program

The NBBO Program was implemented beginning September 1, 2023 and subsequently amended several times.¹⁶ In general, the NBBO Program provides enhanced rebates for Equity Members that add displayed liquidity in securities priced at or above \$1.00 per share in all Tapes based on increasing volume thresholds and increasing market quality levels (described below).¹⁷

Pursuant to the NBBO Setter Plus Table in Section 1)c) of the Fee Schedule, the NBBO Program provides six volume tiers enhanced by three market quality levels to provide

increasing rebates in this segment. The six volume tiers are achievable by greater volume from the best of four alternative methods. The three market quality levels are achievable by greater NBBO participation in a minimum number of specific securities (described below).

MIAX Pearl Equities first determines the applicable NBBO Program tier based on four different volume calculation methods. The four volume-based methods to determine the Equity Member's tier for purposes of the NBBO Program are calculated in parallel in each month, and each Equity Member receives the highest tier achieved from any of the four methods each month. All four volume calculation methods are based on an Equity Member's respective ADAV, NBBO Set Volume, or ADV, each as a percent of industry TCV as the denominator.¹⁸

Under volume calculation Method 1, the Exchange provides tiered rebates based on an Equity Member's ADAV as a percentage of TCV. An Equity Member qualifies for the base rebates in Tier 1 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADAV of at least 0.00% and less than 0.035% of TCV. An Equity Member qualifies for the enhanced rebates in Tier 2 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADAV of at least 0.035% and less than 0.05% of TCV. An Equity Member qualifies for the enhanced rebates in Tier 3 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADAV of at least 0.05% and less than 0.08% of TCV. An Equity Member qualifies for the enhanced rebates in Tier 4 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADAV of at least 0.08% and less than 0.20% of TCV. An Equity Member qualifies for the enhanced rebates in Tier 5 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADAV of at least 0.20% and less than 0.40% of TCV. Finally, an Equity Member qualifies for the enhanced rebates in Tier 6 for executions of orders in

securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADAV of at least 0.40% of TCV.

Under volume calculation Method 2, the Exchange provides tiered rebates based on an Equity Member's NBBO Set Volume as a percentage of TCV. Under volume calculation Method 2, an Equity Member qualifies for the base rebates in Tier 1 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an NBBO Set Volume of at least 0.00% and less than 0.01% of TCV. An Equity Member qualifies for the enhanced rebates in Tier 2 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an NBBO Set Volume of at least 0.01% and less than 0.015% of TCV. An Equity Member qualifies for the enhanced rebates in Tier 3 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an NBBO Set Volume of at least 0.015% and less than 0.02% of TCV. An Equity Member qualifies for the enhanced rebates in Tier 4 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an NBBO Set Volume of at least 0.02% and less than 0.03% of TCV. An Equity Member qualifies for the enhanced rebates in Tier 5 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an NBBO Set Volume of at least 0.03% and less than 0.08% of TCV. Finally, an Equity Member qualifies for the enhanced rebates in Tier 6 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an NBBO Set Volume of at least 0.08% of TCV.

Under volume calculation Method 3, the Exchange provides tiered rebates based on an Equity Member's ADV as a percentage of TCV. An Equity Member qualifies for the base rebates in Tier 1 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADV of at least 0.00% and less than 0.15% of TCV. An Equity Member qualifies for the enhanced rebates in Tier 2 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADV of at least 0.15% and less than 0.18% of TCV. An Equity Member qualifies for the enhanced rebates in Tier 3 for executions of orders

¹⁶ See, e.g., Securities Exchange Act Release Nos. 98472 (September 21, 2023), 88 FR 66533 (September 27, 2023) (SR-PEARL-2023-45); 99318 (January 11, 2024), 89 FR 3488 (January 18, 2024) (SR-PEARL-2023-73); 99695 (March 8, 2024), 89 FR 18694 (March 14, 2024) (SR-PEARL-2024-11); 99982 (April 17, 2024), 79 FR 30408 (April 23, 2024) (SR-PEARL-2024-18); 100338 (June 14, 2024), 89 FR 52141 (June 21, 2024) (SR-PEARL-2024-26); 100491 (July 10, 2024) 89 FR 57974 (July 16, 2024) (SR-PEARL-2024-28); 101100 (September 19, 2024), 89 FR 78359 (September 25, 2024) (SR-PEARL-2024-41); 101611 (November 13, 2024), 89 FR 91455 (November 19, 2024) (SR-PEARL-2024-50); 102448 (February 19, 2025), 90 FR 10676 (February 25, 2025) (SR-PEARL-2025-05); 103234 (June 11, 2025), 90 FR 25699 (June 17, 2025) (SR-PEARL-2025-28); 103645 (August 6, 2025), and 90 FR 38677 (August 11, 2025) (SR-PEARL-2025-38).

¹⁷ The NBBO Program provides the following additional incentives that Equity Members may achieve: (1) an NBBO Setter Additive Rebate; and (2) an NBBO First Joiner Additive Rebate. The NBBO Setter Additive Rebate is an additive rebate of (\$0.0003) per share for executions of orders in securities priced at or above \$1.00 per share that set the NBB or NBO on MIAX Pearl Equities with a minimum size of a round lot. The Exchange proposes to amend the NBBO Setter Additive Rebate, which is described in further detail below. Equity Members must also execute at least 0.015% of NBBO Set Volume as a percentage of TCV during the relevant month to qualify for this additive rebate. See Fee Schedule, Section 1)c). "NBBO Set Volume" means the ADAV in all securities of an Equity Member that sets the NBB or NBO on MIAX Pearl Equities. See *id.* "TCV" means total consolidated volume calculated as the volume in shares reported by all exchanges and reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply. *Id.* The Exchange does not propose to amend the NBBO First Joiner Additive Rebate, which is an additive rebate of (\$0.0001) per share for executions of orders in securities priced at or above \$1.00 per share that bring MIAX Pearl Equities to the established NBB or NBO with a minimum size of a round lot. See Fee Schedule, Section 1)c). Equity Members must also execute at least 0.015% of NBBO Set Volume as a percentage of TCV during the relevant month to qualify for this additive rebate. See *id.*

¹⁸ "ADAV" means average daily added volume calculated as the number of shares added per day and "ADV" means average daily volume calculated as the number of shares added or removed, combined, per day. ADAV and ADV are calculated on a monthly basis. See the Definitions Section of the Fee Schedule.

in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADV of at least 0.18% and less than 0.20% of TCV. An Equity Member qualifies for the enhanced rebates in Tier 4 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADV of at least 0.20% and less than 0.60% of TCV. An Equity Member qualifies for the enhanced rebates in Tier 5 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADV of at least 0.60% and less than 1.00% of TCV. Finally, an Equity Member qualifies for the enhanced rebates in Tier 6 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADV of at least 1.00% of TCV.

Under volume calculation Method 4, the Exchange provides tiered rebates based on an Equity Member's ADAV as a percentage of TCV, excluding sub-dollar volume in the calculation. An Equity Member qualifies for the base rebates in Tier 1 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume (excluding sub-dollar securities) across all Tapes by achieving an ADAV of at least 0.00% and less than 0.035% of TCV. An Equity Member qualifies for the enhanced rebates in Tier 2 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume (excluding sub-dollar securities) across all Tapes by achieving an ADAV of at least 0.035% and less than 0.05% of TCV. An Equity Member qualifies for the enhanced rebates in Tier 3 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume (excluding sub-dollar securities) across all Tapes by achieving an ADAV of at least 0.05% and less than 0.08% of TCV. An Equity Member qualifies for the enhanced rebates in Tier 4 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume (excluding sub-dollar securities) across all Tapes by achieving an ADAV of at least 0.08% and less than 0.20% of TCV. An Equity Member qualifies for the enhanced rebates in Tier 5 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume (excluding sub-dollar securities) across all Tapes by achieving an ADAV of at least 0.20% and less than 0.40% of TCV. Finally, an Equity Member qualifies for the enhanced rebates in Tier 6 for

executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume (excluding sub-dollar securities) across all Tapes by achieving an ADAV of at least 0.40% of TCV.

After the volume calculation is performed to determine highest tier achieved by the Equity Member, the applicable rebate is calculated based on two different measurements based on the Equity Member's participation at the NBBO on the Exchange in certain securities (referenced below).

The Exchange provides one column of base rebates (referred to in the NBBO Setter Plus Table as "Level A") and two columns of enhanced rebates (referred to in the NBBO Setter Plus Table as "Level B" and "Level C"),¹⁹ depending on the Equity Member's Percent Time at NBBO²⁰ on MIAx Pearl Equities in a certain amount of specified securities ("Market Quality Securities" or "MQ Securities").²¹ The NBBO Setter Plus Table specifies the percentage of time that the Equity Member must be at the NBB or NBO on MIAx Pearl Equities in at least 200 symbols out of the full list of 1,000 MQ Securities (which symbols may vary from time to time based on market conditions). The list of MQ Securities is generally based on the top multi-listed 1,000 symbols by ADV across all U.S. securities exchanges. The list of MQ Securities is updated

¹⁹ For the purpose of determining qualification for the rebates described in all Levels of the Market Quality Tier columns in the NBBO Setter Plus Table, the Exchange will exclude from its calculation: (1) any trading day that the Exchange's system experiences a disruption that lasts for more than 60 minutes during regular trading hours; (2) any day with a scheduled early market close; (3) the "Russell Reconstitution Day" (typically the last Friday in June); (4) any day that the MSCI Equities Indexes are rebalanced (*i.e.*, on a quarterly basis); and (5) any day that the S&P 400, S&P 500, and S&P 600 Indexes are rebalanced (*i.e.*, on a quarterly basis). See the General Notes section of the Fee Schedule.

²⁰ "Percent Time at NBBO" means the aggregate of the percentage of time during regular trading hours where a Member has a displayed order of at least one round lot at the national best bid ("NBB") or national best offer ("NBO"). For the avoidance of doubt, only orders that are at the NBB or NBO during the Regular Trading Session count towards the Percent Time at NBBO calculation. See the Definitions section of the Fee Schedule. The term "Regular Trading Session" shall mean the time between the completion of the Opening Process or Contingent Open as defined in Exchange Rule 2615 and 4:00 p.m. Eastern Time. See Exchange Rule 1901.

²¹ "Market Quality Securities" or "MQ Securities" shall mean a list of securities designated as such, that are used for the purposes of qualifying for the rebates described in Level B and Level C of the Market Quality Tier columns in the NBBO Setter Plus Program. The universe of these securities will be determined by the Exchange and published on the Exchange's website. See the Definitions section of the Fee Schedule.

monthly by the Exchange and published on the Exchange's website.²²

The base rebates ("Level A") are as follows: (\$0.00180) per share in Tier 1; (\$0.00275) per share in Tier 2; (\$0.00285) per share in Tier 3; (\$0.00295) per share in Tier 4; (\$0.00320) per share in Tier 5; and (\$0.00325) per share in Tier 6. Under Level B, the Exchange provides enhanced rebates for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes if the Equity Member's Percent Time at NBBO is at least 25% and less than 50% in at least 200 MQ Securities per trading day during the month. The Level B rebates are as follows: (\$0.00210) per share in Tier 1; (\$0.00280) per share in Tier 2; (\$0.00290) per share in Tier 3; (\$0.00300) per share in Tier 4; (\$0.00325) per share in Tier 5; and (\$0.00330) per share in Tier 6. Under Level C, the Exchange provides enhanced rebates for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes if the Equity Member's Percent Time at NBBO is at least 50% in at least 200 MQ Securities per trading day during the month. The Level C rebates are as follows: (\$0.00215) per share in Tier 1; (\$0.00285) per share in Tier 2; (\$0.00295) per share in Tier 3; (\$0.00305) per share in Tier 4; (\$0.00330) per share in Tier 5;²³ and (\$0.00335) per share in Tier 6.

The Exchange proposes to amend the NBBO Setter Plus Table in Section (1)(c) of the Fee Schedule to amend volume calculation methods used to determine the Equity Member's tier for purposes of the NBBO Program. Specifically, the Exchange proposes to increase the maximum volume threshold by 0.005% for Tier 1 of volume calculation Method 1 and make the corresponding change to increase the minimum threshold by 0.005% for Tier 2 of volume calculation Method 1 of the NBBO Program. The Exchange proposes to increase the maximum volume threshold by 0.01% for Tier 2 of volume calculation Method

²² See *e.g.*, MIAx Pearl Equities Exchange—Market Quality Securities (MQ Securities) List, available at <https://www.miaxglobal.com/markets/us-equities/pearl-equities/fees> (last visited September 24, 2025).

²³ The Exchange provides an alternative method for Equity Members to qualify for the enhanced rebate of Tier 5, Level C by satisfying the following three requirements in the relevant month: (1) Midpoint ADAV of at least 2,500,000 shares; (2) displayed ADAV of at least 10,000,000 shares; and (3) Percent Time at the NBBO of at least 50% in 200 or more symbols from the list of MQ Securities. See Fee Schedule, Section 1(c), note 3. The Exchange proposes to amend the first requirement of the alternative method (described below).

1 and make the corresponding change to increase the minimum threshold by 0.01% for Tier 3 of volume calculation Method 1 of the NBBO Program. The Exchange proposes to increase the maximum volume threshold by 0.02% for Tier 3 of volume calculation Method 1 and make the corresponding change to increase the minimum threshold by 0.02% for Tier 4 of volume calculation Method 1 of the NBBO Program. Accordingly, with the proposed changes to volume calculation Method 1, an Equity Member will qualify for the base rebates in Tier 1 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADAV of at least 0.00% and less than 0.04% of TCV. An Equity Member will qualify for the rebates in Tier 2 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADAV of at least 0.04% and less than 0.06% of TCV. An Equity Member will qualify for the rebates in Tier 3 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADAV of at least 0.06% and less than 0.10% of TCV. An Equity Member will qualify for the rebates in Tier 4 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADAV of at least 0.10% and less than 0.20% of TCV. The Exchange does not propose to amend the volume threshold percentages in Tiers 5 and 6 for volume calculation Method 1.

The Exchange proposes to increase the maximum volume threshold by 0.05% for Tier 3 of volume calculation Method 3 and make the corresponding change to increase the minimum threshold by 0.05% for Tier 4 of volume calculation Method 3 of the NBBO Program. Accordingly, an Equity Member will qualify for the rebates in Tier 3 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADV of at least 0.18% and less than 0.25% of TCV. An Equity Member will qualify for the rebates in Tier 4 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume across all Tapes by achieving an ADV of at least 0.25% and less than 0.60% of TCV. The Exchange does not propose to amend the volume threshold percentages in Tiers 1, 2, 5 and 6 for volume calculation Method 3.

The Exchange proposes to increase the maximum volume threshold by 0.005% for Tier 1 of volume calculation

Method 4 and make the corresponding change to increase the minimum threshold by 0.005% for Tier 2 of volume calculation Method 4 of the NBBO Program. The Exchange proposes to increase the maximum volume threshold by 0.01% for Tier 2 of volume calculation Method 4 and make the corresponding change to increase the minimum threshold by 0.01% for Tier 3 of volume calculation Method 4 of the NBBO Program. The Exchange proposes to increase the maximum volume threshold by 0.02% for Tier 3 of volume calculation Method 4 and make the corresponding change to increase the minimum threshold by 0.02% for Tier 4 of volume calculation Method 4 of the NBBO Program. Accordingly, an Equity Member will qualify for the rebates in Tier 1 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume (excluding sub-dollar securities) across all Tapes by achieving an ADAV of at least 0.00% and less than 0.04% of TCV. An Equity Member will qualify for the rebates in Tier 2 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume (excluding sub-dollar securities) across all Tapes by achieving an ADAV of at least 0.04% and less than 0.06% of TCV. An Equity Member will qualify for the rebates in Tier 3 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume (excluding sub-dollar securities) across all Tapes by achieving an ADAV of at least 0.06% and less than 0.10% of TCV. An Equity Member will qualify for the rebates in Tier 4 for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume (excluding sub-dollar securities) across all Tapes by achieving an ADAV of at least 0.10% and less than 0.20% of TCV. The Exchange does not propose to amend the volume threshold percentages in Tiers 5 and 6 for volume calculation Method 4.

The Exchange proposes to amend the NBBO Setter Plus Table in Section 1(c) of the Fee Schedule to decrease the rebates for Tiers 1 through 5 for all rebate levels of the NBBO Program. With the proposed changes, the Level A rebates will be as follows: (\$0.00160) per share in Tier 1; (\$0.00245) per share in Tier 2; (\$0.00265) per share in Tier 3; (\$0.00285) per share in Tier 4; and (\$0.00310) per share in Tier 5. The Level B rebates will be as follows: (\$0.00165) per share in Tier 1; (\$0.00250) per share in Tier 2; (\$0.00270) per share in Tier 3; (\$0.00290) per share in Tier 4; and (\$0.00315) per share in Tier 5. The Level C rebates will be as follows: (\$0.00170)

per share in Tier 1; (\$0.00255) per share in Tier 2; (\$0.00275) per share in Tier 3; (\$0.00295) per share in Tier 4; and (\$0.00325) per share in Tier 5. The Exchange does not propose to make any changes to the rebates for Tier 6 of the NBBO Program.

The purpose of increasing the volume thresholds and reducing the standard and enhanced rebates for executions of Added Displayed Volume for the above-described tiers and market quality levels of the NBBO Program is for business and competitive reasons. The Exchange notes that even with the proposed increase in the volume thresholds and decrease in the NBBO Program rebates, the base and enhanced rebates of the NBBO Program remain competitive with, or higher than, the rebates provided by other exchanges for executions of orders in securities priced at or above \$1.00 per share that add displayed liquidity to those exchanges.²⁴

Proposal To Amend the NBBO Setter Additive Rebate

The Exchange proposes to amend the NBBO Setter Additive Rebate in the NBBO Setter Plus Table in Section 1(c) of the Fee Schedule. Currently, the Exchange provides an NBBO Setter Additive Rebate of (\$0.0003) per share, which applies only to executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume (other than Retail Orders²⁵) that set the NBB or NBO on MIAX Pearl Equities with a minimum size of a round lot. Equity Members must also execute at least 0.015% of NBBO Set Volume as a percentage of TCV during the relevant month to qualify for this additive rebate.

The Exchange now proposes to increase the NBBO Setter Additive Rebate from (\$0.0003) to (\$0.00035) per share for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume (other than Retail Orders) that set the

²⁴ See MEMX Equities Fee Schedule, Transaction Fees section (providing a highest enhanced rebate of \$0.0033 per share for executions of orders in securities priced at or above \$1.00 per share that meet certain volume requirements); and Cboe BZX Exchange, Inc. ("BZX"), Equities Fee Schedule, Add/Remove Volume Tiers (providing a highest enhanced rebate of \$0.0032 per share for executions of orders in securities priced at or above \$1.00 per share that meet certain volume requirements).

²⁵ A "Retail Order" is an agency or riskless principal order that meets the criteria of FINRA Rule 5320.03 that originates from a natural person and is submitted to the Exchange by a Retail Member Organization, provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology. See Exchange Rule 2626(a)(2).

NBB or NBO on MIAX Pearl Equities with a minimum size of a round lot. Equity Members will continue to have to execute at least 0.015% of NBBO Set Volume as a percentage of TCV during the relevant month to qualify for this additive rebate. The purpose of the proposed increase to the NBBO Setter Additive Rebate is to continue to provide an additional incentive for Equity Members to contribute Added Displayed Volume in securities priced at or above \$1.00 per share that sets the NBB or NBO on MIAX Pearl Equities, which should benefit all Equity Members by providing greater execution opportunities on the Exchange and contribute to a deeper, more liquid market, to the benefit of all investors and market participants.

Proposal To Amend the Notes Section of the NBBO Setter Plus Table

The Exchange proposes to amend the Notes section of the NBBO Setter Plus Table to amend Note 3 regarding the alternative volume calculation method for Equity Members to qualify for the Tier 5, Level C enhanced rebate, as proposed to be reduced. Currently, Note 3 provides that an Equity Member may qualify for the enhanced rebate of Tier 5, Level C via an alternative method by satisfying the following three requirements in the relevant month: (1) Midpoint ADAV²⁶ of at least 2,500,000 shares; (2) Displayed ADAV of at least 10,000,000 shares; and (3) Percent Time at the NBBO of at least 50% in 200 or more symbols from the list of MQ Securities. The Exchange now proposes to amend the first requirement for an Equity Member to qualify for the enhanced rebate of Tier 5, Level C via an alternative method to increase the minimum midpoint ADAV requirement from 2,500,000 to 7,000,000 shares.

The purpose of this proposed change is for business and competitive reasons in light of recent volume growth on the Exchange. The Exchange believes the proposed alternative method for Equity

Members to achieve the enhanced rebate of Tier 5, Level C of the NBBO Program is a reasonable means to continue incentivizing additional liquidity at the midpoint of the Protected NBBO and Added Displayed Volume, which in turn should increase the attractiveness of the Exchange as a destination venue as Equity Members seeking price improvement would be more motivated to direct their orders to the Exchange because they would have a heightened expectation of the availability of liquidity at the midpoint of the Protected NBBO.

Implementation

The proposed changes are effective beginning October 1, 2025.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act²⁷ in general, and furthers the objectives of Section 6(b)(4) of the Act²⁸ in particular, in that the proposed changes are an equitable allocation of reasonable fees and other charges among the Exchange's Equity Members and issuers and other persons using its facilities. The Exchange also believes that the proposal is consistent with the objectives of Section 6(b)(5)²⁹ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, and to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and, particularly, is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange operates in a highly fragmented and competitive market in which market participants can readily direct their order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of seventeen registered equities exchanges, and there are a number of alternative trading systems and other off-exchange venues, to which market participants may direct their order flow. For the month of August 2025, based on

publicly available information, no single registered equities exchange had more than approximately 13.90% of the total market share of executed volume of equities trading.³⁰ Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. For the month of August 2025, the Exchange represented 1.03% of the total market share of executed volume of equities trading.³¹ The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and also recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."³²

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue to reduce use of certain categories of products, in response to new or different pricing structures being introduced into the market. Accordingly, competitive forces constrain the Exchange's transaction fees and rebates, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable. The Exchange believes the proposal reflects a reasonable and competitive pricing structure designed to continue to incentivize market participants to direct their order flow to the Exchange, which the Exchange believes would continue to enhance liquidity and market quality to the benefit of all Equity Members and market participants.

Proposal To Amend the Standard Rebate for Adding Displayed Liquidity

The proposal to reduce the rebate for executions of orders in securities priced at or above \$1.00 per share that add displayed liquidity to the Exchange is reasonable, equitably allocated, and not unfairly discriminatory because, even with the proposed decrease, the

²⁶ Midpoint ADAV means the ADAV for the current month consisting of Midpoint Peg Orders in securities priced at or above \$1.00 per share that execute at the midpoint of the Protected NBBO and add liquidity to the Exchange. A Midpoint Peg Order is a non-displayed Limit Order that is assigned a working price pegged to the midpoint of the PBBO. A Midpoint Peg Order receives a new timestamp each time its working price changes in response to changes in the midpoint of the PBBO. See Exchange Rule 2614(a)(3). With respect to the trading of equity securities, the term "the term 'Protected NBB' or 'PBB' shall mean the national best bid that is a Protected Quotation, the term 'Protected NBO' or 'PBO' shall mean the national best offer that is a Protected Quotation, and the term 'Protected NBBO' or 'PBBO' shall mean the national best bid and offer that is a Protected Quotation. See Exchange Rule 1901.

²⁷ 15 U.S.C. 78f(b).

²⁸ 15 U.S.C. 78f(b)(4).

²⁹ 15 U.S.C. 78f(b)(5).

³⁰ See the "Market Share" section of the Exchange's website, available at <https://www.miaxglobal.com/> (last visited September 24, 2025).

³¹ *Id.*

³² See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37499 (June 29, 2005).

Exchange believes the proposed rebate of (\$0.0016) per share will not discourage order flow. The Exchange notes that despite the change proposed herein, the Exchange's proposed standard rebate of (\$0.0016) per share for executions of orders in securities priced at or above \$1.00 per share that add displayed liquidity to the Exchange remains competitive with the standard rebate for similar executions that is provided by other equity exchanges.³³ The Exchange believes that even with the proposed decrease, the Exchange's standard rebate will continue to encourage Equity Members to maintain their order flow directed to the Exchange. In turn, this should continue to contribute to a deep and liquid market to the benefit of all market participants and allow the Exchange to maintain its attractiveness as a trading venue. The Exchange further believes the proposed reduced standard rebate for executions of orders that add displayed liquidity is fair, equitable and not unfairly discriminatory because the standard rebate will apply to all Equity Members that add displayed liquidity in securities priced at or above \$1.00 per share across all Tapes and trading sessions.

Proposal To Amend the Standard Rebate for Adding Non-Displayed Liquidity

The proposal to reduce the rebate for executions of orders in securities priced at or above \$1.00 per share that add non-displayed liquidity to the Exchange is reasonable, equitably allocated, and not unfairly discriminatory because, even with the proposed decrease, the Exchange believes the proposed rebate of (\$0.00200) per share will not discourage order flow. The Exchange notes that despite the change proposed herein, the Exchange's proposed standard rebate of (\$0.00200) per share for executions of orders in securities priced at or above \$1.00 per share that add non-displayed liquidity to the Exchange remains competitive with the standard rebate for similar executions that is provided by other equity exchanges.³⁴ The Exchange believes that even with the proposed decrease, the Exchange's standard rebate will continue to encourage Equity Members to maintain their order flow directed to the Exchange. In turn, this should continue to contribute to a deep and liquid market to the benefit of all market participants and allow the Exchange to maintain its attractiveness as a trading venue. The Exchange further believes the proposed reduced standard rebate

for executions of orders that add non-displayed liquidity is fair, equitable and not unfairly discriminatory because the standard rebate will apply to all Equity Members that add non-displayed liquidity in securities priced at or above \$1.00 per share across all Tapes and trading sessions.

Proposal To Amend the Standard Fee for Removing Liquidity

The proposal to increase the fee for executions of orders in securities priced at or above \$1.00 per share that remove liquidity from the Exchange is reasonable, equitably allocated, and not unfairly discriminatory because, even with the proposed increase, the Exchange believes the proposed fee of \$0.00300 per share will not discourage order flow. The Exchange notes that despite the change proposed herein, the Exchange's proposed standard fee of \$0.00300 per share for executions of orders in securities priced at or above \$1.00 per share that remove liquidity from the Exchange remains competitive with the standard fee for similar executions that is charged by other equity exchanges.³⁵ The Exchange believes that even with the proposed increase, the Exchange's standard fee will continue to encourage Equity Members to remove liquidity from the Exchange. In turn, this should continue to contribute to a deep and liquid market to the benefit of all market participants and allow the Exchange to maintain its attractiveness as a trading venue. The Exchange further believes the proposed increased standard fee for executions of orders that remove liquidity is fair, equitable and not unfairly discriminatory because the standard fee will apply to all Equity Members that remove liquidity in securities priced at or above \$1.00 per share across all Tapes and trading sessions.

Proposal To Make Corresponding Changes to Liquidity Indicator Codes

The Exchange believes its proposal to amend the table of Liquidity Indicator Codes and Associated Fees to update the Liquidity Indicator Codes associated with the proposed changes described above in Section 1a) of the Fee Schedule is reasonable, equitably allocated and not unfairly discriminatory. This is because the proposed changes will provide clarity and consistency in the Fee Schedule as to the amended rebate (for Added Displayed Volume and Added Non-Displayed Volume) and amended fee (for removed volume) that will be

applied to these executions in light of the Exchange's proposed changes to reduce the standard rebate (or increase the standard fee) for executions of orders in securities priced at or above \$1.00 per share that add (or remove) displayed (or non-displayed) liquidity to the Exchange across all Tapes and trading sessions. It is in the public interest for the Fee Schedule to be clear and concise.

Proposal To Amend Certain Volume Thresholds and Rebates for the NBBO Program

The Exchange believes its proposal to increase the volume threshold requirements for Tiers 1, 2, 3, and 4 of volume calculation Methods 1 and 2 [sic], and Tiers 3 and 4 of volume calculation Method 3, and decrease the rebates applicable to Tiers 1, 2, 3, 4, and 5 for all rebate Levels of the NBBO Program provides a reasonable means to continue to encourage Equity Members to not only increase their order flow to the Exchange but also to contribute to price discovery and market quality on the Exchange by submitting aggressively priced displayed liquidity in securities priced at or above \$1.00 per share. The Exchange believes that the NBBO Program, as modified with this proposal, continues to be equitable and not unfairly discriminatory because it is open to all Equity Members on an equal basis and provides enhanced rebates that are reasonably related to the value of the Exchange's market quality associated with greater order flow by Equity Members that set the NBB or NBO, and the introduction of higher volumes of orders into the price and volume discovery process. It is designed to incentivize the entry of aggressively priced displayed liquidity that will create tighter spreads, thereby promoting price discovery and market quality on the Exchange to the benefit of all Equity Members and public investors.

In addition, the Exchange believes its proposal to increase the volume threshold requirements for Tiers 1, 2, 3, and 4 of volume calculation Methods 1 and 2 [sic], and Tiers 3 and 4 of volume calculation Method 3, and decrease the rebates applicable to Tiers 1, 2, 3, 4, and 5 for all rebate Levels of the NBBO Program is reasonable because, even with the proposed changes, the base rebates, enhanced rebates and volume requirements of the NBBO Program remain competitive with, or better than, the rebates and volume requirements provided by other exchanges for executions of orders in securities priced at or above \$1.00 per share that add

³³ See *supra* note 8.

³⁴ See *supra* note 11.

³⁵ See *supra* note 14.

displayed liquidity to those exchanges.³⁶

Proposal To Amend the NBBO Setter Additive Rebate

The Exchange believes its proposal to increase the NBBO Setter Additive Rebate to (\$0.00035) per share for Added Displayed Volume (other than Retail Orders) for executions of orders in securities priced at or above \$1.00 per share that set the NBB or NBO on MIAX Pearl Equities with a minimum size of a round lot is reasonable, equitably allocated and not unfairly discriminatory because the Exchange believes it will continue to provide an additional incentive for Equity Members to contribute Added Displayed Volume in securities priced at or above \$1.00 per share that sets the NBB or NBO on MIAX Pearl Equities. In turn, this should benefit all Equity Members by providing greater execution opportunities on the Exchange and contribute to a deeper, more liquid market, to the benefit of all investors and market participants. Further, the NBBO Setter Additive Rebate is available to all Equity Members of the Exchange that transact in securities priced at or above \$1.00 per share in all Tapes. The Exchange believes it is reasonable and not unfairly discriminatory to continue to exclude Retail Orders from participating in the NBBO Setter Additive Rebate because executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume in Retail Orders already receive an enhanced rebate of (\$0.0037) per share.³⁷

Proposal To Amend the Notes Section of the NBBO Setter Plus Table

The Exchange believes that its proposal to amend the Notes section of the NBBO Setter Plus Table to amend the alternative volume calculation method for Equity Members to qualify for the Tier 5, Level C enhanced rebate is reasonable, equitably allocated and not unfairly discriminatory because it is open to all Equity Members on an equal basis and provides enhanced rebates that are reasonably related to the value of the Exchange's market quality associated with greater order flow by Equity Members that set the NBBO, and the introduction of higher volumes of orders into the price and volume discovery process. It is designed to continue incentivizing the entry of aggressively priced displayed liquidity that will create tighter spreads, thereby

promoting price discovery and market quality on the Exchange to the benefit of all Equity Members and public investors.

For the reasons discussed above, the Exchange submits that the proposal satisfies the requirements of Sections 6(b)(4) and 6(b)(5) of the Act in that it provides for the equitable allocation of reasonable dues, fees and other charges among its Equity Members and other persons using its facilities and is not designed to unfairly discriminate between customers, issuers, brokers, or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition

The Exchange does not believe that the proposal will impose any burden on intra-market competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that its proposal to reduce the standard and enhanced rebates provided for in the NBBO Program that apply to executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume will not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because these changes are for business and competitive reasons. The Exchange notes that despite the modest reduction proposed herein to the standard and enhanced rebates for executions of orders in securities priced at or above \$1.00 per share that add displayed liquidity to the Exchange, the Exchange's rebates remain competitive with, or higher than, the standard and enhanced rebates provided by other exchanges for executions of orders in securities priced at or above \$1.00 per share for Added Displayed Volume on those exchanges.³⁸

The Exchange believes that its proposal to reduce the standard rebate that applies to executions of orders in securities priced at or above \$1.00 per share for added non-displayed volume will not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because these changes are for business and competitive reasons. The Exchange notes that despite the modest reduction proposed herein to the standard and

enhanced rebates for executions of orders in securities priced at or above \$1.00 per share that add non-displayed liquidity to the Exchange, the Exchange's rebates remain competitive with, or higher than, the standard and enhanced rebates provided by other exchanges for executions of orders in securities priced at or above \$1.00 per share for added non-displayed volume on those exchanges.³⁹

The Exchange believes that even with the proposed decrease to the standard and enhanced Added Displayed Volume rebates and the standard rebate for added non-displayed volume, the Exchange's rebate structure for such orders will continue to incentivize market participants to direct order flow to the Exchange, thereby contributing to a deeper and more liquid market to the benefit of all market participants and enhancing the attractiveness of the Exchange as a trading venue. The Exchange believes that this, in turn, will continue to encourage market participants to direct additional orders in securities priced at or above \$1.00 per share to the Exchange. Greater liquidity benefits all Equity Members by providing more trading opportunities and encourages Equity Members to send orders to the Exchange, thereby contributing to robust levels of liquidity, which benefits all market participants.

The Exchange believes that its proposal to increase the fee that apply to executions of orders in securities priced at or above \$1.00 per share for removing liquidity from the Exchange will not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because these changes are for business and competitive reasons. The Exchange notes that despite the modest increase proposed herein to the standard fee for executions of orders in securities priced at or above \$1.00 per share that remove liquidity from the Exchange, the Exchange's fee remains competitive with the standard fee charged by other exchanges for executions of orders in securities priced at or above \$1.00 per share for removed volume from those exchanges.

The Exchange believes that its proposal to increase the volume thresholds in the NBBO Setter Plus Table and the Note 3 to NBBO Setter Plus Table will not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because these changes are for business and competitive reasons. The Exchange

³⁶ See *supra* note 24.

³⁷ See Fee Schedule, Section 1)b), Liquidity Indicator Code "AR".

³⁸ See *supra* notes 8 and 24.

³⁹ See *supra* note 14.

notes that despite the modest increase proposed herein to the volume thresholds, the proposed changes are designed to continue incentivizing the entry of aggressively priced displayed liquidity that will create tighter spreads, thereby promoting price discovery and market quality on the Exchange to the benefit of all Equity Members and public investors.

The Exchange believes its proposal to increase the NBBO Setter Additive Rebate will not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the Exchange believes it will continue to provide an additional incentive for Equity Members to contribute Added Displayed Volume in securities priced at or above \$1.00 per share that sets the NBB or NBO on MIAAX Pearl Equities. In turn, this should benefit all Equity Members by providing greater execution opportunities on the Exchange and contribute to a deeper, more liquid market, to the benefit of all investors and market participants.

The Exchange does not believe its proposal to update the Liquidity Indicator Codes impacted by the proposed changes to Section 1(a) of the Fee Schedule, described above, will impose any burden on intramarket competition. The changes to these Liquidity Indicator Codes is to provide consistency throughout the Fee Schedule in light of the proposed changes to Section 1(a) for standard rebates and fees for adding or removing liquidity on the Exchange. Additionally, the proposed changes will provide specificity to the Fee Schedule so that Equity Members may connect an execution to the applicable rebate or fee.

Intermarket Competition

The Exchange believes its proposal will benefit competition as the Exchange operates in a highly competitive market. Equity Members have numerous alternative venues they may participate on and direct their order flow to, including seventeen other equities exchanges and numerous alternative trading systems and other off-exchange venues. As noted above, no single registered equities exchange currently has more than approximately 13.90% of the total market share of executed equities volume. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. Moreover, the Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants

can shift order flow in response to new or different pricing structures being introduced to the market. Accordingly, competitive forces constrain the Exchange's transaction fees and rebates generally, including with respect to executions of all orders in securities priced at or above \$1.00 per share that add displayed or non-displayed liquidity to the Exchange, or remove liquidity from the Exchange. Market participants can readily choose to send their orders to other exchanges and off-exchange venues if they deem fee levels at those other venues to be more favorable.

Additionally, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."⁴⁰ The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. circuit stated: "[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possess a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'"⁴¹ Accordingly, the Exchange does not believe its proposed pricing changes impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

⁴⁰ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

⁴¹ See *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSE–2006–21)).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,⁴² and Rule 19b–4(f)(2)⁴³ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR–PEARL–2025–46 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–PEARL–2025–46. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–PEARL–2025–46 and

⁴² 15 U.S.C. 78s(b)(3)(A)(ii).

⁴³ 17 CFR 240.19b–4(f)(2).

should be submitted on or before December 12, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁴⁴

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–20529 Filed 11–20–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104206; File No. SR–MX2–2025–04]

Self-Regulatory Organizations; MX2 LLC; Notice of Filing and Immediate Effectiveness of a Proposal To Amend Rule 11.6 To Clarify the Handling of Orders With a Post Only Instruction

November 18, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on September 30, 2025, MX2 LLC (“MX2” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a “non-controversial” proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act³ and Rule 19b–4(f)(6) thereunder.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposal to amend Rule 11.6(a) to clarify the handling of orders that contain both a Post Only instruction and certain other order handling instructions maintained to facilitate compliance with Rule 610(d) of Regulation NMS. The text of the proposed rule change is provided in Exhibit 5 and is available on the Exchange’s website at <https://info.memxtrading.com/regulation/rules-and-filings/>.⁵

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Exchange Rule 11.6 to clarify the handling of orders that contain both a Post Only instruction and certain other order handling instructions maintained to facilitate compliance with Rule 610(d) of Regulation NMS (the “Locked and Crossed Markets Rule”). The Exchange is filing this proposal in order to conform its rule text with that of its affiliated Exchange, MEMX LLC (“MEMX”), which recently filed the same proposal.⁶

As background, the current rules state that an order entered with a Post Only instruction does not remove liquidity, except when the order is an order to buy or sell a security priced below \$1.00, or when executing as the taker of liquidity would be economically beneficial to the firm entering the order—*i.e.*, if the value of such execution when removing liquidity equals or exceeds the value of such execution if the order instead posted to the MX2 Book and subsequently provided liquidity, including the applicable fees charged or rebates provided.⁷ Today, the Exchange’s rules state that this handling applies to Post Only orders entered with a Display-Price Sliding⁸ instruction,

of the new rule language and required contractual provisions.

⁶ See Securities Exchange Act Release No. 103968 (September 15, 2025), 90 FR 45069 (September 18, 2025) (SR–MEMX–2025–29).

⁷ See MX2 Rule 11.6(l)(2). To determine at the time of a potential execution whether the value of such execution when removing liquidity equals or exceeds the value of such execution if the order instead posted to the MX2 book and subsequently provided liquidity, the Exchange will use the highest possible rebate paid and the highest possible fee charged for such executions on the Exchange.

⁸ “Display-Price Sliding” is an order instruction requiring that where an order would be a Locking

which is a re-pricing instruction used for compliance with the Locked and Crossed Markets Rule. Thus, an executable order entered with a Post Only instruction is eligible to remove liquidity in the circumstances described in Rule 11.6(l)(2) instead of having its ranked price or display price adjusted pursuant to those order handling instruction.

However, the Exchange will also offer a “Cancel Back” instruction that is not covered by MX2 Rule 11.6(l)(2). An order entered with a Cancel Back instruction will be immediately cancelled instead of re-priced when displaying the order at its limit price would create a violation of the Locked and Crossed Markets Rule, or if the order could not otherwise be executed or posted at its limit price.⁹ Even if Users select the Cancel Back instruction, however, orders entered with a Post Only instruction will be handled in the same manner regardless of whether the Display-Price Sliding or Cancel Back instruction is selected.¹⁰ The Exchange therefore proposes to amend MX2 Rule 11.6(l)(2) to eliminate the reference to Display-Price Sliding, given that such an instruction is not required for a Post Only instruction to remove liquidity under the noted circumstances.¹¹

The Exchange believes that removing the reference to this instruction in the rule would reduce potential confusion as the order handling described in the rule today applies to all orders entered with a Post Only instruction, and not a

Quotation or Crossing Quotation of an external market if displayed by the System on the MX2 Book at the time of entry, will be ranked at the Locking Price in the MX2 Book and displayed by the System at one Minimum Price Variation lower (higher) than the Locking Price for orders to buy (sell). See MX2 Rule 11.6(j)(1)(A).

⁹ “Cancel Back” is an instruction the User may attach to an order instructing the System to immediately cancel the order when, if displayed by the System on the MX2 Book at the time of entry, or upon return to the System after being routed away, would create a violation of Rule 610(d) of Regulation NMS or Rule 201 of Regulation SHO, or the order cannot otherwise be executed or posted by the System to the MX2 Book at its limit price. See MX2 Rule 11.6(a).

¹⁰ Rule 11.6(j)(1)(A)(iv) states: Any display-eligible order with a Post Only instruction that would be a Locking Quotation or Crossing Quotation of the Exchange upon entry will be executed as set forth in Rule 11.6(l)(2) or cancelled. In the event the NBBO changes such that an order with a Post Only instruction subject to Display-Price Sliding instruction would be ranked at a price at which it could remove displayed liquidity from the MX2 Book, the order will be executed as set forth in Rule 11.6(l)(2) or cancelled.

¹¹ EDGX similarly filed to remove the reference to Display Price Sliding from their rule text, and allows all Post Only orders to remove liquidity if economically beneficial to the firm entering the order. See Securities Exchange Release No. 88515, (April 4, 2019), 84 FR 14427, (April 10, 2019), SR–CboeEDGX–2019–014.

⁴⁴ 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b–4.

⁵ The Exchange proposes to implement the proposed changes to Exchange Rules 11.3(a)–(b) on a date that will be announced via Regulatory Notice, notifying both existing and prospective Sponsoring Members and Sponsored Participants,

specific subset of those orders. No changes to the Exchange's trading or other systems are contemplated by this proposed change, which is instead designed to increase transparency around the Exchange's process.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act,¹² in general, and Section 6(b)(5) of the Act,¹³ in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

Specifically, the Exchange believes that the proposed rule change is consistent with the public interest and the protection of investors as it would avoid potential confusion about how an order is handled if entered with both a Post Only and Cancel Back instruction or no additional instruction at all. Today, the Exchange's rules provide that an order entered into the MX2 Book with a Post Only instruction would remove liquidity in certain circumstances, such as when economically beneficial for the firm entering the order. In addition, the rules specify that this handling applies to orders entered with a Post Only and a Display-Price Sliding instruction. The rules, however, are silent as to the handling applied if an order with a Post Only instruction contains a Cancel Back instruction or no additional instruction at all. The Exchange's order handling will, in fact, be the same regardless of which of these instructions are chosen by the member. As such, the Exchange believes that it is appropriate to amend MX2 Rule 11.6(l)(2) to eliminate the reference to the Display-Price Sliding instruction, thereby making clear that this handling will apply to all orders entered with a Post Only instruction and not only those that also contain a Display-Price Sliding instruction.

The Exchange believes that this order handling is appropriate regardless of whether an order entered with a Post Only instruction also contains a Display-Price Sliding, Cancel Back, or no additional instruction. Specifically, the Exchange believes that it is consistent with just and equitable principles of trade to permit an order entered with a Post Only instruction to

remove liquidity when the order is an order to buy or sell a security priced below \$1.00, or when executing as the taker of liquidity would be economically beneficial to the firm entering the order. This handling is designed to ensure that orders entered with a Post Only instruction are eligible to trade in certain circumstances where the entering firm may have an interest in securing an execution on entry—*i.e.*, as the taker of liquidity—notwithstanding the member's use of the Post Only instruction. Although the Exchange's rules currently mention order handling for the Display-Price Sliding instruction specifically, this functionality should be applied equally to any order entered with a Post Only instruction. Thus, amending the rule as proposed would provide additional transparency into a feature that will be offered by the Exchange that is potentially beneficial to members that utilize the Post Only instruction.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the proposed rule change would remove ambiguity in the MX2 rules. No change to the Exchange's order handling is contemplated by this proposed rule change, which would merely clarify the handling for all orders entered with a Post Only instruction. The Exchange therefore believes that the proposed rule change would increase transparency around the operation of the Exchange to the benefit of members and investors without imposing any significant burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act¹⁴ and Rule 19b-4(f)(6)¹⁵ thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on

competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act¹⁶ and Rule 19b-4(f)(6)¹⁷ thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)¹⁸ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹⁹ the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposal avoids potential confusion by clarifying the current handling of all orders entered with a Post Only instruction by eliminating the reference to Display-Price Sliding in Rule 11.6 and does not introduce any novel regulatory issues. Accordingly, the Commission designates the proposed rule change to be operative upon filing.²⁰

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

¹⁶ 15 U.S.C. 78s(b)(3)(A).

¹⁷ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁸ 17 CFR 240.19b-4(f)(6).

¹⁹ 17 CFR 240.19b-4(f)(6)(iii).

²⁰ For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹² 15 U.S.C. 78f(b).

¹³ 15 U.S.C. 78f(b)(5).

¹⁴ 15 U.S.C. 78s(b)(3)(A).

¹⁵ 17 CFR 240.19b-4(f)(6).

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-MX2-2025-04 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to file number SR-MX2-2025-04. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-MX2-2025-04 and should be submitted on or before December 12, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²¹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-20527 Filed 11-20-25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104203; File No. SR-NASDAQ-2025-086]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Remove the Exchange's Dedicated GPS Antenna Service Under General 8, Section 1(d)

November 18, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on

September 30, 2025, The Nasdaq Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to remove the Exchange's dedicated GPS antenna service under General 8, Section 1(d) (Co-Location Services), as discussed further below.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/nasdaq/rulefilings>, and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange offers a Global Positioning System ("GPS") antenna, which allows customers that co-locate their servers and equipment within the Exchange's data center ("NY 11") in Carteret, NJ to synchronize their time recording systems to the U.S. Government's GPS network time (the "Service"). GPS network time is the atomic time scale implemented by the atomic clocks in the GPS ground control stations and GPS satellites. Each GPS satellite contains multiple atomic clocks that contribute precise time data to the GPS signals. GPS receivers decode these signals, synchronizing the receivers to the atomic clocks. A GPS antenna serves as a time signal receiver and feeds a primary clock device the GPS network time using precise time data. Firms can

use the precise time data provided by the GPS antenna to time-stamp transactional information. Time synchronization services are well established in the U.S. and utilized in many areas of the U.S. economy and infrastructure. The Service is not novel to the securities markets, or to the Exchange.

Historically, the Exchange has offered connectivity to a GPS antenna via two options—over shared infrastructure or a dedicated antenna. The shared infrastructure provides GPS services through Nasdaq installed shared cables and hardware located within the data center, whereas the dedicated antenna requires the firm to supply their own privately owned antenna hardware. The installation fee for the shared connection is \$900, and the monthly fee is \$600. The installation fee for the dedicated connection is \$1,500 and the monthly fee is \$600. Firms may choose to purchase multiple time synchronization services for resiliency or otherwise.³ The Exchange offers the Service as a convenience to firms to provide them with the ability to synchronize their own primary clock devices to GPS time via a shared GPS timing signal and time-stamp transactional information.⁴ Firms do not receive an advantage by purchasing the Service from Nasdaq.

The Exchange proposes to remove the dedicated GPS antenna service from its co-location service offering. The decision to remove the dedicated GPS service option is consistent with the Exchange's project to equalize certain connections across its entire data center campus, including both its existing NY11 facility and the NY11-4 expansion (the "Equalization Project") and maintain adequate controls of all cables that run throughout the data center.⁵ The Exchange has identified a risk where customers with a dedicated GPS antenna, which is located on the roof of the data center, may be able to circumvent the equalized infrastructure. In accordance with the Equalization Project's goal of ensuring that customers do not bypass the integrity of the equalized connections maintained throughout the data center, the Exchange is no longer allowing

³ Of the Exchange's co-location customers that subscribe to the Service, approximately 5% of such co-location customers purchase both the dedicated and the shared options of the Service.

⁴ In offering the Service as a convenience to firms, the Exchange incurs certain costs, including costs related to the data center facility, hardware and equipment, and personnel.

⁵ See Securities and Exchange Act Release No. 34-101078 (Sept. 18, 2024), 89 FR 77937 (September 24, 2024) (SR-NASDAQ-2024-054) ("Co-Location Expansion Proposal").

²¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

customers to order dedicated GPS antenna service as of September 30, 2025. Service for existing customers with a dedicated GPS antenna will terminate as of April 1, 2026, and all dedicated GPS antennas must be removed by such date. Customers that want to continue to utilize the Service can request the shared GPS antenna.

Currently, approximately 49% of the Exchange's co-location customers subscribe to the Service, most of which opt for the shared option. The Service is an optional product available to any firm that chooses to subscribe. Firms may cancel their subscription at any time. The Service simply provides time synchronization that may be utilized by firms to adjust their own time systems and time-stamp transactional information. The GPS antenna is offered on a completely voluntary basis. No customer is required to purchase the GPS antenna. Potential subscribers may subscribe to the Service only if they voluntarily choose to do so. It is a business decision of each firm whether to subscribe to the Service or not. Customers do not receive an advantage by purchasing the Service from Nasdaq; the Exchange is merely providing access to GPS signals.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁶ in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,⁷ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposed change to its connectivity service offering is reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for equity securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: "[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution';

[and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . ."⁸

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."⁹

The Exchange believes that it is reasonable and equitable to remove the dedicated GPS antenna service and fee from its connectivity offerings because the service does not align with the Exchange's Equalization Project and the goal of maintaining the integrity of equalization within the Exchange's data center. The removal of the dedicated antenna is unlikely to burden the market because the purchase of the Service is optional for all categories of co-location customers and customers can discontinue the use of the Service at any time. Additionally, customers will maintain the option of utilizing the Service via the shared GPS antenna. Additionally, the proposed change is not unfairly discriminatory because the dedicated GPS service will be removed for all market participants and the option to utilize the shared Service will also be available for all market participants. As discussed above, approximately 49% of the Exchange's co-location customers subscribe to the Service and most of them opt for the shared antenna.

The Exchange believes that it is reasonable to provide existing customers with at least six months lead time to prepare to remove their dedicated antenna from the data center's roof before the service terminates. This provides co-location customers with sufficient time to remove their antennas from the data center and switch to the shared GPS antenna service before the direct GPS antenna service is terminated.

⁸ *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

⁹ Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) ("Regulation NMS Adopting Release").

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Nothing in the proposal imposes any burden on the ability of customers or other exchanges to compete. The Exchange operates in a highly competitive market in which exchanges and other vendors offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations. Eliminating the dedicated GPS antenna services will not cause any burden on inter-market competition. Additionally, there is no burden to intra-market competition because the direct GPS antenna service is being terminated for all customers and the Exchange has provided all customers with the same timeline to terminate or convert to the shared GPS antenna service on a non-discriminatory basis. Use of any co-location service is completely voluntary, and each market participant can determine whether to use co-location services based on the requirements of its business operations.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.¹⁰

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

¹⁰ 15 U.S.C. 78s(b)(3)(A)(ii).

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(4) and (5).

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NASDAQ-2025-086 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-NASDAQ-2025-086. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NASDAQ-2025-086 and should be submitted on or before December 12, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-20524 Filed 11-20-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104200; File No. SR-ISE-2025-32]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Remove the Exchange's Dedicated GPS Antenna Service Under General 8, Section 1(d)

November 18, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on

September 30, 2025, Nasdaq ISE, LLC ("ISE" or "Exchange"), filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to remove the Exchange's dedicated GPS antenna service under General 8, Section 1(d) (Co-Location Services), as discussed further below.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/nasdaq/rulefilings>, and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange offers a Global Positioning System ("GPS") antenna, which allows customers that co-locate their servers and equipment within the Exchange's data center ("NY 11") in Carteret, NJ to synchronize their time recording systems to the U.S. Government's GPS network time (the "Service"). GPS network time is the atomic time scale implemented by the atomic clocks in the GPS ground control stations and GPS satellites. Each GPS satellite contains multiple atomic clocks that contribute precise time data to the GPS signals. GPS receivers decode these signals, synchronizing the receivers to the atomic clocks. A GPS antenna serves as a time signal receiver and feeds a primary clock device the GPS network time using precise time data. Firms can use the precise time data provided by

the GPS antenna to time-stamp transactional information. Time synchronization services are well established in the U.S. and utilized in many areas of the U.S. economy and infrastructure. The Service is not novel to the securities markets, or to the Exchange.

Historically, the Exchange has offered connectivity to a GPS antenna via two options—over shared infrastructure or a dedicated antenna. The shared infrastructure provides GPS services through Nasdaq installed shared cables and hardware located within the data center, whereas the dedicated antenna requires the firm to supply their own privately owned antenna hardware. The installation fee for the shared connection is \$900, and the monthly fee is \$600. The installation fee for the dedicated connection is \$1,500 and the monthly fee is \$600. Firms may choose to purchase multiple time synchronization services for resiliency or otherwise.³ The Exchange offers the Service as a convenience to firms to provide them with the ability to synchronize their own primary clock devices to GPS time via a shared GPS timing signal and time-stamp transactional information.⁴ Firms do not receive an advantage by purchasing the Service from Nasdaq.

The Exchange proposes to remove the dedicated GPS antenna service from its co-location service offering. The decision to remove the dedicated GPS service option is consistent with the Exchange's project to equalize certain connections across its entire data center campus, including both its existing NY11 facility and the NY11-4 expansion (the "Equalization Project") and maintain adequate controls of all cables that run throughout the data center.⁵ The Exchange has identified a risk where customers with a dedicated GPS antenna, which is located on the roof of the data center, may be able to circumvent the equalized infrastructure. In accordance with the Equalization Project's goal of ensuring that customers do not bypass the integrity of the equalized connections maintained throughout the data center, the Exchange is no longer allowing customers to order dedicated GPS

³ Of the Exchange's co-location customers that subscribe to the Service, approximately 5% of such co-location customers purchase both the dedicated and the shared options of the Service.

⁴ In offering the Service as a convenience to firms, the Exchange incurs certain costs, including costs related to the data center facility, hardware and equipment, and personnel.

⁵ See Securities and Exchange Act Release No. 34-101078 (Sept. 18, 2024), 89 FR 77937 (September 24, 2024) (SR-NASDAQ-2024-054) ("Co-Location Expansion Proposal").

¹¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

antenna service as of September 30, 2025. Service for existing customers with a dedicated GPS antenna will terminate as of April 1, 2026, and all dedicated GPS antennas must be removed by such date. Customers that want to continue to utilize the Service can request the shared GPS antenna.

Currently, approximately 49% of the Exchange's co-location customers subscribe to the Service, most of which opt for the shared option. The Service is an optional product available to any firm that chooses to subscribe. Firms may cancel their subscription at any time. The Service simply provides time synchronization that may be utilized by firms to adjust their own time systems and time-stamp transactional information. The GPS antenna is offered on a completely voluntary basis. No customer is required to purchase the GPS antenna. Potential subscribers may subscribe to the Service only if they voluntarily choose to do so. It is a business decision of each firm whether to subscribe to the Service or not. Customers do not receive an advantage by purchasing the Service from Nasdaq; the Exchange is merely providing access to GPS signals.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁶ in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,⁷ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposed change to its connectivity service offering is reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for equity securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: "[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its

market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . ."⁸

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."⁹

The Exchange believes that it is reasonable and equitable to remove the dedicated GPS antenna service and fee from its connectivity offerings because the service does not align with the Exchange's Equalization Project and the goal of maintaining the integrity of equalization within the Exchange's data center. The removal of the dedicated antenna is unlikely to burden the market because the purchase of the Service is optional for all categories of co-location customers and customers can discontinue the use of the Service at any time. Additionally, customers will maintain the option of utilizing the Service via the shared GPS antenna. Additionally, the proposed change is not unfairly discriminatory because the dedicated GPS service will be removed for all market participants and the option to utilize the shared Service will also be available for all market participants. As discussed above, approximately 49% of the Exchange's co-location customers subscribe to the Service and most of them opt for the shared antenna.

The Exchange believes that it is reasonable to provide existing customers with at least six months lead time to prepare to remove their dedicated antenna from the data center's roof before the service terminates. This provides co-location customers with sufficient time to remove their antennas from the data center and switch to the shared GPS antenna service before the direct GPS antenna service is terminated.

⁸ *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

⁹ Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) ("Regulation NMS Adopting Release").

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Nothing in the proposal imposes any burden on the ability of customers or other exchanges to compete. The Exchange operates in a highly competitive market in which exchanges and other vendors offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations. Eliminating the dedicated GPS antenna services will not cause any burden on inter-market competition. Additionally, there is no burden to intra-market competition because the direct GPS antenna service is being terminated for all customers and the Exchange has provided all customers with the same timeline to terminate or convert to the shared GPS antenna service on a non-discriminatory basis. Use of any co-location service is completely voluntary, and each market participant can determine whether to use co-location services based on the requirements of its business operations.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.¹⁰

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

¹⁰ 15 U.S.C. 78s(b)(3)(A)(ii).

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(4) and (5).

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-ISE-2025-32 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-ISE-2025-32. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-ISE-2025-32 and should be submitted on or before December 12, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-20545 Filed 11-20-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104216; File No. SR-CboeBZX-2025-140]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 4.7 of the Exchange's CAT Compliance Rule

November 18, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on

September 29, 2025, Cboe BZX Exchange, Inc. (the "Exchange" or "BZX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the "Exchange" or "BZX") proposes to amend Rule 4.7 of the Exchange's Consolidated Audit Trail Compliance Rule ("CAT Compliance Rule") regarding the National Market System Plan Governing the Consolidated Audit Trail (the "CAT NMS Plan" or "Plan")³ to be consistent with the amendment to the CAT NMS Plan that requires broker-dealers with a reporting obligation to the Consolidated Audit Trail ("CAT") to report whether an original receipt or origination of an order to sell an equity security is a short sale for which a market maker is claiming the bona fide market making exception in Rule 203(b)(2)(iii) of Regulation SHO ("BFMM Locate Exception").⁴ The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (<http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), and at the Exchange's Office of the Secretary.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

³ Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the CAT Compliance Rule. See Rules 4.5 through 4.17 of the Exchange's Rulebook.

⁴ See Securities Exchange Act Release Nos. 98738 (October 13, 2023), 88 FR 75100 (November 1, 2023); and 98739 (October 13, 2023), 88 FR 75079 (November 1, 2023).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Rule 4.7 of the CAT Compliance Rule to be consistent with the amendment to the CAT NMS Plan related to the BFMM Locate Exception. In 2023, the Securities and Exchange Commission (the "Commission") amended the CAT NMS Plan to require the reporting to the CAT of reliance on the BFMM Locate Exception.⁵ Specifically, the Commission added paragraph (D) to Section 6.4(d)(ii) of the CAT NMS Plan, which requires each Participant, through its Compliance Rule, to require its Industry Members to record and report to the Central Repository the following:

for the original receipt or origination of an order to sell an equity security, whether the order is for a short sale effected by a market maker in connection with bona fide market making activities in the security for which the exception in Rule 203(b)(2)(iii) of Regulation SHO is claimed.

Accordingly, the Exchange proposes to amend its CAT Compliance Rule to reflect this additional CAT reporting requirement. Specifically, the Exchange proposes to add subparagraph (G) to Rule 4.7(a)(2), which would require each Industry Member to record and report to the Central Repository the following:

for the original receipt or origination of an order to sell an equity security, whether the order is for a short sale effected by a market maker in connection with bona fide market making activities in the security for which the exception in Rule 203(b)(2)(iii) of Regulation SHO is claimed.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁶ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁷ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to,

⁵ *Id.*

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

¹¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁸ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that this proposal is consistent with the Act because it is consistent with the amendment to the CAT NMS Plan approved by the Commission and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the SEC noted that the Plan “is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.”⁹ To the extent that this proposal implements the Plan as amended, and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the SEC, and is therefore consistent with the Exchange Act.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The Exchange notes that the proposed rule change is consistent with the amendment to the CAT NMS Plan approved by the Commission and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The Exchange also notes that the amendment to the CAT Compliance Rule will apply equally to all Industry Members that trade equity securities. In addition, all national securities exchanges and FINRA are proposing these amendments to their CAT Compliance Rules. Therefore, this is not a competitive rule filing, and, therefore, it does not impose a burden on competition.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁰ and subparagraph (f)(6) of Rule 19b–4 thereunder.¹¹

A proposed rule change filed under Rule 19b–4(f)(6)¹² normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),¹³ the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving 30-day operative delay is consistent with the protection of investors and the public interest because the proposal seeks to amend the Exchange’s CAT Compliance Rule to reflect the requirement in the CAT NMS Plan that industry members report for the original receipt or origination of an order to sell an equity security, whether the order is for a short sale effected by a market maker in connection with bona fide market making activities in the security for which the exception in Rule 203(b)(2)(iii) of Regulation SHO is claimed.¹⁴ The proposal does not introduce any novel regulatory issues. Accordingly, the Commission

designates the proposed rule change to be operative upon filing.¹⁵

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission’s internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR–CboeBZX–2025–140 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeBZX–2025–140. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission’s internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeBZX–2025–140 and should be submitted on or before December 12, 2025.

¹⁰ 15 U.S.C. 78s(b)(3)(A)(iii).

¹¹ 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹² 17 CFR 240.19b–4(f)(6).

¹³ 17 CFR 240.19b–4(f)(6)(iii).

¹⁴ See *supra* note 4.

¹⁵ For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule’s impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

⁸ *Id.*

⁹ See Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696, 84697 (November 23, 2016).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–20537 Filed 11–20–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104197; File No. SR–CboeEDGA–2025–031]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Exchange Rule 11.6(s)(1), Round Lot, To Conform With the Amendment to the Definition of Round Lot Under Rule 600 of Regulation NMS

November 18, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on September 26, 2025, Cboe EDGA Exchange, Inc. (“Exchange” or “EDGA”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a “non-controversial” proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act³ and Rule 19b–4(f)(6) thereunder.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGA Exchange, Inc. (“EDGA” or the “Exchange”) is filing with the Securities and Exchange Commission (the “Commission”) a proposed rule change to amend Exchange Rule 11.6(s)(1), Round Lot, to conform with the amendment to the definition of round lot under Rule 600 of Regulation NMS recently approved by the Commission.⁵ The Exchange also proposes to make conforming, non-substantive changes to Exchange Rule 11.8(e)(10), Quote Depletion Protection, and Exchange Rule 11.20(d)(1),

Continuous, Two-Sided Quote Obligation. The text of the proposed rule changes is in Exhibit 5.

The text of the proposed rule change is also available on the Commission’s website (<https://www.sec.gov/rules/sro.shtml>), the Exchange’s website (https://www.cboe.com/us/equities/regulation/rule_filings/bzx/), and at the principal office of the Exchange.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 11.6(s)(1), Round Lot, to conform with the definition of round lot under Rule 600 of the Regulation NMS that is to be implemented in November 2025.⁶ The Exchange also proposes to make conforming non-substantive changes to Exchange Rule 11.8(e)(10), Quote Depletion Protection, and Exchange Rule 11.20(d)(1), Continuous, Two-Sided Quote Obligation.

In 2020, the Commission adopted amendments to Regulation NMS to modernize the NMS information provided within the national market system for the benefit of market participants and to better achieve Section 11A’s goals of assuring “the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities that is prompt, accurate, reliable, and fair” (“MDI Rules”).⁷ These changes included an amendment to Rule 600 of Regulation NMS to include a definition of “round lot” that assigns each NMS stock to a round lot size based on the stock’s average closing price.⁸ Prior to this change, a “round lot” was not defined in the Act or

Regulation NMS. The definition of a “round lot” was included in the rules of the individual exchanges, including Exchange Rule 11.6(s)(1), which defined a “Round Lot” as 100 shares or any multiple thereof, but the rules also generally allowed the exchanges, or the primary listing exchange for the stock, discretion to define “round lot” otherwise.

On September 18, 2024, the Commission accelerated the implementation of the round lot definition.⁹ The Commission also revised the round lot definition as set forth below.¹⁰ Rule 600(b)(93) of Regulation NMS, as adopted by the MDI Rules and as amended in 2024,¹¹ defines a round lot for NMS stocks¹² that have an average closing price on the primary listing exchange during the prior Evaluation Period¹³ of: “(1) \$250.00 or less per share as 100 shares; (2) \$250.01 to \$1,000.00 per share as 40 shares; (3) \$1,000.01 to \$10,000.00 per share as 10 shares; and (4) \$10,000.01 or more per share as 1 share.”¹⁴ For any security that becomes an NMS Stock during an operative period, as described in Rule 600(b)(93)(iv),¹⁵ a round lot is 100 shares. Adjustments to the round lot size for a security will occur on a semiannual basis and the calculation of the average closing price on the primary listing exchange will be based on a one-month Evaluation Period.¹⁶ The revised definition of round lot is to be implemented on November 3, 2025, the first business day of November 2025.¹⁷

The Exchange now proposes to amend Exchange Rule 11.6(s)(1), Round Lot, to conform with the definition of round lot under Rule 600 of the Regulation NMS. Exchange Rule 11.6(s)(1) currently

⁹ See *supra* note 5.

¹⁰ See *supra* note 5.

¹¹ See *supra* note 5.

¹² “NMS stock” is defined under Regulation NMS as any NMS security other than an option. 17 CFR 242.600(b)(65).

¹³ Rule 600(b)(93)(iii) of Regulation NMS defines the Evaluation Period as “(A) all trading days in March for the round lot assigned on the first business day in May and (B) all trading days in September for the round lot assigned on the first business day of November during which the average closing price of an NMS stock on the primary listing exchange shall be measured by the primary listing exchange to determine the round lot for each NMS stock.”

¹⁴ See *supra* note 5.

¹⁵ Pursuant to Rule 600(b)(93)(iv) of Regulation NMS the round lot assigned under the section “shall be operative on (A) the first business day of May for the March Evaluation Period and continue through the last business day of October of the calendar year, and (B) the first business day of November for the September Evaluation Period and continue through the last business day of April of the next calendar year.”

¹⁶ See *supra* note 5.

¹⁷ See *supra* note 5.

¹⁶ 17 CFR 200.30–3(a)(12) and (59).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b–4(f)(6).

⁵ See Securities Exchange Act Release No. 101070 (September 18, 2024), 89 FR 81620 (October 8, 2024) (S7–30–22).

⁶ See *supra* note 5.

⁷ See Securities Exchange Act Release No. 90610 (December 9, 2020), 86 FR 18596 (April 9, 2021) (“MDI Adopting Release”).

⁸ See *id.*

provides that “[o]ne hundred (100) shares or any multiple thereof shall constitute a Round Lot, unless an alternative number of shares is established as a Round Lot by the listing exchange for the security.” The Exchange proposes to replace the above sentence with a sentence that explicitly refers to the definition of round lot under Rule 600 of Regulation NMS. As a result, the above sentence will be deleted and replaced with the following: “[a] Round Lot for each NMS Stock shall be the size assigned by the primary listing market pursuant to Rule 600 of Regulation NMS under the Exchange Act.” Again, this change is being proposed solely to conform the Exchange’s definition of “Round Lot” under Exchange Rule 11.6(s)(1) to the new definition of round lot under Rule 600 of Regulation NMS.

The Exchange also proposes to make conforming, non-substantive changes to Exchange Rule 11.8(e)(10), Quote Depletion Protection, and Exchange Rule 11.20(d)(1), Continuous, Two-Sided Quote Obligation. The Exchange proposes to capitalize the term “round lot” in Exchange Rule 11.8(e)(10). In addition, the Exchange proposes to amend Exchange Rule 11.20(d)(1) to conform to with the Exchange’s definition of Round Lot. Exchange Rule 11.20(d)(1) currently provides that “[u]nless otherwise designated, a ‘normal unit of trading’ shall be 100 shares.” The Exchange proposes to replace the aforementioned sentence with a sentence that conforms to the newly adopted definition of Round Lot in the Exchange’s Rulebook. As a result, the above sentence will be deleted and replaced with the following: “[u]nless otherwise designated, a ‘normal unit of trading’ shall be a Round Lot as defined in Exchange Rule 11.6(s)(1).”

The purpose of these changes is to provide greater clarity to Exchange Members¹⁸ and the public regarding the Exchange’s Rulebook. The Exchange does not propose any additional rule changes. The proposed rule changes will be implemented on November 3, 2025, the same date as the revised definition of round lot under Regulation NMS is to be implemented.

2. Statutory Basis

The Exchange believes the proposed rule changes are consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of

Section 6(b) of the Act.¹⁹ Specifically, the Exchange believes the proposed rule changes are consistent with the Section 6(b)(5)²⁰ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule changes are consistent with the Section 6(b)(5)²¹ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange proposes to amend Exchange Rule 11.6(s)(1), Round Lot, to conform with the definition of round lot under Rule 600 of the Regulation NMS that is to be implemented in November 2025.²² This change is proposed solely to conform the Exchange’s definition of “Round Lot” under Exchange Rule 11.6(s)(1) to the new definition of round lot under Rule 600 of Regulation NMS. The Exchange also proposes to make conforming non-substantive changes to Exchange Rule 11.8(e)(10), Quote Depletion Protection, and Exchange Rule 11.20(d)(1), Continuous, Two-Sided Quote Obligation. These changes are limited to capitalizing the term round lot in Exchange Rule 11.8(e)(10) and amending Exchange Rule 11.20(d)(1) to conform to with the Exchange’s definition of round lot.

The proposed changes do not amend the operation of the affected rules. The proposed rule changes would reduce potential investor and market participant confusion and therefore remove impediments to and perfect the mechanism of a free and open market and a national market system by ensuring that the Exchange’s rules properly reflect the requirements of Rule 600 of Regulation NMS. The Exchange also believes that the proposed rule changes would remove impediments to and perfect the mechanism of a free and open market by ensuring that persons subject to the Exchange’s jurisdiction, regulators, and the investing public can more easily navigate and understand the Exchange’s

rules. The proposed rule changes would not be inconsistent with the public interest or the protection of investors because investors will not be harmed and, in fact, would benefit from the increased transparency and clarity, thereby reducing potential confusion.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange believes the proposed rule changes do not impose any burden on intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change to amend the definition of round lot is not intended to address competitive issues; rather, the proposed change is concerned solely with amending the Exchange’s Rule to conform with the definition of round lot under Rule 600 of the Regulation NMS. The proposed rule changes to capitalize the term “round lot” in Exchange Rule 11.8(e)(10), and amend Exchange Rule 11.20(d)(1) to conform to with the Exchange’s definition of round lot are conforming and non-substantive in nature, and are not intended to address competitive issues.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

- A. significantly affect the protection of investors or the public interest;
- B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act²³ and Rule 19b-4(f)(6)²⁴ thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if

²³ 15 U.S.C. 78s(b)(3)(A).

²⁴ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁸ See Exchange Rule 1.5(n). A “Member” is defined as “any registered broker or dealer that has been admitted to membership in the Exchange.”

¹⁹ 15 U.S.C. 78f(b).

²⁰ 15 U.S.C. 78f(b)(5).

²¹ *Id.*

²² See *supra* note 5.

it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeEDGA-2025-031 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CboeEDGA-2025-031. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeEDGA-2025-031 and should be submitted on or before December 12, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁵

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-20542 Filed 11-20-25; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21363; COLORADO Disaster Number CO-20026 Declaration of Economic Injury]

Administrative Declaration of an Economic Injury Disaster for the State of Colorado

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of Colorado dated November 18, 2025.

Incident: Lee and Elk Fires, Mudslides, and Debris Flows.

DATES: Issued on November 18, 2025.

Incident Period: August 2, 2025

through August 29, 2025.

Economic Injury (EIDL) Loan

Application Deadline Date: August 18, 2026.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's EIDL declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at disastercustomerservice@sba.gov or by phone at 1-800-659-2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Rio Blanco.

Contiguous Counties:

Colorado: Garfield, Moffat, Routt.

Utah: Uintah.

The Interest Rates are:

	Percent
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for economic injury is 213630.

The States which received an EIDL Declaration are Colorado, Utah.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator.

[FR Doc. 2025-20519 Filed 11-20-25; 8:45 am]

BILLING CODE 8026-09-P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA-2025-0010]

Privacy Act of 1974; Matching Program

AGENCY: Social Security Administration (SSA).

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a new matching program with the Railroad Retirement Board (RRB). Under this matching program, RRB, as the source agency, will disclose RRB annuity payment data to SSA, the recipient agency. SSA will use the information to verify Supplemental Security Income (SSI) and Special Veterans Benefits (SVB) eligibility and benefit payment amounts. SSA will also record the railroad annuity amounts RRB paid to SSI and SVB recipients in the Supplemental Security Income Record (SSR).

DATES: The deadline to submit comments on the proposed matching program is no later than December 22, 2025.

The matching program will be applicable on March 2, 2026, or once a minimum of 30 days after publication of this notice has elapsed, whichever is later. The matching program will be in effect for a period of 18 months.

ADDRESSES: You may submit comments by any one of three methods—internet, fax, or mail. Do not submit the same comments multiple times or by more than one method. Regardless of which method you choose, please state that your comments refer to Docket No. SSA-2025-0010 so that we may associate your comments with the correct regulation.

Caution: You should be careful to include in your comments only information that you wish to make publicly available. We strongly urge you not to include in your comments any personal information, such as Social Security numbers or medical information.

1. *Internet:* We strongly recommend that you submit your comments via the internet. Please visit the Federal eRulemaking portal at <https://www.regulations.gov>. Use the Search

²⁵ 17 CFR 200.30-3(a)(12).

function to find docket number SSA–2025–0010 and then submit your comments. The system will issue you a tracking number to confirm your submission. You will not be able to view your comment immediately because we must post each submission manually. It may take up to a week for your comments to be viewable.

2. *Fax:* Fax comments to 833–410–1631.

3. *Mail:* Matthew Ramsey, Head of Privacy & Disclosure Policy, Law & Policy, Social Security Administration, G–401 WHR, 6401 Security Boulevard, Baltimore, MD 21235–6401, or emailing Matthew.Ramsey@ssa.gov. Comments are also available for public viewing on the Federal eRulemaking portal at <https://www.regulations.gov> or in person, during regular business hours, by arranging with the contact person identified below.

FOR FURTHER INFORMATION CONTACT:

Interested parties may submit general questions about the matching program to Andrea Huseth, Division Director, Electronic Interchange, Liaison & Breach Division, Privacy & Disclosure Policy, Law & Policy, Social Security Administration, G–401 WHR, 6401 Security Boulevard, Baltimore, MD 21235–6401, at telephone: (410) 608–9675, or send an email to Andrea.Huseth@ssa.gov.

SUPPLEMENTARY INFORMATION: None.

Matthew D. Ramsey,

Head of Privacy & Disclosure Policy, Law & Policy.

Participating Agencies: SSA and RRB.
Authority for Conducting the Matching Program: This agreement is executed under the Privacy Act of 1974, 5 U.S.C. 552a, as amended by the Computer Matching and Privacy Protection Act (CMPPA) of 1988, Public Law (Pub. L.) 100–503, 102 Stat. 2507 (1988), as amended, and the Computer Matching and Privacy Protection Amendments of 1990, and the regulations and guidance promulgated thereunder.

The CMPPA applies when computerized comparisons of Privacy Act-protected records contained within a Federal agency's databases and the records of another organization are made in order to determine an individual's eligibility to receive a Federal benefit. The CMPPA requires the parties participating in a matching program to execute a written agreement specifying the terms and conditions under which the matching program will be conducted.

Legal authority for the disclosure under this agreement for the SSI portion are sections 1631(e)(1)(A) and (B) and

1631(f) of the Social Security Act (Act) (42 U.S.C. 1383(e)(1)(A) and (B) and 1383(f)). The legal authority for the disclosure under this agreement for the SVB portion is section 806(b) of the Act (42 U.S.C. 1006(b)).

Purpose(s): This agreement sets out the terms, safeguards, and procedures under which RRB, as the source agency, will disclose RRB annuity payment data to SSA, the recipient agency. SSA will use the information to verify SSI and SVB eligibility and benefit payment amounts. SSA will also record the railroad annuity amounts RRB paid to SSI and SVB recipients in the SSR.

Categories of Individuals: The individuals whose information is involved in this matching program are applicants for and recipients of SSI payments and SVB benefits.

Categories of Records: The monthly electronic data file provided by RRB will contain approximately 560,000 records. The file will adhere to the characteristics and format shown in attachment B. The SSR has about 10.4 million records. SSA will match the Social Security number, name, date of birth, and RRB claim number on the RRB file and the SSR. SSA and RRB will conduct this match monthly.

System(s) of Records: RRB will provide SSA with an electronic data file containing annuity payment data from RRB's system of records, RRB–22 Railroad Retirement, Survivor, and Pensioner Benefits System, last published on 80 FR 28018 (May 15, 2015). SSA will match RRB's data with data maintained in the SSR, Supplemental Security Income Record and Special Veterans Benefits, 60–0103, last fully published at 71 FR 1830 (January 11, 2006) and updated at 72 FR 69723 (December 10, 2007), 83 FR 31250–31251 (July 3, 2018), 83 FR 54969 (November 1, 2018), 89 FR 825 (January 5, 2024), and 89 FR 14554 (February 27, 2024). SVB data also resides in the SSR.

[FR Doc. 2025–20489 Filed 11–20–25; 8:45 am]

BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2025–0027]

Privacy Act of 1974; Matching Program

AGENCY: Social Security Administration (SSA).

ACTION: Notice of a New matching program.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a new matching program with the United

States Department of Health and Human Services, Administration for Children and Families, Office of Child Support Services (OCSS). Under this matching program, OCSS will disclose quarterly wage (QW) information to SSA to establish or verify eligibility, continuing entitlement, or payment amounts, or all of the above, of individuals under Title II Disability Insurance (DI) program of the Social Security Act (Act).

DATES: The deadline to submit comments on the proposed matching program is December 22, 2025.

The matching program will be applicable on December 23, 2025, or once a minimum of 30 days after publication of this notice has elapsed, whichever is later. The matching program will be in effect for a period of 18 months.

ADDRESSES: You may submit comments by any one of three methods—internet, fax, or mail. Do not submit the same comments multiple times or by more than one method. Regardless of which method you choose, please state that your comments refer to Docket No. SSA–2025–0027 so that we may associate your comments with the correct regulation.

Caution: You should be careful to include in your comments only information that you wish to make publicly available. We strongly urge you not to include in your comments any personal information, such as Social Security numbers or medical information.

1. *Internet:* We strongly recommend that you submit your comments via the internet. Please visit the Federal eRulemaking portal at <https://www.regulations.gov>. Use the *Search* function to find docket number SSA–2025–0027 and then submit your comments. The system will issue you a tracking number to confirm your submission. You will not be able to view your comment immediately because we must post each submission manually. It may take up to a week for your comments to be viewable.

2. *Fax:* Fax comments to (833) 410–1631.

3. *Mail:* Matthew Ramsey, Executive Director, Privacy and Disclosure Policy, Law and Policy, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, or emailing Matthew.Ramsey@ssa.gov. Comments are also available for public viewing on the Federal eRulemaking portal at <https://www.regulations.gov> or in person, during regular business hours, by arranging with the contact person identified below.

FOR FURTHER INFORMATION CONTACT:

Interested parties may submit general questions about the matching program to Andrea Huseeth, Division Director, Privacy and Disclosure Policy, Law and Policy, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, at telephone: (410) 608–9675, or send an email to Andrea.Huseeth@ssa.gov.

SUPPLEMENTARY INFORMATION: This is the re-establishment of a matching program that is set to expire between SSA and OCSS, which supports SSA's efficient administration of its Title II DI program.

Matthew Ramsey,

Executive Director, Privacy and Disclosure Policy, Law and Policy.

PARTICIPATING AGENCIES:

SSA and OCSS.

AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM:

The agreement to conduct this matching program between SSA and OCSS is executed pursuant to the Act and the Privacy Act of 1974, as amended. Section 224(h)(1) of the Act provides that the head of any Federal agency shall provide information within its possession as the Commissioner of Social Security may require for purposes of making a timely determination of the amount of the reduction, if any, required by section 224 in benefits payable under Title II of the Act. 42 U.S.C. 424a(h). Section 453(j)(4) authorizes OCSS to provide the Commissioner of Social Security with all information in the National Directory of New Hires (NDNH). 42 U.S.C. 653(j)(4). Disclosures under this matching program shall be made in accordance with 5 U.S.C. 552a(b)(3), under a routine use published in a systems of records notice as required by the Privacy Act, and in compliance with the matching procedures in 5 U.S.C. 552a(o), (p), and (r), which describes matching agreements, verification by agencies of information, the opportunity for individuals to contest agency findings, and the obligations of agencies to report proposals to establish or change matching programs to Congress and the Office of Management and Budget.

PURPOSE(S):

Under this matching program, SSA will use the NDNH QW information to establish or verify eligibility, continuing entitlement, or payment amounts, or all of the above, of individuals under the Title II DI program of the Act. The NDNH is a nationally centralized directory of new hire, QW, and unemployment insurance information,

and provides an effective, efficient, and comprehensive method of collecting and comparing this information. SSA's use of NDNH QW information supports program accuracy, program administration, and reduces overpayments.

CATEGORIES OF INDIVIDUALS:

The individuals whose information is involved in this matching program are individuals who are applicants or recipients of Title II benefits.

CATEGORIES OF RECORDS:

SSA will provide electronically to OCSS the following data elements in the finder file:

- Individual's Social Security number (SSN)

- Name (first, middle, last)

OCSS will disclose electronically to SSA the following data elements from the NDNH in the QW file:

- QW record identifier
- For employees:
 - (1) Name (first, middle, last)
 - (2) SSN
 - (3) Verification request code
 - (4) Processed date
 - (5) Non-verifiable indicator
 - (6) Wage amount
 - (7) Reporting period

- For employers of individuals in the QW file of the NDNH:

- (1) Name (first, middle, last)
- (2) Employer identification number
- (3) Address(es)
- Transmitter agency code
- Transmitter state code
- State or agency name

SYSTEM(S) OF RECORDS:

SSA's relevant Systems of Records (SORs) are the Master Beneficiary Record (MBR), 60–0090, last fully published on January 11, 2006 (71 **Federal Register** (FR) 1826), amended on December 10, 2007 (72 FR 69723), July 5, 2013 (78 FR 40542), July 3, 2018 (83 FR 31250–31251), November 1, 2018 (83 FR 54969), January 5, 2024 (89 FR 825), and February 27, 2024 (89 FR 14554); the Completed Determination Record (CDR)-Continuing Disability Determinations (CDD) file, 60–0050, last fully published January 11, 2006 (71 FR 13), amended on December 10, 2007 (72 FR 69723), on November 1, 2018 (83 FR 54969), April 26, 2019 (84 FR 17907), and last amended on January 5, 2024 (89 FR 825).

OCSS will match SSA information in the MBR and CDR–CDD against the QW information maintained in the NDNH. The NDNH contains new hire, QW, and UI information furnished by state and federal agencies and is maintained in

the SOR “OCSS National Directory of New Hires,” System No. 09–80–0381, published on February 8, 2024 (89 FR 8703). The disclosure of NDNH information by OCSS to SSA constitutes a “routine use,” as defined by the Privacy Act. 5 U.S.C. 552a(b)(3). Routine use (9) of the SOR authorizes the disclosure of NDNH records to SSA. January 24, 2022 (87 FR 3553, 3555).

[FR Doc. 2025–20488 Filed 11–20–25; 8:45 am]

BILLING CODE 4191–02–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 33 (Sub-No. 354X)]

**Union Pacific Railroad Co.—
Abandonment Exemption—in
Jefferson County, Wis.**

On September 24, 2025, Union Pacific Railroad Co. (UP), a Class I rail carrier, filed a petition under 49 U.S.C. 10502 for an exemption from the prior approval requirements of 49 U.S.C. 10903 to abandon an approximately 0.88-mile rail line known as the Jefferson Junction Lead between milepost 49.12 at the Clyman Subdivision and milepost 50, near the city of Jefferson, all of which is located in Jefferson County, Wis. (the Line). The Line traverses U.S. Postal Service Zip Codes 53549 and 53038, and the verified notice identifies no stations on the Line.

UP states that it seeks to abandon the Line and sell the track to Aztalan Bio, LLC (Aztalan), the only shipper on the Line, which will remove and reconfigure the track adjacent to its facility. (Pet. 2.) According to UP, the reconfigured track will connect to the Clyman Subdivision, where UP will provide rail service to Aztalan, and use of the Line will be limited to Aztalan's movement of railcars at its facilities; storage, loading and unloading operations; and receipt and delivery of rail cars to UP. (*Id.* at 3.) UP states that no other industries are located on the Line and that no shippers have requested to locate on the Line. *Id.*

According to UP, based on information in its possession, the Line does not contain federally granted rights-of-way. (*Id.* at 3.) UP further states that any documentation in UP's possession will be made available promptly to those requesting it. (*Id.*)

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979).

By issuing this notice,¹ the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by January 12, 2026.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 120 days after the filing of the petition for exemption, or 10 days after service of a decision granting the petition for exemption, whichever occurs sooner. Persons interested in submitting an OFA must first file a formal expression of intent to file an offer by December 1, 2025, indicating the type of financial assistance they wish to provide (*i.e.*, subsidy or purchase) and demonstrating that they are preliminarily financially responsible. See 49 CFR 1152.27(c)(1)(i).

The Line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for interim trail use/railbanking under 49 CFR 1152.29 will be due no later than December 11, 2025.²

All pleadings, referring to Docket No. AB 33 (Sub-No. 354X), must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on UP's representative, Christine Neuharth, Senior Counsel, Union Pacific Railroad Company, 1400 Douglas St. MS #1580, Omaha, NE 68179. Replies to the petition are due on or before December 11, 2025.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238 or refer to the full abandonment regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis (OEA) at (202) 245-0294. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245-0245.

OEA will prepare an environmental assessment (EA) (or environmental impact statement (EIS), if necessary), which will be served upon all parties of record and upon any other agencies or persons who comment during its preparation. Other interested persons may contact OEA to obtain a copy of the

EA (or EIS). EAs in abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA generally will be within 30 days of its service.

Board decisions and notices are available at www.stb.gov.

Decided: November 18, 2025.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

Stefan Rice,

Clearance Clerk.

[FR Doc. 2025-20547 Filed 11-20-25; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA-2024-0491]

Notice of Availability of Revision C to FAA Order 8100.15 Regarding Organization Designation Authorization (ODA) Procedures

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability.

SUMMARY: Revision C to FAA Order 8100.15 incorporates new FAA policy to address certain provisions of the Aircraft Certification, Safety, and Accountability Act of 2020 (the Act). This Order also introduces the Airmen Certification (AC) ODA type, reorganizes the existing content, and applies a systems-based approach to oversight, among other changes.

FOR FURTHER INFORMATION CONTACT: Mr. Scott Geddie, Policy and Oversight Integration Section, AVS-64, AVS ODA Office, Federal Aviation Administration, by telephone at 405-954-6897 or by email at Scott.Geddie@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

FAA Order 8100.15, Revision C, Organization Designation Authorization Procedures, provides updated policy associated with the requirements set forth in Title 14 Code of Federal Regulations (14 CFR) Part 183, Subpart D.

The changes in Revision C of FAA Order 8100.15 include the introduction of the AC ODA type, reorganization of content, and the introduction of a systems-based approach to oversight. This revision also addresses certain provisions of the Act including the prevention of interference with ODA unit members (UM) at companies that hold ODA, allowing communication

between UMs and the FAA, FAA approval of UM selections made by Type Certificate (TC) ODA holders, and assignment of FAA advisors to UMs at TC ODA holders.

A proposed version of Revision C to the Order published in the **Federal Register** and was available for public comment from July 22, 2024 through October 21, 2024 (89 FR 59012, July 22, 2024). The FAA received 114 public comments. The comments were from various stakeholders, including educational institutions, industry associations, air carriers and commercial operators, individuals, and 18 of the 75 current ODA holders. Organizations submitting comments included Aerospace Industries Association, Aviation Technician Education Council, the Air Line Pilots Association International, Airlines for America, American Airlines, Bell Textron Inc., The Boeing Company, Cirrus Design Corporation, Delta Air Lines, Embry-Riddle Aeronautical University, the Foundation for Aviation Safety, Garmin International, General Aviation Manufacturers Association, Gulfstream Aerospace Corporation, Honeywell International, Lycoming Engines, the National Air Transportation Association, the National Association of Flight Instructors, Pratt & Whitney, Rolls-Royce Corporation, Textron Aviation, United Airlines, and Williams International.

Supportive comments: Overall, commenters supported the proposals in the draft Order. Some commenters noted the collaborative engagement between the FAA and stakeholders in ensuring the proposed policy achieves its intended benefits for the aviation community.

Comments in support of AC ODA: Most commenters, particularly educational institutions and industry bodies, were supportive of the introduction of the AC ODA type and its implications for the aviation industry. Commenters highlighted the potential for AC ODA holders to alleviate bottlenecks in the certification process, which are currently exacerbated by a shortage of Designated Mechanic Examiners (DME). Commenters viewed the ability for Part 147 schools to conduct certification exams in-house as an important step toward streamlining the certification process, reducing costs, and enabling a more efficient transition of aviation maintenance technician graduates into the workforce. Commenters from educational institutions noted the positive impact the proposed policy revisions would

¹ Due to the shutdown of the Federal government due to a lapse in appropriations from October 1, 2025, through November 12, 2025, the Board was not able to timely publish notice of the petition. See 49 CFR 1152.27(b)(2)(i).

² Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

have on student success, retention, and timely graduation rates.

As a result of public comments, the FAA made several changes to the AC ODA content to clarify the information related to off-site facilities as well as for international activity where an ODA holder may be involved, to correct typos and regulatory references, and to define terminology such as operational approvals.

Comments opposing AC ODA: Some commenters objected to the introduction of the new AC ODA type, stating it will reduce safety. However, these commenters did not provide sufficient data to support their comments. The FAA assessed the expansion of the ODA program to include specific regulatory parts for airmen certification and determined it will not introduce additional risk to the safety of the National Airspace System.

Multiple authorizations: Based on a public comment associated with the use of multiple procedures manuals, the FAA incorporated the ability for an organization to hold more than one authorization when doing so will facilitate efficiency in the oversight of the type(s) associated with the authorization.

Clarifications and consistency: Many comments addressed the procedures governing ODA. Commenters recommended changes to enhance clarity and improve consistency. In response, the FAA modified language in several locations for consistency, such as replacing the word “survey” with “solicitation” for alignment with language used in FAA Notice 8100.19, Updated Policy on Organization Designation Authorization (ODA) Holder Interference with ODA Unit Members (UM) and Communication between UMs and the FAA. The FAA also updated the information on the use of FAA forms to align with deviation memorandum AIR-100-17-160-DM09, which allows organization management teams (OMT) to accept certain customized forms for documentation of ODA certification activities. The FAA updated the draft Order to provide additional clarity on when forms may be replicated or modified. Another example of a change made by the FAA due to public comment is the refinement of ODA holder training requirements; the FAA clarified the training requirements to focus on how to deliver the training content rather than specifying who should present the training content. This clarification establishes quality standards for delivering training and allows for more flexibility in assigning trainers.

Editorial changes: The FAA evaluated and incorporated multiple suggestions where commenters requested editorial changes and corrections, such as typographical errors and inaccurate references to other paragraphs, regulations, and other FAA policy.

This Order is available to the public at http://www.faa.gov/regulations_policies/orders_notices, on the Dynamic Regulatory System website at <https://drs.faa.gov>, and in the docket.

Authority: 49 U.S.C. 44702 and 44736.

Scott A. Geddie,

Manager, AVS-64, Policy and Oversight Integration Section, AVS ODA Office.

[FR Doc. 2025-20520 Filed 11-20-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC’s Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC’s determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on November 19, 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 November 19, 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. VOLOSOVIK, Aleksandr Aleksandrovich (a.k.a. “Ohyeahhellno”; a.k.a. “podzemniy1”; a.k.a. “Yalishanda”), St. Petersburg, Russia; DOB 30 Jan 1983; POB USSR; nationality Russia; citizen Russia; Gender Male; Digital Currency Address—XBT 18dLDAWi8Lmr HbEq3QzDJb9SLxCf4uimXB; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201; Passport 762988138 (Russia) issued 01 Apr 2020 expires 01 Apr 2030; Tax ID No. 253609232850 (Russia) (individual) [CAATSA—RUSSIA] [CYBER4].

Designated pursuant to section 1(a)(ii)(C) of Executive Order 13694 of April 1, 2015, “Blocking the Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities,” 80 FR 18077, 3 CFR, 2015 Comp., p. 297, as amended by Executive Order 13757 of December 28, 2016, “Taking Additional Steps to Address the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities,” 82 FR 1, 3 CFR, 2016 Comp., p. 659, and as further amended by Executive Order 14144 of January 16, 2025, “Strengthening and Promoting Innovation in the Nation’s Cybersecurity,” 90 FR 6755, and Executive Order 14306 of June 6, 2025, “Sustaining Select Efforts To Strengthen the Nation’s Cybersecurity and Amending Executive Order 13694 and Executive Order 14144,” 90 FR 24723 (E.O. 13694, as further amended), for being responsible for or complicit in, or having engaged in, directly or indirectly, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that are reasonably likely to result in, or have materially contributed to, a threat to the national security, foreign policy, or economic health or financial stability of the United States, and that have the purpose of or involve causing a disruption to the availability of a computer or network of computers or compromising the integrity of the information stored on a computer or network of computers.

2. ZATOLOKIN, Kirill Andreevich (a.k.a. “downlow”), St. Petersburg, Russia; DOB 30 Apr 1992; nationality Russia; citizen Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201; Passport 726146360 (Russia) issued 06 Sep 2013 expires 06 Sep 2023 (individual) [CAATSA—RUSSIA] [CYBER4].

Designated pursuant to section 1(a)(ii)(C) of E.O. 13694, as further

amended, for being responsible for or complicit in, or having engaged in, directly or indirectly, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that are reasonably likely to result in, or have materially contributed to, a threat to the national security, foreign policy, or economic health or financial stability of the United States, and that have the purpose of or involve causing a disruption to the availability of a computer or network of computers or compromising the integrity of the information stored on a computer or network of computers.

3. PANKOVA, Yulia Vladimirovna, St. Petersburg, Russia; DOB 10 Dec 1996; nationality Russia; citizen Russia; Gender Female; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201; Passport 753221719 (Russia) issued 25 May 2016 expires 25 May 2026; Tax ID No. 743016842436 (Russia) (individual) [CAATSA—RUSSIA] [CYBER4].

Designated pursuant to section 1(a)(iii)(C) of E.O. 13694, as further amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ALEKSANDR ALEKSANDROVICH VOLOSOVIK, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

4. MAKAROV, Maksim Vladimirovich, Russia; DOB 23 Mar 1989; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201; Passport 772555187 (Russia) issued 19 Feb 2024 expires 19 Feb 2034; Tax ID No. 244309586068 (Russia) (individual) [CAATSA—RUSSIA] [CYBER4] (Linked To: AEZA GROUP LLC).

Designated pursuant to section 1(a)(iii)(F) of E.O. 13694, as further amended, for being or having been a leader, official, senior executive officer, or member of the board of directors of AEZA GROUP LLC, an entity whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

5. ZAKIROV, Ilya Vladislavovich, Russia; DOB 20 Nov 1999; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201; Tax ID No. 165504427793 (Russia) (individual) [CAATSA—RUSSIA] [CYBER4] (Linked To: AEZA GROUP LLC).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13694, as further

amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, AEZA GROUP LLC, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

Entities

1. MEDIA LAND, LLC (a.k.a. MEDIA LEND), Zastavskaya st., n. 33, Office 6A300, Saint Petersburg 196084, Russia; Tsvetochnaya St., 16 Litera P, Room 27, Moskovskaya Zastava Municipal District, Saint Petersburg 196066, Russia; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201; Organization Established Date 19 Oct 2015; Tax ID No. 2536288610 (Russia); Registration Number 1152536009900 (Russia) [CAATSA—RUSSIA] [CYBER4].

Designated pursuant to section 1(a)(ii)(C) of E.O. 13694, as further amended, for being responsible for or complicit in, or having engaged in, directly or indirectly, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that are reasonably likely to result in, or have materially contributed to, a threat to the national security, foreign policy, or economic health or financial stability of the United States, and that have the purpose of or involve causing a disruption to the availability of a computer or network of computers or compromising the integrity of the information stored on a computer or network of computers.

2. ML.CLOUD, LLC (a.k.a. ML.CLOUD), Tsvetochnaya St., 16 Litera P, Room 28, Moskovskaya Zastava Municipal District, Saint Petersburg 196006, Russia; Suite 1802, Lippo Centre, Tower One, 89 Queensway, Hong Kong, China; website ml.cloud; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201; Organization Established Date 27 Jan 2022; Tax ID No. 7810938831 (Russia); Registration Number 1227800008182 (Russia) [CAATSA—RUSSIA] [CYBER4].

Designated pursuant to section 1(a)(ii)(C) of E.O. 13694, as further amended, for being responsible for or complicit in, or having engaged in, directly or indirectly, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that are reasonably likely to result in, or have materially contributed to, a threat to the national security, foreign policy, or economic health or financial

stability of the United States, and that have the purpose of or involve causing a disruption to the availability of a computer or network of computers or compromising the integrity of the information stored on a computer or network of computers.

3. MEDIA LAND TECHNOLOGY LIMITED LIABILITY COMPANY (a.k.a. “MLT LLC”), Sh. Volkhovskoe Zd.11, Office 313, Kirishi 187110, Russia; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201; Organization Established Date 14 Sep 2022; Tax ID No. 4727007790 (Russia); Registration Number 1224700016089 (Russia) [CAATSA—RUSSIA] [CYBER4] (Linked To: MEDIA LAND, LLC).

Designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, MEDIA LAND, LLC, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

4. DATA CENTER KIRISHI LIMITED LIABILITY COMPANY (a.k.a. DC KIRISHI LLC), Sh. Volkhovskoe Zd.95, Pomeschch. 1, Sh. Volkhovskoe Zd.11, Kirishi 187110, Russia; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201; Organization Established Date 01 Jul 2022; Registration ID 1224700010908 (Russia); Tax ID No. 4727007461 (Russia) [CAATSA—RUSSIA] [CYBER4] (Linked To: MEDIA LAND, LLC).

Designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, MEDIA LAND, LLC, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

5. DATAVICE MCHJ, 3 Irrigator Massive, Hamid Olimjon MFY, Tashkent, Uzbekistan; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201; Organization Established Date 03 Jul 2025; Tax ID No. 312252645 (Uzbekistan); Business Registration Number 2868352 (Uzbekistan) [CAATSA—RUSSIA] [CYBER4] (Linked To: AEZA GROUP LLC).

Designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, AEZA GROUP LLC, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

6. SMART DIGITAL IDEAS DOO, Jurija Gagarina 231, Lok 329, Belgrade, Serbia; website smartdi.rs; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201; Tax ID No. 113294246 (Serbia); Business Registration Number 21840823 (Serbia) [CAATSA—RUSSIA] [CYBER4] (Linked To: AEZA GROUP LLC).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13694, as further amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, AEZA GROUP LLC, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

7. HYPERCORE LTD, 120 Fleet Street, London EC4A 2BE, United Kingdom; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201; Organization Established Date 03 Jul 2025; Company Number 16558658 (United Kingdom) [CAATSA—RUSSIA] [CYBER4] (Linked To: AEZA GROUP LLC).

Designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, AEZA GROUP LLC, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2025–20573 Filed 11–20–25; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF TREASURY

Office of Inspector General

Senior Executive Service Performance Review Board Membership

AGENCY: Office of Inspector General, Department of the Treasury (TOIG).

ACTION: Notice.

SUMMARY: The Treasury Office of Inspector General (TOIG) announces the appointment of persons to serve as members of its Performance Review Board (PRB). The purpose of the PRB is to provide fair and impartial review of the annual SES performance appraisal; to make recommendations to appointing officials regarding acceptance or modification of the performance rating; and to make recommendations for performance-based awards and performance-based pay increases.

ADDRESSES: Treasury Office of Inspector General, 850 15th Street NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Anthony Cameron, Human Resources Specialist at 202.927.9668.

SUPPLEMENTARY INFORMATION: The membership of the TOIG's PRB is as follows:

Leigh Searight
Nancy House
Javier Inclan
Rene Rocque

(Authority: 5 U.S.C. 4314(c)(4))

Nancy N. Osborn,

Human Resources Director, TOIG, Federal Register Certifying Officer.

[FR Doc. 2025–20568 Filed 11–20–25; 8:45 am]

BILLING CODE 4810–YV–P

DEPARTMENT OF THE TREASURY

Senior Executive Service Performance Review Boards

AGENCY: Department of the Treasury.

ACTION: Notice of Appointments to Performance Review Boards (PRBs).

SUMMARY: Pursuant to 5 U.S.C. 4314(c)(4), this notice announces the appointment of members to the Department of the Treasury's Performance Review Boards (PRBs). The purpose of these Boards are to review and make recommendations concerning proposed performance appraisals, ratings, bonuses and other appropriate personnel actions for incumbents of SES positions in the Department.

DATES: Membership is effective on the date of this notice.

FOR FURTHER INFORMATION CONTACT: Kimberly Jackson, Office of Executive Resources, 1500 Pennsylvania Avenue NW, ATTN: 1801 L Street, 6th Floor, Washington, DC 20220, Telephone: 202–622–0774.

SUPPLEMENTARY INFORMATION:

Composition of the PRB: The Boards shall consist of at least three members. In the case of an appraisal of a career appointee, more than half the members shall consist of career appointees. The persons listed below may be selected to serve on one or more PRBs within Treasury.

Names for Federal Register Publication

Top Officials

- John York, Assistant Secretary for Management
- Patricia Ann Solimene, Director, Bureau of Engraving and Printing
- Craig Lawrence Deatrick, Deputy Director, Chief Administrative Officer

- Yolanda Denise Ward, Deputy Director, Chief Operating Officer
- Timothy Gribben, Commissioner for the Bureau of the Fiscal Service
- Joseph Gioeli, Deputy Commissioner (Transformation and Modernization), Bureau of the Fiscal Service
- Jeffrey J. Schramek, Deputy Commissioner Administrative Resource Center, Bureau of the Fiscal Service
- Andrea Gacki, Director, Financial Crimes Enforcement Network
- Jimmy Kirby Jr, Deputy Director, Financial Crimes Enforcement Network
- Kristie L. McNally, Deputy Director of the Mint
- Mary G. Ryan, Administrator for the Alcohol and Tobacco Tax and Trade Bureau
- Elisabeth Kann, Deputy Administrator for the Alcohol and Tobacco Tax and Trade Bureau
- Christopher Michael Pilkerton, Principal Deputy General Counsel
- Tyler Stephen Badgley, Deputy General Counsel

Departmental Offices

- Alexandra Preate, Counselor to the Secretary
- Tyler Williams, Counselor to the Secretary
- Derek John Theurer, Counselor to the Secretary
- Michael Friedman, Chief of Staff
- Cora D'Silva Alvi, Deputy Chief of Staff
- Samantha Virginia Schwab, Deputy Chief of Staff
- Rachel Grace Miller, Executive Secretary
- George Hunter McMaster III, Director of Policy and Planning
- Andrew Fair, Deputy Assistant Secretary for Investment Security Operations
- Joseph Pauloski, Director of Reviews and Investigations
- Alexandra Yestrumskas, Deputy Assistant Secretary for Investment Security
- David Shogren, Director, Office of Global Transactions
- Meena Sharma, Director, Office of Investment Security Policy and International Relations
- Patricia Pollard, Deputy Assistant Secretary for International Monetary and Financial Policy
- Evangelia Bouzidis, Senior Advisor
- Mirea Grotz, Director, Office of International Trade
- Brian McCauley, Deputy Assistant Secretary, Europe and Eurasia
- Jeffrey Baker, Director, Office of Development Results and Accountability

- Margaret Kuhlow, Deputy Assistant Secretary for International Development Finance and Policy
- Alejandro Mares, Director, Western Hemisphere Office
- Anthony Ieronimo, Senior Advisor
- Robert Kaproth, Deputy Assistant Secretary for South and East Asia
- Michael Kaplan, Deputy Assistant Secretary for Western Hemisphere and South Asia
- Albert Lee, Director, Markets Room
- Shannon Ding, Director, Office of East Asia
- Lailee Moghtader, Deputy Assistant Secretary for Trade and Investment Policy
- Charles Moravec, Director, Office of Multilateral Development Banks
- Clarence Severens, Senior Advisor
- Lida Fitts, Director, Office of Energy and Infrastructure
- Mathew Haarsager, Treasury Attaché Austria
- Eric Meyer, Deputy Assistant Secretary, Africa, Middle East, and Multilateral Development Bank Operations
- Nicholas Tabor, Deputy Assistant Secretary for International Financial Markets
- Sean Hoskins, Director of Policy
- Christina Skinner, Deputy Assistant Secretary, Financial Stability Oversight Council
- Nicholas Steele, Director Office of Fiscal Projections
- Renata Miskell, Deputy Assistant Secretary for Accounting Policy and Financial Transparency
- Matthew Garber, Deputy Assistant Secretary for Fiscal Operations and Policy
- Alexandria Smith, Deputy Assistant Secretary for Community and Economic Development
- Walter Kim, Director for the Office of Financial Institutions Policy
- John Crews, Deputy Assistant Secretary for Financial Institutions Policy
- Christopher Curtis, Director, Office of Consumer Policy
- Sarah Nur, Director of International Coordination and Mission Support
- Steven E. Seitz, Director Federal Insurance Office
- Stephanie Schmelz, Deputy Director of the Federal Insurance Office
- Cory Patrick Wilson, Deputy Assistant Secretary, Cybersecurity and Critical Infrastructure Protection
- Gary Grippo, Deputy Assistant Secretary for Public Finance
- Fred Pietrangeli, Director for the Office of Debt Management
- Ethan Fallang, Deputy Assistant Secretary for Capital Markets
- Anupama Murgai, Director for Capital Markets
- Jeffrey Kim, Director, Federal Program Finance
- William Barrett III, Counselor to the Under Secretary for Terrorism and Financial Intelligence
- Paul Ahern, Counselor to the Under Secretary for Terrorism and Financial Intelligence
- Bradley T. Smith, Director for the Office of Foreign Assets Control
- Sara Thannhauser, Associate Director, Program Policy and Implementation, OFAC
- Lisa M. Palluconi, Deputy Director for the Office of Foreign Assets Control
- John M. Farley, Director, Treasury Executive Office for Asset Forfeiture
- Billy Bradley, Deputy Director, Treasury Executive Office for Asset Forfeiture
- Lawrence Scheinert, Associate Director, Office of Compliance and Enforcement
- Ripley Quinby, IV, Associate Director, Office of Sanction Support and Operations
- Scott Rembrandt, Deputy Assistant Secretary, Office of Strategic Policy, Terrorist Financing and Financial Crimes
- Anna Morris, Deputy Assistant Secretary for Global Affairs
- Rhett Skiles, Deputy Assistant Secretary for Intelligence
- Ryan L. Brick, Executive Director, Cyber Emerging and Technology Intelligence (CETI)
- Thomas Wolverton, Deputy Assistant Secretary for Security and Counterintelligence
- Katherine Amlin, Deputy Assistant Secretary for (Support and Technology) Intelligence Analysis
- Benjamin Davis, Chief Information Officer for Treasury Intelligence Capabilities
- Michael Doyle, Director, Office of Security Programs
- Michael Neufeld, Principal Deputy Assistant Secretary for Support and Technology
- Mason Champion, Deputy Assistant Secretary for Legislative Affairs (Tax & Budget)
- Jonathan M. Blum, Principal Deputy Assistant Secretary for Legislative Affairs
- Christopher Burdick, Deputy Assistant Secretary for Legislative Affairs (Terrorism and Financial Intelligence)
- Michael C. Dunn, Deputy Assistant Secretary for Legislative Affairs (Banking and Finance)
- Alexandra Adcock, Deputy Assistant Secretary for Legislative Affairs (Appropriations and Management)
- John Poulson III, Deputy Assistant Secretary for Legislative Affairs (International Affairs)
- Elliott Hulse, Deputy Assistant Secretary for Public Affairs (International Affairs)
- Spencer Hurwitz, Deputy Assistant Secretary for Public Affairs (Terrorism and Financial Intelligence)
- David O'Brien, Deputy Assistant Secretary for Public Affairs (Domestic Finance)
- Kristin Lynch, Deputy Assistant Secretary for Public Affairs
- Christopher Soares, Director, Microeconomic Analysis
- Samuel Brown, Director, Office of Macroeconomic Analysis
- Jonathan S. Jaquette, Director for Receipts Forecasting
- Neviana Petkova, Director, Office of Tax Analysis
- Catherine Crato, Director Health Economics and Taxation
- John Eiler, Director for Economic Modeling and Computer Applications
- Eric Oman, Deputy Assistant Secretary (Tax Legislative)
- Rebecca Oakes Burch, Deputy Assistant Secretary for International Tax Affairs
- Kevin Salinger, Deputy Assistant Secretary (Tax Policy)
- Curtis Carlson, Director of Business Revenue
- Adam Cole, Director for Individual Taxation
- Gregory Till, Chief Operating Officer, Office of Recovery Programs
- Danielle Christensen, Deputy Chief Program Officer for State and Local Programs
- Jeffrey Stout, Deputy Chief Program Officer for Small Business and Community Investment Programs
- Donald Phillips, Deputy Assistant Secretary for Treasury Operations
- David Aten, Senior Advisor
- Samuel Corcos, Deputy Assistant Secretary, Information Systems and Chief Information Officer
- Ryan Law, Deputy Assistant Secretary for Privacy Transparency and Records
- Lenora Stiles, Deputy Assistant Secretary for Strategy, Planning and Performance Improvement
- Kawan Taylor, Director, Financial Reporting, Policy and Operations
- William Sessions, Deputy Assistant Secretary for Management and Budget
- Carole Y. Banks, Deputy Chief Financial Officer
- J. Trevor Norris, Deputy Assistant Secretary for Human Resources
- Michael Wenzler, Associate Chief Human Capital Officer for Executive and Human Capital Services
- Snider Page, Director, Office of Civil Rights and Equal Employment Opportunity
- Lorraine Cole, Chief Diversity and Inclusion for Departmental Offices

- Kande Hooten, Director, Office of DC Pensions
- Roger Adams, Associate Chief Information Officer for Enterprise Infrastructure Operations Services
- Peter Bergstrom, Administrator, Treasury Common Services Center
- Nicolaos Totten, Deputy Administrator for Technology
- Jane Kim, Associate Chief Information Officer for Security Operations
- Kamil Kuza, Associate Chief Information Officer for Cloud Services
- Karen Sue Howard, Director, Online Services
- Tracey L. Showman, Director, Online Services
- Christie Lucas, Associate Chief Information Officer for Human Resources Systems
- Christopher Mendoza, Associate Chief Information Officer for Enterprise Technology and Commodity Services
- Robert Coffman, Chief of Operations/Deputy to the Deputy Assistant Secretary for Operations
- Parraize Butler, Departmental Budget Officer

Office of the General Counsel

- Mark Vetter, Deputy Assistant General Counsel (Ethics)
- Jonathan Bressler, Assistant General Counsel (Enforcement and Intelligence)
- Eric Froman, Assistant General Counsel (Banking and Finance)
- Stephen Milligan, Deputy Assistant General Counsel (Banking and Finance)
- Nayla Kawerk, Deputy Assistant General Counsel (International Affairs)
- Jeffrey M. Klein, Deputy Assistant General Counsel (International Affairs)
- Michael Briskin, Deputy Assistant General Counsel (General Law and Regulation)
- Krishna Prasad Vallabhaneni, Tax Legislative Counsel
- Helen Morrison, Benefits Tax Counsel
- James Wang, Deputy International Tax Counsel
- Michelle Dickerman, Deputy Assistant General Counsel for Litigation, Oversight and Financial Stability
- Natasha Goldvug, Deputy Tax Legislative Counsel
- Shelley Leonard, Deputy Tax Legislative Counsel
- Caitlin Roberts Cottingham, Principal Deputy Assistant General Counsel for Enforcement and Intelligence
- Sean Boyce, Chief Counsel for the Financial Crimes Enforcement Network

- Heather Sigrist Book, Chief Counsel for the Bureau of Engraving and Printing
- Lillian Lai-Lin Cheng, Chief Counsel for the Bureau of the Fiscal Service
- Christina McMahon, Chief Counsel for Alcohol and Tobacco Tax and Trade Bureau

Bureau of Engraving and Printing

- Justin D. Draheim, Associate Director (Quality)
- Steven Alan Fisher, Associate Director (Chief Financial Officer)
- Ronald Voelker, Associate Director, Manufacturing

Financial Crimes Enforcement Network

- Amy L. Taylor, Associate Director, Technology Solutions and Services Division/CIO
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- Whitney Case, Associate Director, Enforcement and Compliance Division
- Matthew R. Stiglitz, Associate Director, Global Investigations Division
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- Kenyatta Fletcher, Associate Director for Financial Management/CFO
- Francis O'Hearn, Chief Information Officer
- Robert Kuryzna, Plant Manager
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- Caroline F. May, Assistant Administrator Permitting and Taxation
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- Anita Ko, Assistant Administrator, Data Analytics/Chief Data Officer

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- Nathaniel Reboja, Assistant Commissioner and Chief Information Officer
- Tony Paul, Deputy Assistant Commissioner and Chief Technology Officer
- Ryan Schanedig, Deputy Assistant Commissioner, Enterprise IT Operations

- Daniel Berger, Assistant Commissioner and Chief Financial Officer
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- Paul E. Deuley, Senior Advisor
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- Anna Marie Mourad, Assistant Commissioner, ARC Management, Modernization and Customer Care
- Vona Susan Robinson, Deputy Assistant Commissioner, Federal Disbursement Services
- Tannura Elie, Assistant Commissioner, Revenue Collections Management
- Lori Santamorena, Executive Director, Government Securities Regulations Staff
- Daniel J. Vavasour, Chief Innovation Officer
- David T. Copenhaver, Assistant Commissioner (Wholesale Securities Services)
- Thomas T. Vannoy, Deputy Assistant Commissioner (Wholesale Securities Services)
- Adam H. Goldberg, Deputy Assistant Commissioner and Business Transformation Executive
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- Amanda M. Kupfner, Assistant Commissioner, Chief Administrative Officer
- Angela Jones, Assistant Commissioner and Chief Human Resource Officer
- Bernadette Goodwin, Deputy Assistant Commissioner, Fiscal and Financial Agent Services

Kimberly Jackson,

Human Resources Specialist, Office of Executive Resources.

[FR Doc. 2025-20517 Filed 11-20-25; 8:45 am]

BILLING CODE 4810-AK-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0586]

**Agency Information Collection
Activity: VA Acquisition Regulation
Clause 852.211–72, Technical Industry
Standards****AGENCY:** Office of Acquisition and Logistics, Department of Veterans Affairs.**ACTION:** Notice.**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Office of Acquisition and Logistics (OAL), Department of Veterans Affairs (VA), will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information and its expected cost and burden, and it includes the actual data collection instrument.**DATES:** Comments and recommendations on the proposed information collection should be sent by December 22, 2025.**ADDRESSES:** To submit comments and recommendations for the proposed information collection, please type the following link into your browser: www.reginfo.gov/public/do/PRAMain, select “Currently under Review—Open for Public Comments”, then search the list for the information collection by Title or “OMB Control No. 2900–0586.”**FOR FURTHER INFORMATION CONTACT:** VA PRA information: Dorothy Glasgow, 202–461–1084, VAPRA@va.gov.**SUPPLEMENTARY INFORMATION:***Title:* VA Acquisition Regulation Clause 852.211–72, Technical Industry Standards.*OMB Control Number:* 2900–0586
<https://www.reginfo.gov/public/do/PRASearch>.*Type of Review:* Extension without change of a currently approved collection.*Abstract:* This Paperwork Reduction Act (PRA) submission seeks an extension of Office of Management and Budget (OMB) approval No. 2900–0586 for collection of information for both commercial and non-commercial item, service, and construction solicitations and contracts using VA Acquisition Regulation (VAAR) Clause 852.211–72, Technical Industry Standards, as prescribed in CFR Title 48, Federal Acquisition Regulations System, VAAR 811.204–70, Contract clause. VAAR clause 852.211–72, Technical Industry Standards, requires that items offered

for sale to VA under the solicitation conform to certain technical industry standards, such as United States Department of Agriculture (USDA) Institutional Meat Purchase Specifications, and that the contractor furnish evidence to VA that the items meet that requirement. The evidence is normally in the form of a tag or seal affixed to the item, such as a label on beef product. In most cases, this requires no additional effort on the part of the contractor, as the items come from the factory with the tags already in place, as part of the manufacturer’s standard manufacturing operation. Occasionally, for items not already meeting standards or for items not previously tested, a contractor will have to furnish a certificate from an acceptable laboratory certifying that the items furnished have been tested in accordance with, and conform to, the specified standards. Only firms whose products have not previously been tested to ensure the products meet the industry standards required under the solicitation and contract will be required to submit a separate certificate. The information will be used to ensure that the items being purchased meet minimum safety standards and to protect VA beneficiaries and VA employees.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments this collection of information was published at 90 FR 44904, September 17, 2025.*Affected Public:* Business or other for-profit.*Estimated Annual Burden:* 559 hours.*Estimated Average Burden per Respondent:* 30 minutes.*Frequency of Response:* One per contract.*Estimated Number of Respondents:* 1,118.*Authority:* 44 U.S.C. 3501 *et seq.***Dorothy Glasgow,***Acting, VA PRA Clearance Officer, Office of Information Technology, Data Governance Analytics, Department of Veterans Affairs.*

[FR Doc. 2025–20558 Filed 11–20–25; 8:45 am]

BILLING CODE 8320–01–P**DEPARTMENT OF VETERANS AFFAIRS**

[OMB Control No. 2900–0662]

**Agency Information Collection
Activity: Civil Rights Discrimination
Complaint****AGENCY:** Office of the Secretary, Department of Veterans Affairs.**ACTION:** Notice.**SUMMARY:** Office of the Secretary, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.**DATES:** Comments must be received on or before January 20, 2026.**ADDRESSES:** Comments must be submitted through www.regulations.gov.**FOR FURTHER INFORMATION CONTACT:**Office of the Secretary, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to Sterling.Akins@va.gov*Program-Specific information:* Denise P. DeShields, 202–461–7840, Denise.DeShields@va.gov.*VA PRA information:* Dorothy Glasgow, 202–461–1084, VAPRA@va.gov.**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, Office of Secretary invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of Office of Secretary’s functions, including whether the information will have practical utility; (2) the accuracy of Office of Secretary’s estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Civil Rights Discrimination Complaint, VA Form 08–0381.

OMB Control Number: 2900–0662.
<https://www.reginfo.gov/public/do/PRASearch> (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: Revision of a currently approved collection.

Abstract: Veterans and other customers who believe that civil rights were violated by agency employees while receiving medical care or services in VA medical centers or institutions such as state home receiving federal financial assistance from VA, complete VA Form 08–0381 to file a formal complaint of the alleged discrimination.

Affected Public: Individuals and households.

Estimated Annual Burden: 113 hours.
Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 450.

Authority: 44 U.S.C. 3501 *et seq.*

Dorothy Glasgow,

Acting, VA PRA Clearance Officer, Office of Information Technology, Data Governance and Analytics, Department of Veterans Affairs.

[FR Doc. 2025–20644 Filed 11–20–25; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0863]

Agency Information Collection Activity: Clause 852.237–73, Crime Control Act—Requirement for Background Checks

AGENCY: Office of Acquisition and Logistics, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Office of Acquisition and Logistics (OAL), Department of Veterans Affairs (VA), will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Comments and recommendations on the proposed information collection should be sent by December 22, 2025.

ADDRESSES: To submit comments and recommendations for the proposed information collection, please type the following link into your browser: www.reginfo.gov/public/do/PRAMain, select “Currently under Review—Open for Public Comments”, then search the list for the information collection by Title or “OMB Control No. 2900–0863.”

FOR FURTHER INFORMATION CONTACT: VA PRA information: Dorothy Glasgow, 202–461–1084, VAPRA@va.gov.

SUPPLEMENTARY INFORMATION:

Title: Clause 852.237–73, Crime Control Act—Requirement for Background Checks.

OMB Control Number: 2900–0863
<https://www.reginfo.gov/public/do/PRASearch>.

Type of Review: Extension without change of a currently approved collection.

Abstract: This Paperwork Reduction Act (PRA) submission seeks renewal without changes of Office of Management and Budget (OMB) approved No. 2900–0863, VAAR clause 852.237–73, Crime Control Act—Requirement for Background Checks. Under the Crime Control Act of 1990 (34

U.S.C. 20351), each agency of the Federal Government, and every facility operated by the Federal Government, or operated under contract with the Federal Government, that hires, or contracts for hire, individuals involved with the provision to children under the age of 18 of childcare services shall assure that all existing and newly hired employees undergo a criminal history background check. VAAR clause 852.237–73, Crime Control Act—Requirement for Background Checks, is required in all solicitations, contracts, and orders that involve providing childcare services to children under the age of 18, including social services, health and mental health care, child-(day) care, education (whether or not directly involved in teaching), and rehabilitative programs covered under the statute.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments this collection of information was published at 90 FR 44905, September 17, 2025.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 1,500 hours.

Estimated Average Burden per Respondent: 60 minutes.

Frequency of Response: One per contract employee.

Estimated Number of Respondents: 1,500.

Authority: 44 U.S.C. 3501 *et seq.*

Dorothy Glasgow,

Acting, VA PRA Clearance Officer, Office of Information Technology, Data Governance Analytics Department of Veterans Affairs.

[FR Doc. 2025–20560 Filed 11–20–25; 8:45 am]

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Part II

Department of Homeland Security

U.S. Customs and Border Protection

19 CFR Parts 103 and 122

Enhanced Air Cargo Advance Screening (ACAS); Final Rule

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Parts 103 and 122

[Docket No. USCBP–2025–0053; CBP Dec. 25–08]

RIN 1651–AB61

Enhanced Air Cargo Advance Screening (ACAS)

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

ACTION: Interim final rule; request for comments.

SUMMARY: To address ongoing aviation security threats, U.S. Customs and Border Protection (CBP) is amending its regulations pertaining to the Air Cargo Advance Screening (ACAS) program to require the transmission of additional data elements. The ACAS program enhances the security of flights carrying cargo into the United States by requiring the transmission of certain air cargo data and performing targeted risk assessments based on the transmitted data prior to an aircraft's departure for the United States. These risk assessments identify and prevent high-risk air cargo from being loaded onto an aircraft that could pose a risk to an aircraft during flight.

DATES:

Effective Date: This interim final rule is effective as of November 21, 2025.

Comment Date: Comments must be received by January 20, 2026.

ADDRESSES: Please submit any comments, identified by docket number USCBP–2025–0053, by the following method:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the “Public Participation” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Joseph Martella, Cargo and Conveyance Security, Office of Field Operations,

U.S. Customs & Border Protection, by telephone at 646–315–4330 or by email at Joseph.Martella@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

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Table of Abbreviations

ABI—Automated Broker Interface
 ACAS—Air Cargo Advance Screening
 APA—Administrative Procedure Act
 ATS—Automated Targeting System
 BLS—Bureau of Labor Statistics
 CBP—U.S. Customs and Border Protection
 CFR—Code of Federal Regulations
 CRA—Congressional Review Act
 DHS—Department of Homeland Security
 DNL—Do-Not-Load
 EIA—Energy Information Administration
 E.O.—Executive Order
 EU—European Union
 FDM—Flight Departure Message
 FR—Federal Register
 GDP—Gross Domestic Product
 HAWB—House Air Waybill
 IFR—Interim Final Rule
 IG—Implementation Guide
 IP—Internet Protocol
 IT—Information Technology
 MAC—Media Access Control
 MAWB—Master Air Waybill
 NCSP—National Cargo Security Program

OMB—Office of Management and Budget
 PNR—Passenger Name Record
 PRA—Paperwork Reduction Act
 RFA—Regulatory Flexibility Act
 SBA—U.S. Small Business Administration
 SKU—Stock Keeping Unit
 SSI—Sensitive Security Information
 TSA—Transportation Security Administration
 UMRA—Unfunded Mandates Reform Act
 URL—Uniform Resource Locator
 U.S.—United States
 U.S.C.—United States Code
 VPN—Virtual Private Network

I. Public Participation

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of this interim final rule (IFR). CBP also invites comments that relate to the economic, environmental, or federalism effects that might result from this IFR. Comments that will provide the most assistance to CBP will reference a specific portion of the IFR, explain the reason for any recommended change, and include data, information, or authority that support such recommended change.

II. Executive Summary

Intentional attacks on international aviation continue to pose a significant threat to the security of aircraft and individuals entering the United States. For example, in July 2024, incendiary devices caused fires at several air cargo facilities in Europe. If the devices had ignited mid-air, the resulting fires could have caused the catastrophic loss of an aircraft, threatening the safety and security of all individuals and property in the vicinity of the incident.

The Department of Homeland Security (DHS) was established, in part, to prevent such attacks, and to ensure aviation safety and security. Within DHS, U.S. Customs and Border Protection (CBP) and the Transportation Security Administration (TSA) have responsibilities for securing international air cargo bound for the United States. Working together, CBP and TSA employ a layered security approach to secure aircraft entering the United States, which includes risk assessment methods that identify high-risk cargo for further screening.

As part of this layered security approach, CBP's Air Cargo Advance Screening (ACAS) program requires inbound air carriers or other eligible filers to transmit specified air cargo data as early as practicable, but no later than prior to the loading of the cargo onto an aircraft. This data is analyzed as part of a joint CBP–TSA targeting operation that identifies high-risk cargo for further interventions before the cargo can be

loaded onto an aircraft bound for the United States. In response to the July 2024 incidents, CBP, in coordination with TSA, determined that it is necessary to modify the ACAS program to more effectively identify high-risk air cargo.

CBP, in collaboration with TSA, established the ACAS program in response to an October 2010 attack in which terrorists placed concealed explosive devices in cargo on board two aircraft destined for the United States. The devices, disguised as printers, were designed to detonate mid-air over the continental United States with enough explosive potential to cause catastrophic damage to the two aircraft. The attack was ultimately thwarted when the devices were discovered through the combined efforts of multiple foreign and domestic intelligence agencies. If not discovered, the devices could have caused significant loss of life and damage to property on board any of the aircraft that the devices transited on, including passenger aircraft that carry air cargo. Despite the positive conclusion, the attack highlighted significant vulnerabilities in air cargo security as the devices had flown on board several flights prior to discovery.

To address vulnerabilities identified in CBP's analysis of the October 2010 attack, CBP, in collaboration with TSA, established the ACAS program to expedite the transmission of certain air cargo information used by CBP when conducting risk assessments. CBP and TSA also established a joint CBP-TSA targeting operation that analyzes transmitted air cargo data by utilizing CBP's Automated Targeting System (ATS) and other available intelligence as a risk targeting tool. This targeting operation enables CBP and TSA to address specific threat information in real time and identify high-risk cargo shipments that require further scrutiny. CBP's objective for the ACAS program is to obtain the most accurate data at the earliest time possible while minimizing any impact that the collection of data might have on the flow of commerce. The ACAS transmission timeline enables CBP and TSA to deter and disrupt threats faced by aircraft carrying cargo into the United States by identifying high-risk air cargo prior to an aircraft's departure for the United States. CBP and TSA requirements ensure that high-risk cargo shipments identified through this process receive appropriate screening and, if necessary, are prevented from transport in civil aviation. Following extensive discussions with members of industry and testing, CBP and TSA mandated participation in the ACAS program

through the publication of CBP's ACAS IFR, effective June 12, 2018 (83 FR 27380) ("2018 IFR"), and through revisions to TSA's standard security programs.

Under section 122.48a of title 19 of the Code of Federal Regulations (19 CFR 122.48a), for any inbound aircraft required to make entry under 19 CFR 122.41 that will have commercial cargo aboard, CBP must receive air cargo information from the air carrier or other approved party no later than the time of departure (when the aircraft departs from certain foreign ports near the United States) or no later than four hours prior to arrival in the United States (when the aircraft departs from any other foreign area). Prior to the implementation of the ACAS program in 2018, the 19 CFR 122.48a timeline for the transmission of electronic information meant that an aircraft could depart from a foreign port and be airborne, enroute to the United States before any information regarding air cargo on board was transmitted to CBP. Without CBP's receipt of air cargo data and the completion of an effective risk assessment prior to an aircraft's departure from a foreign port, a threat actor could place dangerous cargo on board an aircraft, threatening the security of the aircraft and any persons or property in its vicinity.

CBP's ACAS requirements, 19 CFR 122.48b, apply to any inbound aircraft required to make entry under 19 CFR 122.41 that will have commercial cargo on board. The ACAS data transmission is in addition to the advance filing requirements for aircraft under 19 CFR 122.48a. Under the ACAS program, an inbound air carrier and/or other eligible ACAS filer must transmit specified air cargo data (hereafter referred to as "ACAS data") to CBP as early as practicable, but not later than prior to the loading of the cargo onto the aircraft. This time frame allows CBP to analyze ACAS data, identify if the cargo has a nexus to a threat, and, with TSA, take the necessary action, such as preventing loading of the suspected high-risk cargo on aircraft, to thwart potential threats before an aircraft departs for the United States. A complete ACAS filing includes the transmission of all applicable ACAS data as required by 19 CFR 122.48b(d). The ACAS regulations refer to individual ACAS data requirements as data elements. In the 2018 IFR, CBP listed six mandatory data elements which must be transmitted for each ACAS filing and one conditional data element which must be transmitted only under certain circumstances. The regulation also provides that ACAS

filers may choose to provide certain optional data elements.

Information received under the ACAS program enables the joint CBP-TSA targeting operation to identify high-risk cargo and CBP to issue Do-Not-Load (DNL) instructions or referrals for additional information or screening. When the available information points to an immediate or lethal threat to the aircraft and its vicinity, the ACAS regulations enable CBP to issue DNL instructions which prohibit the transportation of cargo. Referrals for information are issued if a risk assessment cannot be conducted due to non-descriptive, inaccurate, or insufficient information in the ACAS filing. Referrals for screening are issued pursuant to CBP authorities and resolved using the enhanced screening procedures required by TSA-approved or accepted security programs.

TSA enforces the implementation of enhanced screening methods through security program requirements under 49 CFR parts 1544 and 1546. In accordance with TSA regulations, inbound air carriers are required to comply with their respective TSA-approved or accepted security program, including any changes being implemented for purposes of the enhanced ACAS program.

The ACAS requirements and corresponding TSA-approved or accepted security program requirements enhance the ability of CBP and TSA to prevent air cargo that may contain a potential bomb, improvised explosive device, or other material that may pose an immediate, lethal threat to the aircraft or its vicinity from being loaded on board an aircraft and allows law enforcement authorities to coordinate with necessary parties.

Air cargo information received under the ACAS program has been an effective risk-assessment tool for CBP's ongoing efforts to ensure aviation safety and security including, but not limited to, combatting terrorist threats to the homeland. However, recent developments prompted CBP to review the ACAS program's requirements and announce revisions that provide CBP with a more complete understanding of the evolving threat environment. As explained under Section III.E. and Section V.A., the July 2024 incendiary incidents, in combination with specific, classified intelligence regarding the intent of threat actors to exploit similar vulnerabilities, informed CBP's decision to immediately revise the ACAS program in collaboration with TSA.

To address this new threat, CBP determined that it is necessary to modify the ACAS program to require

inbound air carriers and other eligible filers to submit additional ACAS data elements. As illustrated in Table 1, CBP is revising 19 CFR 122.48b(d) to include new mandatory, conditional, and optional data elements applicable to air carriers and other eligible ACAS filers. This IFR does not modify any existing substantive requirements under the ACAS regulations other than the addition of the new ACAS data elements. As such, CBP does not address any comments made or issues identified under the 2018 IFR.

Unlike the previous set of ACAS data elements which were entirely a subset of the data elements that must be submitted under 19 CFR 122.48a, the enhanced set of ACAS data elements combines the previous subset of 19 CFR 122.48a data elements with a new set of data elements unique to the ACAS program. The enhanced ACAS data elements will provide CBP and TSA

with a more complete picture of the parties involved in cargo shipment transactions, the nature of the parties' relationships, financial data related to cargo shipments, and additional identifying information for certain online marketplaces and shipments originating from individuals with unknown risk profiles. The enhanced ACAS data elements were developed, in part, based on CBP's and TSA's understanding of various indicators of the relative risk of cargo shipments and will allow the joint CBP-TSA targeting operation to more effectively identify cargo shipments that require further scrutiny.

As discussed in Section III.F., CBP conducted an implementation period beginning in August 2024 to ensure the feasibility of sourcing and transmitting the enhanced ACAS data elements. The implementation period included extensive discussions with members of

industry and government agencies to assess and reduce any potential complications associated with the new data elements. During the implementation period, members of industry initiated the development of the technological capabilities and business processes necessary to comply with the enhanced ACAS data element requirements. Based on industry feedback and CBP's own observations, CBP determined that it was necessary to promulgate regulations under CBP's authorities that could permanently mandate the transmission of the enhanced ACAS data elements.

The table below contains a list of the ACAS data elements previously required under 19 CFR 122.48b and the additional data elements introduced by this rulemaking.

BILLING CODE 9111-14-P

Table 1 – Summary of Changes to the ACAS Data Elements		
	Previous 122.48b	Revised 122.48b¹
Mandatory	Shipper name and address	Shipper name and address
	Consignee name and address	Consignee name and address
		Consignee email address
		Consignee phone number
	Cargo description	Cargo description
	Total quantity based on the smallest external packing unit	Total quantity based on the smallest external packing unit
	Total weight of cargo	Total weight of cargo
	Air waybill number	Air waybill number
		Shipment packing location and/or scheduled shipment pickup location
		Ship to party
Conditional	Master air waybill (MAWB) number	Master air waybill (MAWB) number
		Verified known consignor
		Shipper email address
		Shipper phone number
		Customer account name
		Customer account issuer
		Customer account number
		Customer account shipping frequency/volume
		Customer account establishment date
		Customer account billing type
		Unmasked internet protocol (IP) address or media access control (MAC) address of the device used during account creation

		Unmasked internet protocol (IP) address or media access control (MAC) address of the device used to initiate the shipping transaction and the unmasked IP address or MAC address of the device used to file the ACAS filing each time an ACAS filing is submitted.
		Shipping cost
		Biographic data
		Link to product listing and unmasked internet protocol (IP) address or media access control (MAC) address of the device used by the consignee to purchase the product
Optional	Second notify party	Second notify party
		Origin of shipment
		Declared value
		Harmonized commodity code
		Transaction type
		Special handling type
		Customer account email address
		Customer account phone number
		Shipper Manufacturer Identification code or Authorized Economic Operator number
		Consignee importer of record number
		Regulated agent name, address, and code
		ACAS filing type
	Any additional data elements listed in § 122.48a or any additional information regarding ACAS data elements	Any additional data elements listed in § 122.48a or any additional information regarding ACAS data elements

BILLING CODE 9111-14-C

III. Background and Purpose¹

Within DHS, CBP and TSA have responsibilities for securing air cargo bound for the United States from foreign ports. CBP, in consultation with TSA, established the mandatory ACAS program in 2018 to require the transmission of certain air cargo data prior to the departure of a U.S.-bound

aircraft from a foreign port. The following subsections describe the regulatory history of the ACAS program, the statutory authorities for the ACAS program, existing CBP and TSA regulatory requirements, the security threat that prompted the publication of this IFR, and the development process for the enhanced ACAS data elements required by this IFR.

A. Regulatory History

On December 5, 2003, the Bureau of Customs and Border Protection (now CBP) published the Required Advance

Electronic Presentation of Cargo Information final rule to require the transmission of electronic cargo information for cargo arriving in or departing from the United States by any mode of transportation.² The 2003 final rule added 19 CFR 122.48a to require the electronic transmission of certain information pertaining to the commercial cargo on board aircraft entering the United States no later than the time of departure from certain ports near the United States or no later than

¹ The revisions to the list of data elements under 19 CFR 122.48b are discussed in greater detail in Section IV.

² 68 FR 68140 (Dec. 5, 2003).

four hours prior to arrival in the United States when the aircraft departs from any other foreign area.

In October 2010, a terrorist plot to place explosives on board cargo aircraft destined for the United States highlighted vulnerabilities in cargo aviation security. In response to this threat, CBP, in collaboration with TSA, established the Air Cargo Advance Screening (ACAS) pilot program in December 2010. The ACAS pilot required participants to provide certain information concerning air cargo at the earliest point practicable in the supply chain. Participation in the ACAS pilot was on a voluntary basis. CBP and TSA also established a joint CBP-TSA targeting operation that utilizes CBP's ATS as a dynamic risk targeting tool to analyze the ACAS data and other available intelligence to better identify cargo that poses a high security risk. The ACAS data transmission timeline allows the joint CBP-TSA targeting operation to identify high-risk cargo for further screening prior to the departure of an aircraft bound for the United States. The ACAS pilot was formalized and expanded in an October 2012 **Federal Register** notice; however, participation was still on a voluntary basis.³ As the ACAS program developed, CBP determined that it was necessary to mandate the transmission of ACAS data.

On June 12, 2018, CBP published the ACAS interim final rule (IFR).⁴ The 2018 IFR implemented a mandatory ACAS program under 19 CFR 122.48b, which specifies the general ACAS requirements, the eligible filers, the ACAS data elements, the time frame for providing the data to CBP, the responsibilities of the filers, and the process regarding ACAS referrals and DNL instructions.

Through the 2018 IFR, CBP also amended 19 CFR 122.48a to reference the ACAS requirements and to incorporate a few additional changes. Specifically, CBP amended 19 CFR 122.48a to revise the definition of the consignee name and address data element to provide a more accurate and complete definition, and to add a new data element requirement, the flight departure message (FDM), to enable CBP to determine the timeliness of ACAS transmissions. CBP also amended the applicable bond provisions in 19 CFR part 113 to incorporate the ACAS requirements.

For a detailed discussion of the statutory and regulatory histories, the factors governing the development of

the ACAS regulations, and the changes to the regulations prior to the issuance of this IFR, see the 2018 ACAS IFR.⁵

B. Statutory Authority

Section 343(a) of the Trade Act of 2002 (Trade Act), as amended, authorizes CBP to promulgate regulations providing for the mandatory transmission of electronic cargo information by way of a CBP-approved electronic data interchange (EDI) system before cargo is brought into or departs from the United States.⁶ Section 343(a)(2) of the Trade Act authorizes CBP to require the transmission of any cargo information that CBP "determines to be reasonably necessary to ensure cargo safety and security pursuant to those laws enforced and administered by [CBP]."

When developing regulations under CBP's section 343(a) Trade Act authority, CBP must adhere to parameters under section 343(a)(3) that require CBP to give due consideration to the concerns of the industry and the flow of commerce. These parameters include, among others, provisions requiring consultation with affected parties and the consideration of the differences in commercial and operational practices among the different parties. In addition, in determining the timing for transmittal of any information, the statute requires CBP to balance the likely impact of the data collection on the flow of commerce with the cargo safety and security benefits. The statute also requires CBP to protect the privacy of business proprietary and any other confidential cargo information provided to CBP and ensure that the information collected pursuant to the regulations be used for ensuring cargo safety and security, preventing smuggling, and commercial risk assessment targeting. Finally, the statute requires that the obligations imposed must generally be upon the party most likely to have direct knowledge of the required information, and if not, that the obligations imposed take into account ordinary commercial practices for receiving data and what the party transmitting the information reasonably believes to be true.

The FAA Reauthorization Act of 2018, Public Law 115-254 (FAA Act), was enacted on October 5, 2018, nearly four months after the publication of the 2018 ACAS IFR. Among other things, section 1951 of the FAA Act (codified at 49 U.S.C. 44901 note) requires the

Commissioner of CBP and the Administrator of TSA to establish an air cargo advance screening program for the collection of advance electronic information from air carriers and other persons within the supply chain regarding cargo being transported to the United States by air in order to perform risk targeting to prevent the loading and transportation of high-risk cargo. Section 1951 also requires that CBP, in coordination with TSA, issue final regulations that implement the air cargo advance screening program within 180 days of enactment of the FAA Act, by April 5, 2019. Despite some minor differences in the terminology used in the 2018 IFR and the FAA Act regarding some of the specific requirements, the ACAS program established by CBP, as set forth in the 2018 IFR, is the type of program that Congress envisioned in the FAA Act and the 2018 IFR substantially fulfills the requirements of the FAA Act.

C. CBP Regulatory Requirements

Section 343(a) of the Trade Act authorizes CBP to promulgate regulations providing for the mandatory transmission of cargo information by way of a CBP-approved electronic data interchange (EDI) system before the cargo is brought into or departs from the United States by any mode of commercial transportation. Under section 343(a)(2) of the Trade Act, CBP may require cargo information that is reasonably necessary to ensure cargo safety and security pursuant to the laws enforced and administered by CBP. As described in Section III.A., CBP previously issued a 2003 final rule and a 2018 IFR to promulgate regulations requiring the transmission of advance air cargo information under the Trade Act.

For any inbound aircraft required to make entry under 19 CFR 122.41⁷ that will have commercial cargo aboard, the inbound air carrier or other eligible filer must transmit certain data regarding that cargo to CBP through a CBP-approved EDI system under two separate, but related, sets of requirements. The following two subsections detail CBP's transmission requirements for certain air cargo data under 19 CFR 122.48a (air manifest data) and 19 CFR 122.48b (ACAS). Section III.C.2. describes the ACAS program requirements that have existed prior to modification by this IFR. While the following summary is not inclusive of all of the differences between the two

⁵ 83 FR 27380 (Jun. 12, 2018).

⁶ See Trade Act of 2002, Public Law 107-210, 116 Stat. 982 (codified as amended at 19 U.S.C. 1415). This section was formerly codified as a note to 19 U.S.C. 2071.

⁷ With certain limited exceptions, all aircraft coming into the United States from a foreign area must make entry under subpart E of 19 CFR part 122. See 19 CFR 122.41.

³ 77 FR 65006 (Oct. 24, 2012).

⁴ 83 FR 27380 (Jun. 12, 2018).

sets of requirements, the 19 CFR 122.48a filing requirements and the ACAS requirements can be most notably distinguished by the differing timelines for transmission of the data elements, the differing but overlapping lists of data elements, and the differing lists of eligible filers.

1. 19 CFR 122.48a—Electronic Information for Air Cargo Required in Advance of Arrival

Under 19 CFR 122.48a, for any inbound aircraft required to make entry that will have commercial cargo on board, air carriers or other eligible filers are required to transmit certain air cargo data to CBP. The data must be received by CBP no later than the time of departure (when the aircraft departs from specified foreign areas near the United States) or no later than four hours prior to arrival in the United States (when the aircraft departs from all other foreign areas). The individual data requirements are known as data elements.

The 19 CFR 122.48a data elements include:

- (1) Air waybill number(s) (master and house, as applicable)
- (2) Trip/flight number
- (3) Carrier/ICAO (International Civil Aviation Organization) code
- (4) Airport of arrival
- (5) Airport of origin
- (6) Scheduled date of arrival
- (7) Total quantity based on the smallest external packing unit
- (8) Total weight
- (9) Precise cargo description
- (10) Shipper name and address
- (11) Consignee name and address
- (12) Consolidation identifier (conditional)
- (13) Split shipment indicator (conditional)
- (14) Permit to proceed information (conditional)
- (15) Identifier of other party which is to submit additional air waybill information (conditional)
- (16) In-bond information (conditional)
- (17) Local transfer facility (conditional)
- (18) Flight departure message

Paragraph (d) of 19 CFR 122.48a specifies, based on the type of shipment, what data the inbound carrier must transmit to CBP and what data other eligible filers may elect to transmit to CBP. There are different requirements for consolidated and non-consolidated shipments. A consolidated shipment consists of a number of separate shipments that have been received and consolidated into one shipment by a party such as a freight forwarder for delivery as a single shipment to the

inbound carrier. Generally speaking, a master air waybill (MAWB) is an air waybill that is generated by the inbound carrier for a consolidated shipment. In addition, each of the shipments in the consolidated shipment has its own air waybill, referred to as the house air waybill (HAWB). The HAWB provides the information specific to the individual shipment that CBP needs for targeting purposes. The HAWB does not include the flight and routing information for the consolidated shipment (which is included on the MAWB). For consolidated shipments, the inbound carrier must transmit to CBP the above cargo data that is applicable to the MAWB, and a subset of the above data for all associated HAWBs, unless another eligible filer transmits this data to CBP. For non-consolidated shipments, the inbound carrier must transmit to CBP all of the above cargo data for the air waybill record, as applicable. For split shipments, *i.e.*, shipments that have been divided into two or more smaller shipments, either sent together or separately, the inbound carrier must transmit an additional subset of this data for each HAWB.

Eligible filers under 19 CFR 122.48a include the inbound air carrier, whose participation is mandatory, Automated Broker Interface (ABI) filers, Container Freight Stations/deconsolidators, Express Consignment Carrier Facilities, and air carriers that arranged to have the incoming air carrier transport the cargo into the United States. Foreign indirect air carriers, which includes freight forwarders as defined under 19 CFR 122.48b, are notably not included in the list of potential 19 CFR 122.48a filers. This list of eligible filers contrasts with the list of eligible filers under the ACAS program, as described in the following subsection.

2. 19 CFR 122.48b—ACAS

CBP's regulatory ACAS requirements can be found under 19 CFR 122.48b. The ACAS requirements are the only regulatory requirements amended through this IFR. CBP introduced the mandatory ACAS program in 2018 to require earlier transmission of ACAS data which, previous to this IFR, was entirely a subset of the data collected under 19 CFR 122.48a. CBP relies on the timely transmission of the ACAS data elements to create an informed assessment regarding the relative security risk a particular shipment poses. ACAS data must be transmitted as early as practicable, but no later than prior to the loading of cargo onto an aircraft, which is in contrast to the broader set of 19 CFR 122.48a data

which may, in some cases, be transmitted after the departure of an aircraft from a foreign port. This timing requirement is one of the most significant operational differences between the requirements found under 19 CFR 122.48a and those found under 19 CFR 122.48b.

The inbound air carrier is ultimately responsible for ensuring that mandatory and applicable conditional ACAS data elements are transmitted to CBP. However, the ACAS regulations allow other entities to elect to be ACAS filers. The following types of entities can elect to be an ACAS filer, provided that the entities meet the ACAS filer requirements: ABI filer (importer or its customs broker) as identified by its ABI filer code; a Container Freight Station/deconsolidator as identified by its FIRMS (Facilities Information and Resources Management System) code; an Express Consignment Carrier Facility as identified by its FIRMS code; an air carrier as identified by its carrier IATA (International Air Transport Association) code, that arranged to have the inbound air carrier transport the cargo to the United States; or a foreign indirect air carrier (a term which encompasses freight forwarders). The inclusion of foreign indirect air carriers in the list of eligible filers for the ACAS program is different from the list of eligible filers found under 19 CFR 122.48a. If an eligible party other than the inbound air carrier files the ACAS data, the inbound air carrier may also choose to transmit its own ACAS filing.

If a party that is eligible to elect to file ACAS data does not participate in an ACAS filing, the party that arranges for and/or delivers the cargo to the inbound air carrier must fully disclose and present to the inbound air carrier any required ACAS data. *See* 19 CFR 122.48b(c)(4). If any third party that is not an eligible ACAS filer possesses required ACAS data, that party must fully disclose and present the required ACAS data to either the inbound air carrier or other eligible ACAS filer for transmission to CBP. *See* 19 CFR 122.48b(c)(5).

ACAS filers are responsible for the accuracy of any ACAS data they transmit. In accordance with Trade Act parameters, CBP recognizes that certain factors outside of an ACAS filer's control could affect the accuracy of ACAS data. Thus, ACAS data is accurate if it is the best available data at the time of filing which is determined by considering, in accordance with ordinary commercial practices, how the presenting party acquired the information and whether and how the presenting party is able to verify the

information. When a presenting party is not reasonably able to verify the information, the standard of evaluation for accuracy is that which the presenting party reasonably believes to be true. *See* section 343(a)(3)(B) of the Trade Act (19 U.S.C. 1415(a)(3)(B)); 19 CFR 122.48b(c)(6). If any of the ACAS data changes or more accurate ACAS data becomes available after the initial ACAS filing, the ACAS filer must update the initial filing up until the deadline listed for 19 CFR 122.48a data. *See* 19 CFR 122.48b(b)(2).

Under the regulations promulgated through the 2018 IFR, CBP required ACAS filers to transmit six mandatory data elements in all circumstances, one data element on a conditional basis, and recommended the transmission of other data elements on an optional basis. The ACAS data elements, found under 19 CFR 122.48b(d), utilized the same definitions as the broader set of data elements found under 19 CFR 122.48a. The six mandatory data elements which must be transmitted in each ACAS filing at the lowest air waybill level are:

- (1) Shipper name and address;
- (2) Consignee name and address;
- (3) Cargo description;
- (4) Total quantity based on the smallest external packing unit;
- (5) Total weight of cargo; and
- (6) Air waybill number.

The 2018 IFR also required the transmission of one conditional ACAS data element, the master air waybill (MAWB) number. Conditional data elements are only required under certain circumstances. If a conditional data element is not required, transmission of the data element is optional, but encouraged. The conditional MAWB number data element provides the location of the high-risk cargo and allows CBP to associate the cargo with an ACAS transmission. The MAWB number data element is required (1) when the ACAS filer is a different party than the party that will file the 19 CFR 122.48a data; (2) when the ACAS filer transmits all the 19 CFR 122.48a data in the applicable ACAS time frame through a single filing; or (3) when the inbound air carrier would like to receive a status check from CBP on the ACAS assessment of specific cargo. If not required under one of the three circumstances listed above, transmission of the MAWB number is optional.

Under the 2018 IFR, CBP also created the optional category of data elements which means that transmission of those data elements is recommended, but not required. CBP specifically allowed for

the optional designation of a “Second Notify Party” to receive shipment status messages from CBP. Additionally, CBP encouraged ACAS filers to transmit any additional data elements listed under 19 CFR 122.48a that are not required under 19 CFR 122.48b and any additional information regarding ACAS data elements.

If CBP issues a referral for information under 19 CFR 122.48b(e)(1)(i), the ACAS filer may be required to submit additional information beyond what is required under the ACAS data elements, such as flight numbers and routing information, to resolve the ACAS referral. *See* 19 CFR 122.48b(e)(2)(i). When necessary, this information will be requested in a referral message.

CBP may issue a referral for screening if the potential risk of the cargo is deemed high enough to warrant enhanced security screening. When CBP issues a referral for screening under 19 CFR 122.48b(e)(1)(ii), the ACAS filer may resolve the referral using TSA-approved enhanced screening methods if it is a party recognized by TSA to perform screening. *See* 19 CFR 122.48b(e)(2)(ii). TSA approves the use of enhanced screening methods pursuant to security programs issued under 49 CFR parts 1544 and 1546; thus, an ACAS filer is not recognized by TSA to perform the enhanced screening necessary to resolve a referral unless the ACAS filer is regulated by TSA under 49 CFR part 1544 or 1546. *See* 83 FR 27380, 27381, 27384–85 (Jun. 12, 2018). If the ACAS filer is a party other than the inbound air carrier and chooses not to address the referral or is not a party recognized by TSA to perform screening, the ACAS filer must notify the inbound air carrier of the referral for screening. The inbound air carrier is responsible for addressing referrals for screening unless another ACAS filer has addressed the referral by performing the required enhanced screening. Referrals for screening can only be resolved by parties recognized by TSA to perform screening. *See* 19 CFR 122.48b(e)(2)(ii). To resolve a referral for screening, the inbound air carrier and/or other eligible ACAS filer must respond to the referral with information on how the cargo was screened in accordance with TSA-approved or accepted enhanced screening methods.

CBP may also issue a DNL instruction if it is determined, based on the risk assessment and other intelligence, that the cargo may contain a potential bomb, improvised explosive device, or other material that may pose an immediate, lethal threat to aircraft, persons aboard, and/or the vicinity. If a DNL instruction is issued, the cargo must not be loaded

onto the aircraft. The party in physical possession of the cargo at the time the DNL instruction is issued must adhere to the appropriate CBP and TSA protocols and the directions provided by the applicable law enforcement authority. *See* 19 CFR 122.48b(f).

The ACAS regulations also enable CBP to take appropriate enforcement action against ACAS filers who do not comply with the ACAS requirements. Through the transmission of an ACAS filing, the ACAS filer assumes certain responsibilities, including the responsibility to provide accurate data to CBP and update that data if necessary, the responsibility to transmit the ACAS data to CBP within the required time frame, and the responsibility to resolve ACAS referrals prior to the departure of an aircraft and respond to DNL instructions in an expedited manner. *See* 19 CFR 122.48b(b), 122.48b(c)(6), 122.48b(e), and 122.48b(f). An ACAS filer's failure to perform those responsibilities could result in CBP issuing liquidated damages and/or assessing penalties. *See* 83 FR 27392 (Jun. 12, 2018) (discussing amendments to the relevant bond conditions to account for enforcement of ACAS requirements). Furthermore, TSA may assess additional penalties for violations of TSA's regulations.

D. TSA Requirements

Under the Aviation and Transportation Security Act (ATSA) of November 2001, TSA is required to “provide for the screening of all passengers and property . . . that will be carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation . . .” 49 U.S.C. 44901(a). Additionally, TSA is required to ensure a system is in operation to “screen, inspect, or otherwise ensure the security of all cargo that is to be transported in all-cargo aircraft in air transportation . . .” 49 U.S.C. 44901(f). Under the Implementing Recommendations of the 9/11 Commission Act of 2007, TSA was further required to “establish a system to screen 100 percent of cargo transported on passenger aircraft operated by an air carrier or foreign air carrier in air transportation . . .” 49 U.S.C. 44901(g). To satisfy these statutory mandates, TSA is authorized to promulgate regulations and issue security requirements for U.S. and foreign air carriers at non-U.S. locations for flights departing a foreign port bound for the United States.⁸

⁸ TSA is authorized to promulgate regulations that “are necessary to carry out the functions of the

Under TSA's regulatory framework, air carriers are required to implement TSA-approved security programs that are tailored to each air carrier's security and operational needs. A security program may describe, among other things, screening requirements for air cargo departing from a foreign port bound for the United States. Details related to the security programs are considered Sensitive Security Information (SSI),⁹ and are made available to carriers as necessary. Alternatively, carriers may request TSA approval to follow National Cargo Security Program (NCSP) recognition procedures in lieu of TSA security program requirements.¹⁰ When the security environment or operational factors necessitate the modification of a security program, TSA or an air carrier may initiate a security program amendment.¹¹ TSA also has the regulatory authority to issue Security Directives and Emergency Amendments which impose immediate security measures that supersede other requirements based on changing security environments, intelligence, and emergency situations.¹²

TSA regulations and security programs require carriers to perform screening procedures and security

measures on all cargo inbound to the United States. These requirements are met through a risk-based combination of assessments, aided by data collected by CBP, and screening, as required by an air carrier's TSA-approved or -accepted security program.

TSA routinely inspects carriers' cargo facilities to ensure compliance with the required measures of the carriers' security programs. If TSA determines that violations of the requirements have occurred, appropriate measures will be taken and penalties may be levied.

E. Air Cargo Security Risks

Intentional attacks on international aviation continue to pose a significant threat to the security of international air cargo operations. In 2018, CBP published the ACAS IFR to address risks initially identified in response to the October 2010 incident in which explosive devices were concealed in two shipments of printers addressed for delivery to Chicago, Illinois. While that attack was successfully thwarted by the combined intelligence efforts of several foreign countries, CBP and TSA determined that a mandatory ACAS program was necessary to provide a systematic and targeted approach to identifying high-risk cargo prior to departure from a foreign port. Although the ACAS program has previously been successful in identifying high-risk cargo and continues to do so, threat actors have evolved to exploit additional vulnerabilities in air cargo security that necessitate modification of the ACAS program.

Recent events, such as the October 2023 HAMAS attack on Israel and ongoing conflicts in the Middle East, have inspired terrorists to renew calls for attacks against civil aviation.¹³ Certain state actors, such as Iran, also pose a threat to the safety and security of international aviation due to their support for international terrorist organizations and statements indicating an intent to harm the United States.¹⁴ Additionally, certain ongoing international conflicts have increased the threat of asymmetric attacks in

neutral territories, the effects of which could be felt in the United States.¹⁵

In July 2024, incendiary devices caused fires at multiple air cargo facilities in Europe.¹⁶ While investigators continue to probe the sources and motives of the entities that introduced those devices into the air cargo supply chain, existing circumstances suggest that these incidents were intentional attacks. Had the devices activated during a flight, the resulting conflagration could have caused catastrophic damage to the aircraft, potentially resulting in the complete destruction of the aircraft and its cargo and loss of life for any crew or passengers on board. These attacks also pose risks to individuals and property on the ground due to the potential loss of an aircraft. Additionally, as demonstrated by the July 2024 incendiary attacks, attacks on the air cargo supply chain also threaten the security of air cargo infrastructure while a device is in transit prior to or following transportation by air.

In consideration of these recent attacks and classified information regarding a specific threat to air cargo security, CBP determined that it is necessary to modify the ACAS program to better address these evolving threats. With the increasing sophistication of attacks on air cargo infrastructure, CBP requires additional ACAS data to effectively identify and target high-risk shipments.

F. The Enhanced ACAS Program Development Process

In response to the threats discussed in Section III.E., CBP updated the ACAS Implementation Guide (IG) to version 2.3.1 on August 30, 2024.¹⁷ Version 2.3.1 contained a number of new data elements under section 3.3.2, Data Recommended Pre-Loading. These recommended data elements were introduced to provide immediate actionable steps members of industry could take to improve air cargo security.

In the period between the publication of the recommended data elements in

Administration." 49 U.S.C. 114(l). TSA regulations are found under Title 49 CFR Chapter XII (parts 1500 through 1699). Parts 1544 and 1546 are specific to U.S. aircraft operators (*i.e.*, domestic or U.S. flagged air carriers) and foreign air carriers. Sections 1544.205(f) and 1546.205(f) provide that U.S. aircraft operators and foreign air carriers, respectively, must ensure that cargo loaded on board an aircraft inside the United States, or outside the United States and destined to the United States, is screened in accordance with the requirements in their security program. Sections 1544.101 and 1546.101 require that certain U.S. aircraft operators, and certain foreign air carriers landing or taking off in the United States, must adopt and implement a security program in the form and with the content approved or accepted by TSA pursuant to the provisions in §§ 1544.103 and 1546.103.

⁹ "Sensitive Security Information" or "SSI" is information obtained or developed in the conduct of security activities, the disclosure of which would constitute an unwarranted invasion of privacy, reveal trade secrets or privileged or confidential information, or be detrimental to the security of transportation. The protection of SSI is governed by 49 CFR part 1520.

¹⁰ To approve and officially recognize a foreign country's air cargo security program, the Administrator of TSA must make a determination that the foreign country's air cargo security program provides a level of security commensurate with the level of security required by United States air cargo security programs. See FAA Extension, Safety, and Security Act of 2016, Public Law 114–190, sec. 3205, 130 Stat. 615, 653.

¹¹ See 49 CFR 1544.105(b), (c), and (d); 49 CFR 1546.105(b), (c), and (d).

¹² Security Directives based on TSA's regulatory authority impose mandatory security requirements on certain air carriers that are generally U.S.-based. Emergency Amendments impose mandatory security requirements on foreign air carriers. See 49 CFR 1544.305, 1546.105(d).

¹³ See Dept. of Homeland Security, 2025 Homeland Threat Assessment 24 (Oct. 2024), <https://www.dhs.gov/publication/homeland-threat-assessment>.

¹⁴ See Office of the Director of National Intelligence, Annual Threat Assessment of the U.S. Intelligence Community (Mar. 25, 2025), <https://www.dni.gov/index.php/newsroom/reports-publications/reports-publications-2025/4058-2025-annual-threat-assessment> (last visited Aug. 8, 2025); Press Release, U.S. Department of State, Joint Statement on Iranian State Threat Activity in Europe and North America (July 31, 2025), <https://www.state.gov/releases/office-of-the-spokesperson/2025/07/joint-statement-on-iranian-state-threat-activity-in-europe-and-north-america>.

¹⁵ See Office of the Director of National Intelligence, Annual Threat Assessment of the U.S. Intelligence Community (Mar. 25, 2025), <https://www.dni.gov/index.php/newsroom/reports-publications/reports-publications-2025/4058-2025-annual-threat-assessment> (last visited Aug. 8, 2025).

¹⁶ See, e.g., *German Firms Warned of Packages Containing Incendiary Devices*, Reuters (Aug. 30, 2024), <https://www.reuters.com/world/europe/german-security-services-warn-danger-packages-containing-incendiary-devices-2024-08-30/>.

¹⁷ CBP, Air Cargo Advance Screening (ACAS) Implementation Guide, version 2.3.1 (Aug. 30, 2024), https://www.cbp.gov/sites/default/files/2024-09/ACAS%20IG%20v2.3.1_508.pdf (last visited Sept. 29, 2025).

August 2024 and the publication of this IFR, CBP conducted extensive outreach with members of the air cargo industry to determine the feasibility of permanently requiring the transmission of the recommended data elements through the revision of the ACAS regulations. During critical periods of the implementation process, CBP conducted regularly scheduled meetings with a broad range of interested parties including, but not limited to, trade associations, software providers, air carriers, and freight forwarders. Through this outreach, CBP worked to limit any potential burden on members of the air cargo industry by refining the list of recommended data elements. Additionally, prior to the publication of this IFR, CBP published several revised versions of the ACAS Implementation Guide and frequently asked questions and answers on CBP's website to reflect the results of CBP's discussions with members of the air cargo industry.¹⁸

The recommended data elements under the ACAS Implementation Guide provided the basis for the mandatory and conditional data elements included in this IFR. As a direct result of CBP's engagement with industry and the air cargo industry's active participation in securing air cargo infrastructure, a number of ACAS filers have been regularly transmitting many of the enhanced ACAS data elements prior to the publication of this IFR.

IV. ACAS Program Revisions

In accordance with CBP's Trade Act authority to promulgate regulations pertaining to the transmission of information for air cargo entering the United States, as well as CBP's authority under the FAA Act, CBP is revising the ACAS regulations to require the transmission of additional data elements that will enable CBP to counter new threats to air cargo security.

While the ACAS program, as originally implemented, has been successful in identifying high-risk cargo, threat actors have evolved to exploit additional vulnerabilities in air cargo security, including the security of cargo entering the United States. To counter these additional threats, CBP determined that it is necessary to modify the ACAS program. The revisions to the ACAS program under this IFR are limited to the addition of mandatory, conditional, and optional

ACAS data elements under 19 CFR 122.48b(d) and the addition of a records retention requirement related to the new biographic data conditional data element. This IFR does not alter or remove any of the ACAS data elements required under the previous 19 CFR 122.48b(d); however, to accommodate additional conditional data elements, optional data elements, previously provided in 19 CFR 122.48b(d)(3), are now included in 19 CFR 122.48b(d)(5). A summary of the data element changes made to the CFR by this IFR can be found under Table 1.

The transmission of the enhanced ACAS data elements will allow CBP to gain a more complete understanding of the financial, business, and personal relationships between parties that are engaged in shipping air cargo. The transmission of all required existing and new ACAS data elements is essential for CBP to assess the risk associated with a cargo shipment because CBP analyzes ACAS data elements and other available intelligence in the aggregate. In other words, CBP's ATS combines multiple individual data elements which can then be compared against law enforcement, intelligence, or other enforcement data to identify ACAS filings that require additional review. Data elements that are innocuous when viewed in isolation may be suspect when viewed in the aggregate. Alternatively, a single data element could prompt additional review; however, the transmission of all required data elements is still necessary to build the aggregate and identify high-risk cargo because of the difficulty of predicting, prior to transmission, which data elements will or will not indicate a heightened level of risk.

The new data elements must be transmitted in accordance with the existing ACAS timeline, as soon as practicable, but no later than prior to the loading of cargo onto an aircraft. 19 CFR 122.48b(b)(1). This timeline enables CBP to target high-risk cargo prior to loading with the goal of preventing high-risk cargo from entering the United States or causing harm while enroute to the United States. A later timeline for some or all enhanced data elements would reduce the effectiveness of CBP's pre-loading aggregate analysis and nullify the security benefit of requiring additional data elements for the purposes of thwarting threats prior to arrival of the aircraft. Building on this understanding of why CBP collects a number of data elements prior to the loading of cargo onto an aircraft, the following subsections further detail CBP's rationale for requiring certain data elements.

CBP developed the enhanced ACAS data elements within the parameters defined by the Trade Act to balance the imposition of any burden on the public against the critical need for additional ACAS data. Consistent with FAA Act requirements, CBP also (1) considered that the content and timeliness of the available data may vary among entities in the air cargo industry and among countries, and (2) explored procedures to accommodate such variations while maximizing the contribution of such data to the risk assessment process under the ACAS program, among other requirements. Throughout the development of the enhanced ACAS data elements, CBP conducted extensive outreach with members of the air cargo industry to understand their business practices and to ensure that the new data elements will not place unrealistic or undue burdens on members of industry. CBP also considered the results of the implementation period discussed in Section III.F., during which, multiple ACAS filers transmitted many of the enhanced ACAS data elements prior to the requirements imposed through the publication of this IFR.

In developing these revisions, CBP considered international efforts to develop advance air cargo data targeting programs. CBP also coordinated with international trade associations and their members to understand requirements imposed by other countries and limit any potential conflicts. CBP will continue to engage with members of the international community to work toward enhancing international standards for the collection and analysis of air cargo data prior to loading.

A. Enhanced ACAS Data Element Definitions

The ACAS data elements introduced under the 2018 IFR are entirely a subset of the data elements that must be transmitted under 19 CFR 122.48a. Thus, the definitions for the initial ACAS data elements introduced under the 2018 IFR can be found under 19 CFR 122.48a. This definitional cross-reference is detailed in the introductory text of 19 CFR 122.48b(d). The new ACAS data elements introduced by this IFR are unique to the ACAS program. As such, the definitions for the new ACAS data elements can be found under the revised 19 CFR 122.48b(d) and are not referenced under 19 CFR 122.48a.

B. Mandatory Data Elements

Mandatory ACAS data elements must be transmitted to CBP in all circumstances. Through this IFR, CBP is

¹⁸Supplementary information regarding the ACAS program can be found online at <https://www.cbp.gov/border-security/ports-entry/cargo-security/acas>. Previous versions of the ACAS Implementation Guide are listed in a table contained in each revised ACAS Implementation Guide.

revising 19 CFR 122.48b(d)(1) to include several new mandatory ACAS data elements. This revision of 19 CFR 122.48b(d)(1) does not remove or otherwise modify existing ACAS data element requirements. The additions to the list of mandatory ACAS data elements include consignee email address, consignee phone number, shipment packing location and/or scheduled shipment pickup location, and ship to party. The following paragraphs describe what CBP will require for each new data element and explain CBP's rationale for requiring the data elements.

(1) *Consignee email address.* This is the email address for the party identified as the consignee under the consignee name and address data element. The consignee name and address data element is currently required under 19 CFR 122.48b(d)(1)(ii).

(2) *Consignee phone number.* This is the phone number for the party identified as the consignee under the consignee name and address data element. The consignee name and address data element is currently required under 19 CFR 122.48b(d)(1)(ii).

These two new mandatory contact information data elements, consignee email address and consignee phone number, will allow CBP to improve its targeting of high-risk shipments by further identifying the parties involved in the shipping process, by comparing transmitted contact information with information in CBP databases, and by improving CBP's ability to directly contact parties in the event of an emergency involving a safety or security risk with the shipment.

The provision of additional contact information will allow CBP to gain a more complete understanding of the parties involved in a shipping transaction which can be compared against other data elements to identify potential threats. As stated previously, CBP assesses data elements in the aggregate; thus, seemingly mundane data elements such as email addresses and phone numbers may gain significance when a comparison against other transmitted data elements reveals ambiguities or patterns consistent with the existence of a threat.

Contact information can also be compared against existing contact information in CBP databases to identify threat actors. For example, CBP conducts similar targeting for individuals entering and exiting the United States through CBP's analysis of passenger name record (PNR) data. In 2010, a terrorist attempted to detonate a car bomb in New York's Times Square. The FBI quickly identified the terrorist's

cell phone number but had little additional information. Through coordination between DHS and the FBI, CBP was able to compare the terrorist's cell phone number with PNR data to identify and detain the terrorist before the terrorist could flee the United States.¹⁹

The new requirements to provide additional consignee contact information also give CBP the ability to directly contact the relevant party in the event of an emergency which improves CBP's ability to respond to threat incidents and reduces impacts to the flow of commerce by expediting the resolution of any issue.

(3) *Shipment packing location and/or scheduled shipment pickup location.* The shipment packing location is the name and address of the foreign warehouse, factory, or other place the cargo was initially made ready for transportation before the cargo arrives at the location where the cargo will be loaded on the aircraft. The scheduled shipment pickup location is the name and address of the location where the cargo shipment is scheduled to transfer from the custody of the shipper to the custody of the inbound air carrier or other party arranging for and/or delivering the cargo to the inbound air carrier. At minimum, ACAS filers must transmit either the shipment packing location or the scheduled shipment pickup location. It is optional, but recommended, for ACAS filers to transmit both the shipment packing location and the scheduled shipment pickup location if available.

Receipt of the shipment packing location and/or scheduled shipment pickup location will allow CBP to better identify the location from which a cargo shipment originated. In the course of normal business practices, the shipper name and address, an existing mandatory ACAS data element, may differ from the location where cargo is prepared for shipment. For example, when a large corporation is listed as the shipper, an ACAS filer might list the corporate headquarters of the corporation in the address field. However, any cargo shipped by the corporation would likely originate from a different address, such as a warehouse or manufacturing center, that could be in a different city or country. By identifying the actual location a cargo

shipment originated from, CBP will be able to identify locations that pose a heightened risk to air cargo security and more effectively target cargo shipments that originate from those locations.

CBP's early implementation guidance and discussions with members of industry focused on the provision of the shipment packing location; however, those discussions informed CBP that the collection and transmission of the shipment packing location could be difficult under certain business models. Thus, in recognition of Trade Act parameters which require consideration of differences in commercial practices, information availability, and operational characteristics, CBP developed the scheduled shipment pickup location as an alternative to the shipment packing location. The scheduled shipment pickup location is readily available in the ordinary course of business because a cargo shipment could not be collected by an inbound air carrier or party transporting the cargo to an air carrier without that information.

(4) *Ship to Party.* This is the name and address of the first deliver-to party scheduled to physically receive a shipment after the shipment is released from CBP custody. The information transmitted for the ship to party data element may be identical to the information transmitted for the consignee name and address data element. If this occurs, the ACAS filer should still transmit both data elements independently.

This data element will allow CBP to more accurately assess the risk of a shipment by further identifying the party that will physically receive a cargo shipment. As discussed previously, CBP will now require the transmission of both the shipper name and address and the shipment packing location and/or scheduled shipment pickup location to allow CBP to more completely identify the parties involved in preparing and shipping cargo. On the receiving side of a shipping transaction, a similar dynamic may occur under some business models where the consignee name and address data element does not reflect the name and/or location of the party that will physically receive a cargo shipment. Thus, to more accurately identify the party that will physically receive a cargo shipment, CBP will now require ACAS filers to transmit the ship to party information in addition to the consignee name and address data element.

When analyzed in conjunction with one another, the shipper name and address, shipment packing location and/or scheduled shipment pickup location, consignee name and address, and ship

¹⁹ *Intelligence Sharing and Terrorist Travel: Hearing Before the Subcomm. on Counterterrorism and Intelligence of the H. Comm. on Homeland Security*, 112th Cong. 7–10 (2011) (joint prepared statement of David Heyman, Assistant Secretary for Policy, DHS, Mary Ellen Callahan, Chief Privacy Officer, DHS, and Thomas Bush, Executive Director of Automation and Targeting, CBP).

to party data elements improve CBP's targeting capabilities by providing a more complete understanding of supply chains and transactions that lead to the shipment of cargo. Additionally, CBP will be able to use these data elements to identify anomalous shipper and recipient relationships. For example, the terrorists in the 2010 printer attacks shipped the explosive devices from the Middle East to synagogues in the United States and addressed the packages to historical figures.²⁰

C. Conditional Data Element: Master Air Waybill Number

The MAWB number for each leg of the flight is an existing conditional ACAS data element. See 19 CFR 122.48b(d)(2). Conditional data elements are only required under certain circumstances. If the circumstances listed for a particular data element do not exist, transmission of the data element is optional, but encouraged. This IFR does not make any substantive changes to the MAWB number conditional data element.

As discussed previously, this IFR requires the transmission of new data elements that are not required under 19 CFR 122.48a. The new data elements that are unique to the ACAS program are defined under 19 CFR 122.48b and the original ACAS data elements that are a subset of the 19 CFR 122.48a requirements are defined under 19 CFR 122.48a. To clarify that the MAWB number data element is one of the original ACAS data elements that is defined under 19 CFR 122.48a, this IFR revises the introductory text of 19 CFR 122.48b(d)(2) to state that the MAWB number is required "as defined under § 122.48a."

D. Conditional Data Element: Verified Known Consignor Information

This IFR contains multiple new conditional ACAS data elements that are only required under certain circumstances. In this preamble and the corresponding regulatory text, new 19 CFR 122.48b(d)(3), the Verified Known Consignor data element is presented separately from the other new conditional ACAS data elements because the circumstances under which those data elements are required are first conditioned on the existence or absence of a shipper's Verified Known Consignor status.

The Verified Known Consignor data element is required if the shipper, identified under 19 CFR

122.48b(d)(1)(i), is designated as a known consignor by a CBP-recognized designating body.²¹ If a shipper is designated as a Verified Known Consignor by a CBP-recognized body, the ACAS filer must transmit the registration number associated with the shipper's Verified Known Consignor status and the CBP-specified code, as detailed in the CBP ACAS Implementation Guide, representing the designating body.

The known consignor designation indicates a designating body's level of trust in the security practices of a shipper that can assist CBP in assessing the risk that cargo shipments originating from a particular shipper carry. Verified Known Consignors meet rigorous standards and regulations for the transportation of cargo by air and are often subject to validation audits by the designating body. This data element is conditional because a shipper may not have a known consignor status; thus, the data element could not be transmitted in those instances. It is within CBP's sole discretion to recognize known consignor programs that could be used by an ACAS filer to complete this data element field. CBP reserves the right to not recognize a known consignor program or a particular shipper's known consignor status at any time.

At the time of publication for this IFR, CBP plans to recognize the known consignor program set forth under the European Union (EU) Commission Implementing Regulation 2015/1998²² as requiring sufficiently rigorous status criteria and vetting standards. Thus, if recognized, an entity designated as a known consignor by the appropriate civil aviation authority of an EU member state would be noted in this data element field. CBP also plans to recognize known shippers, as designated under TSA's known shipper program at 49 CFR 1544.239, 1546.215, and 1548.17.

CBP encourages public comment on additional programs similar to the EU's known consignor program or TSA's known shipper program that could be used as a data point within the Verified Known Consignor conditional data element.

²¹ Instructions for accessing the list of CBP-recognized designating bodies will be located in the CBP ACAS Implementation Guide, <https://www.cbp.gov/document/guides/air-cargo-advance-screening-acas-implementation-guide>.

²² See Commission Implementing Regulation 2015/1998 of Nov. 5, 2015, Laying Down Detailed Measures for the Implementation of the Common Basic Standards on Aviation Security, annex, 2015 O.J. (L 299) 1, https://data.europa.eu/eli/reg_impl/2015/1998/oj (last visited Sept. 29, 2025).

E. Conditional Data Elements That May Be Required When There Is Not a Verified Known Consignor

Conditional data elements are only required under certain circumstances. The following conditional data elements are only required if the shipper is not a Verified Known Consignor as described under Section IV.D. of this IFR. For some of the following data elements, the existence or absence of Verified Known Consignor status is the only condition applicable to whether or not the data element is required. The conditional data elements that are always required when the shipper is not a Verified Known Consignor are shipper email address, shipper phone number, the customer account shipping frequency/volume, and the customer account billing type.

For the remaining data elements that may be required when the shipper is not a Verified Known Consignor, the absence of a Verified Known Consignor is a precondition, meaning that if a Verified Known Consignor does not exist, additional conditions must then be considered to determine whether the data element is required for a particular ACAS filing. These data elements include shipping cost, unmasked IP address or MAC address of the device that initiated shipment and the device that filed the ACAS filing, biographic data, link to product listing, and certain customer account data elements, including customer account name, issuer, number, establishment date, and unmasked IP or MAC address of the device used during account creation.

If the shipper is a Verified Known Consignor or, when applicable, the shipper is not a Verified Known Consignor and the additional circumstances listed for a particular data element do not exist, transmission of the conditional data elements is recommended, but not required. The ACAS conditional data elements that may be required when there is not a Verified Known Consignor can be found under the new 19 CFR 122.48b(d)(4).

1. Customer Account Data Elements

Several of the new conditional ACAS data elements are prefaced with the customer account descriptor. The customer account data elements detail the business relationship between a customer and a logistics provider. Generally, a customer that has a business relationship with a logistics provider will have an account with that logistics provider, hence the customer account descriptor. If a customer does not have an account with a logistics provider, certain customer account data

²⁰ Mark Mazzetti & Scott Shane, *In Parcel Bomb Plot, 2 Dark Inside Jokes*, N.Y. Times (Nov. 2, 2010), <https://www.nytimes.com/2010/11/03/world/03terror.html>.

elements must still be provided because the absence of an existing account does not negate the role of the customer account data elements in detailing the business relationship between the parties involved in conducting a cargo shipment.

Under the new ACAS conditional data elements in 19 CFR 122.48b(d)(4), “customer” is defined as a party who has an ownership interest in cargo, as either a buyer or seller, who engages with a logistics provider to arrange transport of the cargo to the United States. A foreign entity that provides services that involve aggregating shipments from customers, in which the foreign entity acts as a facilitator and engages with a logistics provider for the importation of cargo into the United States, is not a customer for the purposes of this definition.

Under the new ACAS conditional data elements, “logistics provider” is defined as an entity that provides transportation, importation, and/or delivery services for the importation of cargo into the United States. The logistics provider could be, but is not limited to, an air carrier, a customs broker, freight forwarder, or other service provider.

CBP’s definition of customer focuses on the party that engages with the logistics provider to transport cargo and recognizes that the customer may be a party other than the shipper. This definition and the related customer account data elements support CBP’s interest in describing the account or business transaction that enabled the movement of cargo. The customer account data elements are not a replacement for data elements that provide information regarding aspects of the shipper’s identity, such as the shipper name and address; however, transmitted data for certain customer account data elements and other party identification data elements may overlap depending on the business relationships involved in a particular ACAS filing.

The customer account data elements include the customer account name, customer account issuer, customer account number, customer account shipping frequency/volume, customer account establishment date, customer account billing type, and the unmasked internet protocol (IP) address or media access control (MAC) address of the device used during the creation of the customer account. The definitions for the customer account data elements are detailed in the following subsections.

The customer account data elements will assist CBP in analyzing the relative risk of a shipment because cargo

shipments that occur within an existing business relationship between parties that are known to CBP may present a different risk profile compared to cargo shipments occurring between parties that do not have a history of prior dealings. The customer account data elements also assist CBP in identifying cargo shipments that are anomalous within the context of two or more known parties’ previous shipments. Additionally, if high-risk cargo is identified and associated with a particular customer’s account, CBP can readily identify other cargo shipments associated with that customer’s account for further intervention as necessary.

2. Data Elements Required for Each ACAS Filing When There Is Not a Verified Known Consignor

The following data elements are required when the shipper is not a Verified Known Consignor. This is the only condition applicable to the following data elements. When the shipper is a Verified Known Consignor, transmission of the following data elements is optional, but recommended. The following data elements can be found under the new 19 CFR 122.48b(d)(4)(ii).

(i) *Shipper email address.* This is the email address for the party identified as the shipper under the shipper name and address data element. The shipper name and address data element is currently provided under 19 CFR 122.48b(d)(1)(i).

(ii) *Shipper phone number.* This is the phone number for the party identified as the shipper under the shipper name and address data element. The shipper name and address data element is currently provided under 19 CFR 122.48b(d)(1)(i).

Unlike the new consignee contact information data elements which must be transmitted in all circumstances, CBP determined that the two new shipper contact information data elements could be implemented as conditional data elements, thus not required in all circumstances. This decision was made, in part, by the introduction of the new Verified Known Consignor data element which, when a shipper is designated as such, provides CBP with information about the shipper that reduces the net gain of requiring additional shipper contact information. In the absence of a verified known consignor, the new conditional contact information data elements, shipper email address and shipper phone number, will allow CBP to improve its targeting of high-risk cargo shipments by obtaining additional information about the shipper. These data elements will also enable CBP to directly contact the shipper in the event of an emergency, which improves CBP’s

ability to respond to threat incidents and reduces impacts to the flow of commerce by expediting the resolution of any issue.

(iii) *Customer account shipping frequency/volume.* This data element describes the nature of the business relationship between the customer and the logistics provider that issued the lowest level air waybill in terms of the frequency and volume of shipments being conducted within that business relationship. The ACAS filer must assign the code that most accurately describes the frequency and volume of the customer’s cargo shipment transactions with the logistics provider that issued the lowest level air waybill. CBP recognizes the following five codes: shipping outlet/walk-in; immediate transaction; occasional shipper; regular/daily shipper; and high-volume shipper. For each code, the shipping frequency/volume is determined by the number of ACAS filings that occurred in the course of a particular logistics provider’s interactions with a particular customer. The customer’s cargo shipments conducted with other logistics providers does not count toward the customer’s shipping frequency with the logistics provider that issued the lowest level air waybill.

The shipping outlet/walk-in code should be assigned when a customer, who does not have an account with a logistics provider, enters a storefront and transfers physical custody of a cargo shipment to a party that arranges the importation of the cargo into the United States by air. An example of a scenario where the shipping outlet/walk-in code should be applied is when an individual brings cargo to a shipping outlet and the shipping outlet agrees to make all necessary shipping and handling arrangements for the importation of the cargo into the United States.

The immediate transaction code should be assigned when the logistics provider that issued the lowest level air waybill receives an isolated request for service from a customer who does not have an account with the logistics provider. Under the immediate transaction code, the party that would normally be identified as the customer account issuer directly interacts with the customer, unlike the shipping outlet/walk-in code where the customer account issuer interacts with an intermediary storefront. An example of an immediate transaction might be when a customer uses a guest account on a logistics provider’s website to request transportation services, and some data, such as where to pick up the shipment, may have been collected.

The occasional shipper code should be assigned when a customer who has an account with the logistics provider that issued the lowest level air waybill places requests for service on an as needed and/or infrequent basis. CBP recognizes that determinations of frequency can vary between different logistics providers and customers depending on the scale of their respective operations. A determination that a shipping frequency is occasional should be contextualized by the conditions defined for the regular/daily shipper code. The occasional shipper code should be assigned when a customer places requests for service on an “as needed” basis, in contrast to the regular/daily shipper code which should be assigned when there is a “standing request for pickups.” Generally, occasional shipper codes should be assigned when a customer places requests for service with a particular logistics provider on a less than daily and irregular basis.

The regular/daily shipper code should be assigned for a customer who has an account with the logistics provider that issued the lowest level air waybill and has a standing request for pickups.

The high-volume shipper code should be assigned for a customer that has an account with the logistics provider that issued the lowest level air waybill and regularly ships at high-volume, enterprise levels. For this type of customer, shipments are often delivered for transport from the shipper’s warehouse directly to the courier or consolidator’s facility.

The transmission of codes which identify the frequency and volume of a customer’s interactions with a logistics provider will enable CBP to more effectively identify high-risk cargo by categorically assigning certain aspects of risk to shipments and by identifying the parties’ importing relationships with the United States. For example, CBP estimates that high-volume shipments, as defined within the ACAS program, constitute approximately 80 percent of the total volume of ACAS filings to be reviewed and cleared by CBP. The customers that fall within the high-volume shipper code are often known to CBP; thus, they carry a more recognizable risk profile compared to a customer that is not known to CBP. Despite the likelihood that a customer is known to CBP when a high-volume shipper code is assigned, it is still necessary for ACAS filers to assign a customer account shipping frequency/volume code because the assigned code represents the volume of filings between the customer and the logistics provider that issued the lowest level air waybill,

not the overall volume of ACAS filings attributable to a particular customer’s shipments. This data element enables CBP to determine the extent of a business relationship between a customer and a logistics provider. Additionally, the assignment of shipping frequency/volume codes limits the applicability of requirements to provide other conditional data elements, such as the shipping cost data element.

This categorical assessment of risk will also affect an ACAS filer’s obligation to file certain conditional ACAS data elements. CBP determined that certain code assignments reflect a lack of targetable information and heightened threat profiles which will necessitate the transmission of additional ACAS data for targeting purposes when those codes are assigned. To develop frequency codes that will best aid CBP’s targeting efforts, CBP conducted extensive outreach with industry and reviewed internal data regarding filing frequencies. Additionally, CBP considered how the use of the frequency codes as a determining condition for other conditional data elements might affect regulated entities. For example, one of the new conditional ACAS data elements requires ACAS filers to transmit the unmasked IP or MAC address of the device used to initiate a shipping transaction and the unmasked IP or MAC address of the device used to file the ACAS filing. CBP considered the potential security benefits and burdens of the requirement and determined that, when a customer’s shipments are assigned the regular/daily shipper and high-volume shipper codes, the security benefit of the requirement would be limited compared to the security benefit of the requirement when the customer ships at a lower frequency; thus, CBP will not require filers to transmit this particular data element when a regular/daily shipper or high-volume shipper code is assigned.

(iv) *Customer account billing type.* Under this data element, the ACAS filer must assign the code that most accurately describes the customer’s method of payment in the shipping transaction. Possible account billing types include, but are not limited to, electronic funds transfers (EFTs); mobile and person to person payments; credit card or debit card transactions; cash payments; checks; cryptocurrency; and periodic billing.

3. Conditional Data Elements That Are Required When the Customer Account Shipping Frequency/Volume Data Element Is Assigned the Shipping Outlet/Walk-In, Occasional Shipper, Regular/Daily Shipper, or High-Volume Shipper Codes

In addition to the precondition of the absence of the shipper’s Verified Known Consignor status, the transmission of the following data elements is required in all circumstances except for when an immediate transaction code is assigned under the customer account shipping frequency/volume data element. These data elements are related to the creation or existence of a customer’s account with a logistics provider, a circumstance that does not exist when the immediate transaction code is assigned. The following data elements can be found under the new 19 CFR 122.48b(d)(4)(iii).

(i) *Customer account name.* When the customer account shipping frequency/volume is assigned the high-volume shipper, regular/daily shipper, or occasional shipper codes, this is the name of the customer. Generally, these codes occur when the customer interacts directly with the logistics provider that issued the lowest level air waybill.

If the customer account shipping frequency/volume data element is assigned the shipping outlet/walk-in code, the ACAS filer must transmit the name of the shipping outlet or other party that accepted the cargo from the customer. When the shipping outlet/walk-in code is assigned, the shipping outlet is the party that engages with the logistics provider for the transportation of the cargo; thus, the relevant account is between the shipping outlet and the customer account issuer.

The customer account name may be the same as the shipper name found under 19 CFR 122.48b(d)(1)(i). If the shipper name, or any other ACAS data element, and the customer account name are the same, the ACAS filer must still transmit the customer account name and the shipper name or other ACAS data element as separate entries. The combination of the customer account name and the following customer account issuer and customer account number data elements distinguishes the customer account information from other ACAS data elements.

(ii) *Customer account issuer.* The customer account issuer is the party that engaged with the party identified under the customer account name for the purposes of importing cargo into the United States by air. For most transactions, the customer account

issuer is the same entity that files the ACAS data, and may be, but is not limited to, the freight forwarder, customs broker, air carrier, or service provider. For this data element, the ACAS filer must transmit the applicable code that identifies the customer account issuer. This data element may be satisfied by transmitting the Air Waybill Prefix (the three-digit code at the beginning of an air waybill number that identifies the air carrier), the CBP Filer Code (the three-character CBP filer code), or the ACAS Originator Code (the seven-character code used to identify the ACAS participant, identified under 19 CFR 122.48b(c)(3)(iii)).

In the ordinary course of business, customers and customer account issuers may have multiple accounts with other customers and customer account issuers. Additionally, separate customer account issuers may issue similar customer account numbers to customers that are otherwise unrelated. Thus, CBP collects the customer account issuer information as a code which can be combined with the following customer account number to create a uniquely identifiable customer account code. The combined code describes a specific customer and customer account issuer relationship.

(iii) *Customer account number.* The customer account number is the identifier assigned by the customer account issuer to represent the customer account name. In other words, this is the identifier that represents a customer's account with a logistics provider. When a customer does not have an account with a logistics provider, different requirements apply which vary depending on whether the customer account shipping frequency/volume data element is assigned the shipping outlet/walk-in code or the immediate transaction code.

The customer account number is linked to the customer account name; thus, the same principles that apply when determining the customer account name in the shipping outlet/walk-in context apply here in determining which party's customer account number should be transmitted. In the shipping outlet/walk-in context, the customer account name refers to the establishment where the customer delivered the cargo for shipment and not the identity of the customer. Since the customer account number definition is linked to the customer account name and not the identity of the customer, the customer account number will also describe a party other than the customer when the shipping outlet/walk-in code is transmitted under the customer

account shipping frequency/volume data element.

When the customer account shipping frequency/volume data element is assigned the immediate transaction code, a customer account number is not required. When the immediate transaction code is assigned, the customer does not have an account number because an account does not exist, and, unlike shipping outlet/walk-in scenarios, there is no intermediate party that negotiates with the customer account issuer on the customer's behalf.

(iv) *Customer account establishment date.* This refers to the date the account was established between the parties identified under the customer account issuer and the customer account name data elements. For older accounts where only the year is known and the filer is identifying the account as a valid, known, and long-established account, an ACAS filer may fill in the month and date fields with a "01", but must accurately list the year in the year field.

The customer account data element will identify when the parties involved in a shipping transaction originally entered into their business relationship. The degree to which the parties involved in a shipping transaction are known to each other and to CBP affects the degree of risk assigned during CBP's targeting of high-risk cargo.

Similar to the circumstances described under the customer account number data element, a customer account establishment date is not required when the customer account shipping frequency/volume is assigned the immediate transaction code. When a transaction frequency is described as immediate, the relevant parties do not have a previous course of dealing; thus, there is not an account establishment date.

(v) *Unmasked internet protocol (IP) address or media access control (MAC) address of the device used during account creation.* This data element collects the unmasked IP or MAC address of the device used to create the account between the parties identified under the customer account issuer and the customer account name data elements. The collection of an IP or MAC address assists CBP's targeting of high-risk air cargo by presenting an additional means of verifying the identity and location of the parties engaged in the importation of cargo into the United States by air.

The requirement to provide the IP or MAC address of the device used during account creation applies when the customer account establishment date, required under the new 19 CFR 122.48b(d)(4)(iii)(D), is dated after the

effective date of this IFR, subject to the phased enforcement approach described in Section IV.I. CBP recommends, but does not require, that ACAS filers provide the IP or MAC address of the device used during account creation if the customer's account was created before the effective date of this IFR.

The language used here and in the regulatory text states that ACAS filers must transmit the "unmasked" IP or MAC address "of the device used" during account creation. This language specifies that the data element is not satisfied if the ACAS filer transmits an IP address or MAC address that is the result of using any technique or technology to mask or otherwise misrepresent IP or MAC addresses because that would not be the "unmasked" IP or MAC address "of the device used." Examples of masking include, but are not limited to, the use of proxy servers and virtual private networks (VPNs).

CBP understands that some members of the air cargo industry may need to adjust their business practices to collect and transmit the unmasked IP or MAC addresses of devices used during account creation. However, CBP has determined that IP and MAC address monitoring is an important security feature given the significant consequences of attempted and successful attacks and the heightened potential for threat actors to obfuscate their identities when digitally interfacing with ACAS filers.

In accordance with section 1951 of the FAA Act (49 U.S.C. 44901 note) and section 343(a)(3) of the Trade Act (19 U.S.C. 1415(a)(3)), CBP considered how to best implement this requirement using an operationally feasible and practical approach that considers the application of the data element's requirements, the ability of filers to acquire information for transmittal, and differences in commercial practices, among other statutory requirements.

Using commercially available software, it is reasonably possible to log the IP address or MAC address, as applicable, of devices that interface with an ACAS filer's networks. Using commercially available software, it is also possible to determine if a device is utilizing IP or MAC address masking techniques when the device interacts with an ACAS filer's networks. When a party attempts to mask their IP or MAC address, it is within the discretion of each ACAS filer or the relevant third party to determine the unmasked IP or MAC address of the party and transmit that information, refuse to accept the cargo for shipment until the party provides their unmasked IP or MAC

address for transmittal, or use some other reasonable means of acquiring the unmasked IP or MAC address.

ACAS filers are responsible for the accuracy of any information that filers transmit to CBP. However, when ACAS filers receive information from another party, CBP will take into consideration how, in accordance with ordinary commercial practices, the filer acquired the information, and whether and how the filer is able to verify the information. *See* section 343(a)(3)(B) of the Trade Act (19 U.S.C. 1415(a)(3)(B)); 19 CFR 122.48b(c)(6).

Given the commercial availability of technologies that can facilitate the logging of IP or MAC addresses and the detection of masking techniques, CBP anticipates that ACAS filers will be able to acquire unmasked IP or MAC addresses of the device used in account creation in most use cases. Additionally, ACAS filers may choose to transmit either an IP address or a MAC address to satisfy this data element. CBP allows this IP or MAC address choice in consideration of certain trade practices where the provision of an IP address may be impractical, such as when the ACAS filer is required to report the address of a device on their own network that is not connected to the internet. The option of providing an IP address or MAC address does not excuse ACAS filers from their obligation to provide accurate information for this data element. For example, if an ACAS filer or relevant third party can reasonably confirm that an IP address is unmasked, it would not be reasonable for the ACAS filer to report a MAC address that the ACAS filer does not know to be accurate or unmasked.

When an ACAS filer is not reasonably able to provide either an unmasked IP address or an unmasked MAC address of the device used during account creation, CBP will permit the ACAS filer to transmit data on the basis of what the filer reasonably believes to be true. *See* section 343(a)(3)(B) of the Trade Act (19 U.S.C. 1415(a)(3)(B)); 19 CFR 122.48b(c)(6).

Similar to the circumstances described under the customer account name, issuer, number, and establishment date data elements, this data element is not required when the customer account shipping frequency/volume is assigned the immediate transaction code. When a shipping frequency is described as immediate, the relevant parties do not have a previous course of dealing, thus an account does not exist, and an IP or MAC address would not have been logged in the creation of an account.

4. Conditional Data Elements That Are Required When the Customer Account Shipping Frequency/Volume Data Element Is Assigned the Shipping Outlet/Walk-In, Immediate Transaction, or Occasional Shipper Codes

The following data elements are conditioned on the ACAS filer's assignment of certain codes under the customer account shipping frequency/volume data element, specifically, the shipping outlet/walk-in, immediate transaction, or occasional shipper codes. These codes are associated with a low frequency of shipments conducted by the relevant parties or the use of an intermediary, such as a shipping outlet, which in turn, is correlated to an absence of data that could be used by CBP in targeting high-risk cargo. Thus, it is necessary to require additional data elements when these codes are assigned to improve CBP's targeting of low-frequency shipments. The following data elements can be found under the new 19 CFR 122.48b(d)(4)(iv).

(i) *Shipping cost.* The shipping cost is the total amount of charges assessed by the carrier, freight forwarder, or other logistics provider to deliver the cargo shipment. This amount must be reported in U.S. dollars and includes any applicable shipping costs, such as taxes and insurance. CBP will provide a "less than one U.S. dollar" option to capture small internet marketplace transactions. The shipping cost, as defined here, is generally negotiated between the customer and the logistics provider that issued the lowest level air waybill; however, circumstances may vary based on the details of a particular shipping contract or commercial practice.

For certain cargo shipments, the ACAS filer might not be the party that financially interacted with the customer, which could complicate the ACAS filer's ability to provide the shipping cost as defined here. For example, a freight forwarder might interact with a customer to coordinate and accept payment for a cargo shipment. The freight forwarder then contracts with parties such as an air carrier to transport the cargo. The freight forwarder may be hesitant to share the amount that the customer paid to the freight forwarder with the air carrier because of the freight forwarder's interest in maintaining a competitive business relationship with all involved parties. Section 343(a)(3)(C) of the Trade Act requires that CBP consider the existence of competitive relationships when imposing information requirements. In consideration of this parameter, CBP will accept an estimated

shipping cost for a particular cargo shipment when (1) the total amount of charges will be assessed after the ACAS filing is transmitted; or (2) the ACAS filer is not the carrier, freight forwarder, or other logistics provider that assessed the total amount of charges to deliver the shipment. The ACAS filer must transmit the true shipping cost to CBP if it is known to the ACAS filer at the time of filing. If the ACAS filer is not the carrier, freight forwarder, or other logistics provider that assessed or will assess the total amount of charges to deliver the shipment, other ACAS filers or third parties, as described under 19 CFR 122.48b(c)(5), are not required to provide the shipping cost to the ACAS filer because the data element can be satisfied by transmitting an estimated shipping cost. When transmitted shipping cost data is non-descriptive, inaccurate, or insufficient, CBP may require ACAS filers to provide the contract of carriage as proof of the freight charges under a referral for information.

The shipping cost data element will help CBP identify financial information that, when combined with other data elements, will allow CBP to identify suspicious or high-risk shipments.

(ii) *Unmasked internet protocol (IP) address or media access control (MAC) address of the device used to initiate the shipping transaction and the unmasked IP address or MAC address of the device used to file the ACAS filing each time an ACAS filing is submitted.* This data element collects both the IP address or MAC address of the device used to initiate a shipping transaction and the IP address or MAC address of the device used by an ACAS filer when transmitting each ACAS filing.

As stated previously, shipping frequency/volume codes associated with a low number of shipments or the use of an intermediary, such as a shipping outlet, correlate to an absence of targetable data; thus, it is necessary to require additional information for CBP to determine whether those shipments present a threat to air cargo security. The collection of an IP address or MAC address assists CBP's targeting of high-risk air cargo by presenting an additional means of verifying the identity and location of an ACAS filer and the party that initiated the shipment.

Depending on the business models involved in a particular shipping transaction, the device used to initiate the shipping transaction could be the same device used to complete the ACAS filing. If this situation occurs, the ACAS filer must transmit IP or MAC addresses for both the initiating device and filing

device fields, even if the addresses are identical.

The language used here and in the regulatory text states that ACAS filers must transmit the “unmasked” IP or MAC addresses “of the device used” to initiate a shipping transaction and the device used to complete an ACAS filing. This language specifies that the data element is not satisfied if the ACAS filer transmits an IP address or MAC address that is the result of using any technique or technology to mask or otherwise misrepresent IP or MAC addresses because that would not be the “unmasked” IP or MAC address “of the device used.” Examples of masking include, but are not limited to, the use of proxy servers and VPNs.

CBP understands that some members of the air cargo industry may need to adjust their business practices to collect and transmit the unmasked IP or MAC addresses of devices used to initiate shipping transactions and devices used to file ACAS filings. However, CBP has determined that IP and MAC address monitoring is an important security feature given the significant consequences of attempted and successful attacks and the heightened potential for threat actors to obfuscate their identities when digitally interfacing with ACAS filers and CBP.

In accordance with section 1951 of the FAA Act (49 U.S.C. 44901 note) and section 343(a)(3) of the Trade Act (19 U.S.C. 1415(a)(3)), CBP considered how to best implement this requirement using an operationally feasible and practical approach that considers the application of the data element’s requirements, the ability of filers to acquire information for transmittal, and differences in commercial practices, among other statutory requirements.

Using commercially available software, it is reasonably possible to log the IP address or MAC address, as applicable, of devices that interface with an ACAS filer’s networks. Using commercially available software, it is also possible to determine if a device is utilizing IP or MAC address masking techniques when the device interacts with an ACAS filer’s networks. When a party attempts to mask their IP or MAC address, it is within the discretion of each ACAS filer or the relevant third party to determine the unmasked IP or MAC address of the party and transmit that information, refuse to accept the cargo for shipment until the party provides their unmasked IP or MAC address for transmittal, or use some other reasonable means of acquiring the unmasked IP or MAC address.

ACAS filers are responsible for the accuracy of any information that filers

transmit to CBP. However, when ACAS filers receive information from another party, CBP will take into consideration how, in accordance with ordinary commercial practices, the filer acquired the information, and whether and how the filer is able to verify the information. See section 343(a)(3)(B) of the Trade Act (19 U.S.C. 1415(a)(3)(B)); 19 CFR 122.48b(c)(6).

Given the commercial availability of technologies that can facilitate the logging of IP or MAC addresses and the detection of masking techniques, CBP anticipates that ACAS filers will be able to acquire unmasked IP or MAC addresses in most use cases. Additionally, ACAS filers may choose to transmit either an IP address or a MAC address to satisfy this data element. CBP allows this IP or MAC address choice in consideration of certain trade practices where the provision of an IP address may be impractical, such as when the ACAS filer is required to report the address of a device on their own network that is not connected to the internet. The option of providing an IP address or MAC address does not excuse ACAS filers from their obligation to provide accurate information for this data element. For example, if an ACAS filer or relevant third party can reasonably confirm that an IP address is unmasked, it would not be reasonable for the ACAS filer to report a MAC address that the ACAS filer does not know to be accurate or unmasked.

When an ACAS filer is not reasonably able to provide either an unmasked IP address or an unmasked MAC address, CBP will permit the ACAS filer to transmit data on the basis of what the filer reasonably believes to be true. See section 343(a)(3)(B) of the Trade Act (19 U.S.C. 1415(a)(3)(B)); 19 CFR 122.48b(c)(6).

5. Conditional Data Elements Required Only in Certain Situations

The following data elements can be found under the new 19 CFR 122.48b(d)(4)(v).

(i) *Biographic data.* Biographic data is the data contained on a CBP-approved government-issued photo identification document. Biographic data also includes the date and time an individual presents a CBP-approved government-issued photo identification document for the collection of the text-based biographic data. The biographic data of an individual presenting cargo for shipment must be transmitted when the customer account shipping frequency/volume is assigned the shipping outlet/walk-in code or when a

shipment contains household goods or personal effects.

When the conditions listed above occur, the individual presenting cargo for shipment must provide the party taking custody of the cargo for shipment with a CBP-approved government-issued photo identification document. At minimum, CBP will recognize a document as CBP-approved if it is a valid, unexpired government-issued driver’s license or passport that lists the required text-based biographic data and includes a photo of the individual that the document is assigned to. CBP understands that these documents may not be readily available to all individuals; thus, CBP plans to list instructions for determining whether additional, alternative documents are CBP-approved in the ACAS Implementation Guide.²³

The party accepting the cargo must verify that the document matches the individual presenting the document. At minimum, the biographic data transmitted to CBP must include the government-issued identification document type, the identifier that is uniquely associated with the identification document (e.g., an alphanumeric passport number), the issuing government authority and country, the name of the individual, and the date of birth. This data must be transmitted to CBP in a text format. ACAS filers must also transmit the date and time when the individual presented the government-issued photo identification document.²⁴

The government-issued photo identification document that is presented by an individual for purposes of compliance with the biographic data transmission requirement is subject to a copy retention requirement found under the new 19 CFR 122.48b(c)(7). The data collected under the biographic data date and time requirement will be used by CBP to ensure ACAS filers’ compliance with notifications to obtain and retain copies of government-issued photo identification documents. The copy retention requirement and CBP’s analysis of data collected under the biographic data date and time requirement are discussed in more detail under Section IV.G. of this IFR.

CBP can more effectively assess the risk of a particular shipment when the

²³ The ACAS Implementation Guide will be located at <https://www.cbp.gov/border-security/ports-entry/cargo-security/acas>.

²⁴ Instructions for formatting the biographic data date and time reporting requirements will be located in the ACAS Implementation Guide and Enhanced ACAS Frequently Asked Questions, <https://www.cbp.gov/border-security/ports-entry/cargo-security/acas>.

parties involved in a shipping transaction are known to CBP and regularly conduct similar transactions. Conversely, when a shipping transaction occurs between parties that are not known to CBP as having an ongoing business relationship, CBP's ability to accurately identify the risk of a shipment based on the identity of the parties involved diminishes. Thus, when the shipping outlet/walk-in code is assigned or a shipment contains household goods or personal effects, CBP will require the collection of biographic data to better identify the party shipping the item. The collection of biographic data will allow CBP to more effectively assess ACAS filings that contain cargo descriptions that are generally assigned to shipments between individuals and shipments between parties that are not known to CBP as having an ongoing business relationship.

(ii) *Link to product listing and unmasked IP address or MAC address of the device used by the consignee to purchase the product.* This data element is required when a consignee, who does not have an account with the logistics provider who issued the lowest level air waybill, initiates a shipment by conducting a transaction on any internet store or online marketplace platform (collectively, e-commerce platforms). When this data element is required, the ACAS filer must transmit the unmasked IP address or MAC address of the device used by the consignee to purchase the product and either the uniform resource locator (URL) or stock keeping unit (SKU) of the product.

As discussed below, e-commerce transactions present a special risk to aircraft, crewmembers, and passengers, in part, due to the relative anonymity associated with the transactions. To ensure that CBP receives adequate identity and location information for parties involved in e-commerce transactions, CBP determined that it is necessary to require, under this link to product listing data element, the unmasked IP or MAC address of certain consignees involved in e-commerce shipping transactions.

This IFR separately requires the transmission of the unmasked IP or MAC address of the device used to initiate the shipping transaction when the customer account shipping frequency/volume data element is assigned the shipping outlet/walk-in, immediate transaction, or occasional shipper codes, which provides identity and location information when there is a low frequency of shipments conducted by the relevant parties or when there is an intermediary, such as a shipping

outlet. Under this low frequency condition set, ACAS filers would not be required to transmit IP or MAC addresses for devices that initiate shipping transactions on a regular/daily or high-volume basis. E-commerce shipments will typically be assigned regular/daily or high-volume frequency codes, thus, without a specific data element for e-commerce consignees' IP or MAC addresses, CBP would be limited in its ability to collect and analyze unmasked IP or MAC addresses for the majority of e-commerce transactions. Additionally, in the e-commerce context, the device that initiates the shipping transaction is likely a device operated by the e-commerce platform and not the device used to purchase the product; thus, the IP or MAC address of the device that initiated the shipping transaction has limited usefulness in resolving the anonymity issues associated with e-commerce transactions.

The language used here and in the regulatory text states that ACAS filers must transmit the "unmasked" IP or MAC address "of the device used" to purchase the product. This language specifies that the data element is not satisfied if the ACAS filer transmits an IP address or MAC address that is the result of using any technique or technology to mask or otherwise misrepresent IP or MAC addresses because that would not be the "unmasked" IP or MAC address "of the device used." Examples of masking include, but are not limited to, the use of proxy servers and VPNs.

CBP understands that some members of the air cargo industry and third parties may need to adjust their business practices and incur additional costs to collect and transmit the unmasked IP or MAC addresses of the devices used by consignees to purchase products on e-commerce platforms. However, CBP has determined that IP and MAC address monitoring is an important security feature given the significant consequences of attempted and successful attacks and the heightened potential for threat actors to capitalize on the anonymity associated with e-commerce transactions.

In accordance with section 1951 of the FAA Act (49 U.S.C. 44901 note) and section 343(a)(3) of the Trade Act (19 U.S.C. 1415(a)(3)), CBP considered how to best implement this requirement using an operationally feasible and practical approach that considers the application of the data element's requirements, the ability of filers to acquire information for transmittal, and differences in commercial practices, among other statutory requirements.

Using commercially available software, it is reasonably possible to log the IP address or MAC address, as applicable, of devices that interface with a network. Using commercially available software, it is also possible to determine if a device is utilizing IP or MAC address masking techniques when a device interacts with a network. When a party attempts to mask their IP or MAC address, it is within the discretion of the ACAS filer or the relevant third party to determine the unmasked IP or MAC address of the party and transmit that information, refuse to complete an e-commerce transaction or accept the cargo for shipment until the party provides their unmasked IP or MAC address for transmittal, or use some other reasonable means of acquiring the unmasked IP or MAC address.

For most of the IP or MAC address transmission requirements introduced by this IFR, the IP or MAC address will be associated with a device that interfaces directly with an ACAS filer's networks. However, for this IP or MAC address of the e-commerce consignee requirement, the device used by a consignee to purchase a product from an e-commerce platform will likely interface with an e-commerce platform's networks to purchase the product and will likely not interface with an ACAS filer's networks. Thus, similar to how ACAS filers acquire information from e-commerce platforms to identify U.S.-based consignees for existing consignee data elements, such as the consignee name and address, ACAS filers will need to engage with third parties, such as e-commerce platforms, to ensure that the necessary information is collected and provided to the ACAS filer for transmission to CBP.

ACAS filers are responsible for the accuracy of any information that filers transmit to CBP. However, when ACAS filers receive information from another party, CBP will take into consideration how, in accordance with ordinary commercial practices, the filer acquired the information, and whether and how the filer is able to verify the information. See section 343(a)(3)(B) of the Trade Act (19 U.S.C. 1415(a)(3)(B)); 19 CFR 122.48b(c)(6).

Given the commercial availability of technologies that can facilitate the logging of IP or MAC addresses and the detection of masking techniques, CBP anticipates that ACAS filers will be able to acquire unmasked IP or MAC addresses in most use cases. Additionally, ACAS filers may choose to transmit either an IP address or a MAC address to satisfy this data element. CBP allows this IP or MAC address choice in consideration of

certain trade practices where the provision of an IP address may be impractical, such as when the ACAS filer is required to report the address of a device on their own network that is not connected to the internet. The option of providing an IP address or MAC address does not excuse ACAS filers from their obligation to provide accurate information for this data element. For example, if an ACAS filer or relevant third party can reasonably confirm that an IP address is unmasked, it would not be reasonable for the ACAS filer to transmit a MAC address that the ACAS filer does not know to be accurate or unmasked.

When an ACAS filer is not reasonably able to provide either an unmasked IP address or an unmasked MAC address, CBP will permit the ACAS filer to transmit data on the basis of what the filer reasonably believes to be true. *See* section 343(a)(3)(B) of the Trade Act (19 U.S.C. 1415(a)(3)(B)); 19 CFR 122.48b(c)(6).

In addition to identifying the IP or MAC address of the device used to purchase a product from an e-commerce platform, ACAS filers are also required to transmit a URL or SKU that identifies the product. If an ACAS filer provides an inactive or defective URL, this data element is not satisfied because the regulatory text requires the transmission of the URL of the product, hence, an active link that CBP could use to reference the product. CBP recognizes that the business practices of e-commerce platforms may require the ongoing modification of a product's URL. Thus, the link to product listing data element also provides for the transmission of a SKU, so long as the ACAS filer provides the home page of the e-commerce platform and entry of the SKU into the search function of the website directs a user to the active product landing page.

The large volume of shipments conducted as a result of e-commerce transactions, the potential for the obfuscation of the true contents of a shipment, and the relative anonymity afforded to participants in e-commerce transactions presents a special risk to air cargo security.²⁵ For example, many e-commerce platforms facilitate transactions between purchasers and third-party vendors that independently

package and ship merchandise. The degrees of separation between the e-commerce platform and third-party vendors can make oversight and enforcement difficult or unattractive for e-commerce platforms. This anonymity and the relative ease of establishing a business relationship with an e-commerce platform, among other factors, can make e-commerce platforms effective distribution tools for manufacturers of counterfeit consumer products and other illicit items. As relevant to this emergency rulemaking, these factors of anonymity and ease-of-use also present a specific security vulnerability that threat actors can exploit to target aircraft, especially considering the high volume of e-commerce shipments that enter the United States as air cargo shipments.²⁶

This data element will allow CBP to identify the item being imported into the United States, the marketplace that facilitated the creation of the shipment, and the location of the device that purchased the product. With this information, CBP can compare the cargo description, an existing mandatory ACAS data element, and the URL or SKU item description for discrepancies, identify online marketplaces that present abnormal risk profiles, and identify discrepancies between the location of the purchaser and the destination of the cargo shipment.

Based on feedback from industry, CBP believes that an unmasked IP or MAC address would only be required for a minority of ACAS filings because the majority of ACAS filings involve a shipper that is a Verified Known Consignor. In addition, even for those filings that do not involve a shipper that is a Verified Known Consignor, the filer would only be required to provide an individual's unmasked IP or MAC address in certain circumstances. At the same time, CBP recognizes that there may be privacy, security, or implementation cost concerns associated with the requirement to provide unmasked IP or MAC addresses in some circumstances, and that effects on companies could vary depending on their existing information technology (IT) infrastructure and business practices. Such concerns may arise from the requirement to provide an actual IP or MAC address that is linked to a specific device and not an address that is the result of using a masking technique, such as the use of a proxy server or VPN. Concerns may also be

related to how parties might maintain, use, and disclose this information, specifically, the collection of unmasked IP or MAC addresses by ACAS filers and third parties that report information to ACAS filers, or CBP's receipt of this information. Additionally, CBP recognizes that the unmasked IP or MAC address requirements could create additional financial burdens for parties who provide information to ACAS filers (such as some e-commerce sites and their customers).

CBP recognizes that there are genuine, non-nefarious reasons for seeking privacy protections, such as the use of IP or MAC address masking techniques, when connected to the internet, including making it harder for hackers to target an individual's device or steal sensitive data. In addition, CBP recognizes that there are potential costs for requiring this information, including costs that may extend beyond ACAS filers. Similarly, CBP recognizes that there is a significant benefit to requiring unmasked IP or MAC addresses, such as a greater chance of averting an attack on international aviation that could result in a significant loss of life and disrupt global supply chains.

In analyzing the July 2024 incidents and other potential threats, CBP determined that the transmission of additional location or device identity information, including the transmission of unmasked IP or MAC addresses, would aid CBP's targeting of high-risk shipments in certain circumstances. While other ACAS data elements also provide CBP with location and identity information, such as the consignee name and address, unmasked IP and MAC addresses may offer technically verifiable location or device identity information that CBP believes is more difficult for threat actors to misrepresent compared to other ACAS data elements and generally provides an important additional point of comparison. CBP determined that the value of unmasked IP or MAC address information in conjunction with the significant and potentially life-threatening consequences of attacks on international aviation warranted the approach taken in this rule.

However, CBP has sought to limit the collection of these and other conditional data elements to the extent possible. In addition to other limiting conditions, unmasked IP or MAC addresses are only required if the shipper is not identified as a Verified Known Consignor. As noted above and as discussed in Section V.B., CBP believes that this condition will significantly limit the applicability of the unmasked IP or MAC address requirements, among other enhanced

²⁵ *See* DHS, Combating Trafficking in Counterfeit and Pirated Goods (Jan. 24, 2020), https://www.dhs.gov/sites/default/files/publications/200124_plcy_counterfeit-pirated-goods-report_01.pdf (last visited Sept. 29, 2025); GAO, Use of Online Marketplaces and Virtual Currencies in Drug and Human Trafficking, GAO-22-105101 (Feb. 2022), <https://www.gao.gov/products/gao-22-105101> (last visited Sept. 29, 2025); *cf.* 90 FR 3048, 3060 (Jan. 14, 2025); 90 FR 6852, 6857 (Jan. 21, 2025).

²⁶ *See* CBP, E-Commerce, <https://www.cbp.gov/trade/basic-import-export/e-commerce> (last visited Sept. 29, 2025) (regarding the volume of e-commerce shipments that enter the United States as air cargo).

ACAS data elements. These conditions impose transmission requirements in scenarios associated with heightened threat levels, in which CBP believes the security benefit justifies requiring unmasked IP or MAC addresses in certain circumstances.

When unmasked IP or MAC addresses are transmitted to CBP, CBP will use the information in accordance with statutory requirements applicable to CBP's use of advance electronic information for cargo and ACAS information specifically. *See, e.g.*, 19 U.S.C. 1415(a)(3)(F), (G); section 1951(h) of the FAA Act (49 U.S.C. 44901 note). Section V.E. contains additional information regarding CBP's handling of information collected pursuant to the ACAS program.

F. Optional Data Elements

Under the existing ACAS program, CBP encourages ACAS filers to transmit data elements that are not required or additional information regarding ACAS data as optional data elements. The transmission of optional data elements is voluntary in all circumstances; however, CBP recommends the transmission of these data elements when available because these data elements improve CBP's targeting of high-risk cargo and may allow for a faster ACAS disposition. To accommodate the addition of new conditional data elements, the optional data elements previously listed under 19 CFR 122.48b(d)(3) can now be found under the new 19 CFR 122.48b(d)(5). These data elements provide additional points of comparison during CBP's targeting of high-risk shipments that complement or contrast against data elements that are required for transmission. To gain the greatest possible security benefit from these voluntary transmissions, CBP determined that it is necessary to provide additional guidance to standardize the transmission of certain optional data elements. Thus, CBP is revising the list of optional data elements currently provided by regulation as follows:

(i) Second Notify Party. This is an existing optional data element that allows the ACAS filer to voluntarily designate a second notify party to receive shipment status messages from CBP. This IFR does not modify the Second Notify Party optional data element.

(ii) Origin of Shipment. This is the International Standards Organization (ISO) country code that represents the country where the cargo was tendered for shipment. This data element can complement or contrast against

information reported under the shipment packing location and/or scheduled shipment pickup location data element, among others.

(iii) Declared Value. This is the U.S. fair market value of the cargo in U.S. dollars.

(iv) Harmonized Commodity Code. This is the Harmonized Tariff Schedule (HTS) code at the 6-digit or 10-digit level that most accurately identifies the cargo. CBP's use of HTS refers to the Harmonized Tariff Schedule of the United States.²⁷ The first six digits of a 10-digit HTS (HTS-10) code are identical to the digits contained in a 6-digit HTS (HTS-6) code, sometimes referred to as a Harmonized System code. The remaining four digits in an HTS-10 code further classify the cargo, and within the ACAS program, provide CBP with the most effective targeting information.

As a mandatory data element, ACAS filers are already required to transmit a precise cargo description, which is defined under 19 CFR 122.48a as a precise cargo description or HTS-6 code. CBP introduced this optional data element to clarify that ACAS filers are encouraged to transmit both a precise cargo description and an HTS-6 or HTS-10 code.

(v) Transaction Type. This is the CBP-specified code that best represents the transactional relationship between the shipper and the consignee. For example, if an individual in a foreign country is shipping cargo to a business in the United States, the ACAS filer should assign the Consumer to Business code. These codes can be found in the ACAS Implementation Guide.²⁸ The list of transaction types also includes special categories, such as live animals or dangerous goods, which may complement the special handling type optional data element.

(vi) Special Handling Type. This is the CBP-specified special handling or dangerous goods code applicable to certain cargo shipments. A cargo shipment may have a special handling type to signify the presence of special or dangerous cargo that requires non-standard handling. These codes can be found in the CBP Export Manifest Implementation Guide and the CBP ACAS Implementation Guide.²⁹ For

example, a shipment of flowers could be assigned the "PEF" code. The voluntary reporting of special handling types in the ACAS filing alerts CBP to the presence of anomalous or unusual cargo which could benefit the filer by hastening the resolution of, or avoiding the issuance of, any potential referrals.

(vii) Customer Account Email Address. This is the email address associated with the account identified under the customer account name data element.

(viii) Customer Account Phone Number. This is the phone number associated with the account identified under the customer account name data element.

(ix) Shipper Manufacturer Identification (MID) Code or Authorized Economic Operator (AEO) Number. This is the MID code or AEO number and code representing the designating body for the party identified as the shipper. Instructions for deriving a MID code can be found under Customs Directive No. 3550-055.³⁰ AEO numbers are issued by customs agencies to identify parties involved in international trade that meet certain security standards. If transmitting an AEO number, ACAS filers must also identify the designating body.

For purposes of satisfying the Verified Known Consignor conditional data elements, CBP plans to recognize certain MID codes or AEO numbers associated with programs that meet CBP's security requirements. CBP is introducing this optional data element to encourage the transmission of MID codes or AEO numbers that are not used to satisfy the Verified Known Consignor data element. MID codes and AEO numbers transmitted under this optional data element can improve CBP's identification of shippers and indicate the existence of certain risk factors.

(x) Consignee Importer of Record Number. This is the U.S. Social Security number, Internal Revenue Service number, Employer Identification Number (EIN), or CBP-assigned number used as the importer of record number by the party identified as the consignee. This data element will be used by CBP to identify the consignee that is the importer of record for a particular cargo shipment.

²⁷ The Harmonized Tariff Schedule of the United States is available electronically at <https://hts.usitc.gov/> (last visited Sept. 29, 2025).

²⁸ The CBP ACAS Implementation Guide can be found at <https://www.cbp.gov/document/guides/air-cargo-advance-screening-acas-implementation-guide> (last visited Sept. 29, 2025).

²⁹ The CBP Export Manifest Implementation Guide can be found at [https://www.cbp.gov/document/guidance/ace-export-manifest-](https://www.cbp.gov/document/guidance/ace-export-manifest-implementation-guide)

[implementation-guide](https://www.cbp.gov/document/guidance/ace-export-manifest-implementation-guide) (last visited Jan. 28, 2025). The CBP ACAS Implementation Guide can be found at <https://www.cbp.gov/document/guides/air-cargo-advance-screening-acas-implementation-guide> (last visited Jan. 28, 2025).

³⁰ CBP Customs Directive No. 3550-055, Attachment A (Nov. 24, 1986), <https://www.cbp.gov/document/guidance/3550-055-instructions-deriving-manufacturershipper-identification-code> (last visited Jan. 29, 2025).

(xi) Regulated Agent Name, Address, and Code. This is the name, address, and code associated with a party that ensures security controls for the transportation of cargo by air in accordance with standards established by a CBP-recognized body. Regulated agent status designates parties that undertake certain security controls in the handling of cargo that may limit the security risk posed by those shipments. It is within CBP's sole discretion to recognize regulated agent programs that could be used by an ACAS filer to complete this data element field. CBP reserves the right to not recognize a regulated agent program or a party's regulated agent status at any time.

CBP currently plans to recognize the regulated agent program specified under EU Commission Implementing Regulation 2015/1998 as imposing sufficiently rigorous security standards.³¹ CBP encourages public comment on additional programs similar to the EU's regulated agent program that could be used to satisfy this data element.

(xii) ACAS Filing Type. This is a CBP-specified code that represents the nature of the handling and transportation of the cargo. The regulatory text provides the examples of standard, express, and e-commerce; however, CBP may add additional filing types through further guidance. The express filing type represents delivery services that are offered to the public as door-to-door deliveries on a reliable and timely basis. The standard filing type represents the remainder of cargo shipments that are not advertised as an "express" option. E-commerce cargo shipments may be transported as standard or express, but are distinguished as a unique filing type by the presence of an online store or internet marketplace that facilitates the cargo shipment.

(xiii) CBP is also revising the regulatory text from the previous 19 CFR 122.48b(d)(3), which encourages ACAS filers to transmit data that is not required for a particular ACAS filing, to remove the references to telephone numbers, email addresses, and internet protocol addresses as examples of optional data elements. This revision clarifies that some previously optional data elements are now mandatory or conditional ACAS data elements. CBP continues to encourage ACAS filers to submit additional information regarding any of the ACAS data or any data listed

in 19 CFR 122.48a that is not ACAS data, when available. The regulatory text encouraging the transmission of additional information regarding ACAS data or data listed in 19 CFR 122.48a can be found under the new 19 CFR 122.48b(d)(5)(xiii).

G. Retention of Government-Issued Photo Identification Document Copies

To support the new biographic data transmission requirement, detailed under Section IV.E.5., CBP is adding a records retention requirement under the new 19 CFR 122.48b(c)(7). When ACAS filers are required to transmit the biographic data conditional data element (*i.e.*, when (1) the customer account shipping frequency/volume, identified under 19 CFR 122.48b(d)(4)(ii)(C), is assigned the shipping outlet/walk-in code, or (2) when a shipment contains household goods or personal effects), CBP may, following prior notification from CBP to ACAS filers, require that ACAS filers obtain a copy of the government-issued photo identification document used to supply the text-based biographic data and retain the copy for 3 years. During the retention period, the ACAS filer must provide the copy to CBP if requested.

The language used here and in the regulatory text, new 19 CFR 122.48b(c)(7), specifies that ACAS filers are not required to retain document copies by default; however, CBP may require the retention of document copies at CBP's discretion. ACAS filers will not be required to obtain and retain copies unless prior notification is provided to ACAS filers by CBP. CBP will provide the notification to ACAS filers through an established, pre-existing means of communication. For example, CBP may send the notification to the email address provided by ACAS filers under 19 CFR 122.48b(c)(3)(iv), the 24 hours/7 days a week ACAS filer email address.

The biographic data transmission requirement found under the new 19 CFR 122.48b(d)(4)(v)(A) requires ACAS filers to transmit the date and time the individual shipping the cargo provided the government-issued photo identification document to supply the text-based biographic data. An ACAS filer's compliance with the document copy retention requirement will be determined by comparing the date and time CBP sent the copy retention notification to the ACAS filer and the date and time an individual presented a government-issued photo identification document for the collection of text-based biographic data under the new 19 CFR 122.48b(d)(4)(v)(A).

CBP retains discretion over the applicability of any requirement to retain copies, including, but not limited to, requirements to retain copies on a temporary or ongoing basis and the applicability of retention requirements to ACAS filings originating from certain ACAS filers, geographic regions, or countries.

CBP selected a 3-year copy retention period to identify individuals that present a risk to air cargo security, aid in the resolution of any questions regarding an individual's identity, and assist CBP in verifying the accuracy of transmitted biographic data under the new 19 CFR 122.48b(d)(4)(v)(A). As discussed previously, CBP will not require ACAS filers to provide document copies to CBP unless CBP requests a copy; thus, a 3-year copy retention period is also necessary to ensure that document copies remain available in the event that an enforcement action occurs. *See* 19 CFR 113.62(l), 113.63(h), 113.64(i).

H. Exemption of ACAS Data From Disclosure

Under section 343(a)(3)(G) of the Trade Act (19 U.S.C. 1415(a)(3)(G)), CBP is required to promulgate regulations that protect the privacy of business proprietary and any other confidential cargo information provided to CBP pursuant to the ACAS regulations. Data electronically presented to CBP in accordance with 19 CFR 122.48a is specifically exempt from disclosure as either trade secrets or privileged or confidential commercial or financial information under 19 CFR 103.31a, unless CBP receives a specific request for such records pursuant to 6 CFR 5.3, and the owner of the information expressly agrees in writing to its release. 19 CFR 122.48a(a) states that ACAS data is a subset of data required under 19 CFR 122.48a and notes that any data identified as ACAS data under 19 CFR 122.48a(d) is "subject to the requirements and time frame described in § 122.48b."

The original ACAS data elements, delineated under the 2018 IFR, are exempt from disclosure under 19 CFR 103.31(a) because those data elements are entirely a subset of data required under 19 CFR 122.48a. However, the enhanced set of ACAS data elements, introduced in this IFR, combines the previous subset of 19 CFR 122.48a data elements with a new set of data elements unique to the ACAS program (19 CFR 122.48b). As such, information transmitted pursuant to the new ACAS data element requirements would not be explicitly exempt from disclosure

³¹ *See* Commission Implementing Regulation 2015/1998 of Nov. 5, 2015, Laying Down Detailed Measures for the Implementation of the Common Basic Standards on Aviation Security, annex, 2015 O.J. (L 299) 1, https://data.europa.eu/eli/reg_impl/2015/1998/oj (last visited Sept. 29, 2025).

unless 19 CFR 103.31a is revised to specifically exempt those data elements.

While the ACAS data elements delineated in the 2018 IFR would continue to be exempt from disclosure without revising 19 CFR 103.31a and the new ACAS data elements could be protected by applicable Freedom of Information Act (FOIA) exemptions (*see* 5 U.S.C. 552(b)), CBP determined that it is necessary to modify 19 CFR 103.31a(a) to per se exempt the new ACAS data elements introduced in this IFR from disclosure.

Information transmitted pursuant to the new data element requirements may contain trade secrets or privileged or confidential commercial or financial information; thus, it is immediately necessary to per se exempt information transmitted pursuant to those data element requirements to promote industry compliance with the enhanced ACAS requirements. If information transmitted pursuant to these data element requirements were not per se exempt from disclosure, ACAS filers, and parties who supply ACAS filers with information to complete ACAS filings, may be hesitant to provide information that could be disclosed. As discussed throughout this IFR, complete and accurate ACAS data is necessary to inform CBP's assessments of threats to aircraft, crewmembers, and passengers entering the United States. Thus, in accordance with Trade Act requirements, CBP is adding a specific reference to "§ 122.48b" in 19 CFR 103.31a(a) to ensure that the new enhanced ACAS data elements introduced in this IFR receive the same per se exemptions from disclosure that the original ACAS data elements presently receive.

I. Phased Enforcement

As required under section 343(a)(3)(J) of the Trade Act (19 U.S.C. 1415(a)(3)(J)), CBP considered whether it would be appropriate to provide a transition period between the promulgation of the new ACAS data elements and the effective date of the regulation. Given the immediate threat to aviation security discussed in Sections III.E. and V.A., CBP determined that a delayed effective date would be inappropriate because the immediate implementation of the new ACAS data elements is necessary to address a demonstrated, existing security vulnerability.

However, to provide members of industry sufficient time to adjust to the new requirements and in consideration of the business process changes that may be necessary to achieve full compliance, CBP will show restraint in

enforcing the data transmission requirements introduced by this IFR for 12 months after the effective date, taking into account difficulties that inbound air carriers and other eligible ACAS filers may face in complying with the rule, so long as inbound air carriers and other eligible ACAS filers are making significant progress toward compliance and are making a good faith effort to comply with the rule to the extent of their current ability.

While full enforcement will be phased in over this 12-month period, willful and egregious violators will be subject to enforcement actions at all times. CBP welcomes comments on this phased enforcement.

As required under section 343(a)(3)(E) of the Trade Act (19 U.S.C. 1415(a)(3)(E)), CBP also considered whether interim requirements may be appropriate to the extent the technology necessary for parties to transmit ACAS data, and for CBP to receive and analyze the data, is available at the time of promulgation. Members of the air cargo industry have successfully transmitted ACAS data to CBP on a mandatory basis since 2018; thus, the technological framework for transmitting ACAS data to CBP currently exists. Although the addition of new data elements will likely require ACAS filers to modify their transmission software to accommodate the new requirements, some ACAS filers have already adapted their systems to source and transmit information for many of the new requirements, and for other ACAS filers, updated commercial software is available. CBP has developed the technical ability to receive and analyze the enhanced ACAS data elements.

Based on these observations and CBP's conversations with members of the air cargo industry, the technology necessary to implement the enhanced ACAS data element transmission requirements exists and is widely available. CBP recognizes that additional software development, technology acquisition, and coordination and negotiation among supply chain participants may be needed to implement the sourcing or transmission of information for specific requirements. However, CBP determined that the imposition of interim requirements would not be appropriate because the technology necessary to transmit and source information for the enhanced ACAS data elements presently exists. Instead, CBP determined that the previously discussed phased enforcement period would be most beneficial for ACAS filers in adapting existing systems to source and transmit information for the

enhanced ACAS data element requirements. A phased enforcement period will immediately provide CBP with available enhanced ACAS data and enable ACAS filers to effectively allocate technology development resources toward adapting existing technology to comply with one set of requirements.

J. Severability

CBP intends for the decisions contained in this rule to be severable from each other and to be given effect to the maximum extent possible, such that if a court holds that any provision is invalid or unenforceable—whether in their entirety or as to a particular person or circumstance—the other provisions will remain in effect as to any other person or circumstance.³² The various decisions in this IFR are designed to function sensibly without the others, and CBP intends for them to be severable so that each can operate independently.

For example, CBP would intend to be able to implement as much of the rule as possible, even if it could not implement some of the rule (such as a conditional data element) due to a court order. This approach ensures that CBP can make necessary security improvements to the greatest extent possible.

Even if a court order were to render the requirement to transmit a particular data element invalid or unenforceable and ACAS filers' responses under that data element inform filers' responsibilities to transmit other data elements, CBP would intend that ACAS filers continue to provide the other data elements, using the preamble of this IFR as guidance for the applicability of any conditions to the extent this conditionality interpretation does not violate a court order. For example, if a court holds that the requirement to provide the customer account shipping frequency/volume data element is unenforceable, CBP intends that ACAS filers would continue to be required to transmit biographic data if the conditions described in the preamble for the shipping outlet/walk-in code exist.

If a stricken provision creates a question of whether or not a conditional data element should be transmitted, CBP intends that ACAS filers would interpret the stricken provision as satisfied such that transmission of the conditional data element is required.

³² Courts have uniformly held that the APA, 5 U.S.C. 706(2), authorizes courts to sever and set aside "only the offending parts of the rule." *Carlson v. Postal Regulatory Comm'n*, 938 F.3d 337, 351 (D.C. Cir. 2019); *see, e.g., K Mart Corp. v. Cartier, Inc.*, 486 U.S. 281, 294 (1988).

For example, if a court holds that the verified known consignor information data element is unenforceable, CBP would intend that ACAS filers be required to provide a customer account establishment date for all ACAS filings where the immediate transaction code was not assigned to the ACAS filing. In this example, the verified known consignor precondition under the new 19 CFR 122.48b(d)(4) would be considered satisfied, regardless of the existence of a known consignor.

V. Statutory and Regulatory Reviews

A. Administrative Procedure Act

The Administrative Procedure Act (APA), 5 U.S.C. 551 *et seq.*, generally requires agencies to publish a notice of proposed rulemaking in the **Federal Register** and provide interested persons the opportunity to submit comments prior to issuing a final rule. However, the APA provides an exception to these requirements “when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public comment thereon are impracticable, unnecessary, or contrary to the public interest.” 5 U.S.C. 553(b)(B). The good cause exception “excuses notice and comment in emergency situations . . . or where delay could result in serious harm.”³³

Notice and comment is impracticable when the due and required execution of agency functions would be unavoidably prevented by undertaking public rulemaking proceedings.³⁴ Impracticability can occur when there is an imminent hazard to aircraft, persons, or property within the United States, or when immediate implementation of a rule might directly affect public safety.³⁵

The public interest prong of the good cause exception applies when ordinary procedures of notice and comment, generally presumed to serve the public interest, would actually harm the public interest.³⁶ This prong is distinct from the need for immediacy under the impracticability prong and is “appropriately invoked when the timing and disclosure requirements of the usual procedures would defeat the purpose of the proposal.”³⁷

The implementation of this rule as an interim final rule, with provisions for post-promulgation public comments, is based on the APA’s good cause exception. As explained below, delaying the publication of this IFR for purposes of providing public notice and comment and following the APA’s 30-day waiting period would be impracticable and contrary to the public interest.

Delaying the publication of this IFR for purposes of conducting notice and comment would be impracticable because of the immediate need for CBP to address imminent threats to the security of aircraft and persons entering the United States. CBP issued the 2018 ACAS regulations as an IFR because of specific, classified intelligence that certain terrorist organizations sought to exploit vulnerabilities in international air cargo security to cause damage to infrastructure and to cause injury or loss of life in the United States. While the regulations introduced by the 2018 IFR addressed certain security risks, since then, CBP’s ongoing review of the ACAS program and specific, classified intelligence regarding the evolving threat environment have identified additional vulnerabilities.

Recent incidents, such as the July 2024 incendiary attacks described in Section III.E., demonstrate the immediate risk that threat actors pose to the security of air cargo infrastructure and the safety of individuals. CBP’s discussions with members of the air cargo industry during the implementation period, detailed in Section III.F., also highlighted the immediate need for CBP regulations that could mandate the provision of the enhanced ACAS data elements for both air carriers and other eligible ACAS filers. Given the demonstrated vulnerability within air cargo security and heightened global tensions that may result in further attempts to attack critical air cargo infrastructure, it would be impracticable to delay the publication of this IFR for the purposes of conducting notice and comment procedures.

Notice and comment procedures would be contrary to the public interest because advance public notice of these regulations would highlight a vulnerability that threat actors could leverage in the period between the provision of public notice and the effective date of the enhanced ACAS requirements. The abilities of threat actors vary significantly; thus, while a threat from certain sophisticated actors poses an imminent threat to air cargo security, other less sophisticated actors may not be aware of the existence or full scope of a vulnerability until public

notice from a government entity alerts that threat actor. In this case, public notice and comment procedures would provide threat actors with the list of enhanced ACAS data elements with sufficient time prior to the effective date of the regulations to plan and act on any perceived vulnerabilities. In the current threat environment, attempted or unsuccessful attacks can still threaten the safety of the American public and have disruptive effects to the supply chain similar to those of a successful attack, such that any perceived actionable vulnerability significantly outweighs the public’s interest in conducting notice and comment prior to implementation of the enhanced ACAS data elements.

For the reasons stated above, CBP has determined that it would be impracticable and contrary to the public interest to delay the implementation of this rule to provide for prior public notice and comment. While CBP has determined that this rule is exempt from the APA’s notice and comment requirements, CBP is providing the public with the opportunity to comment without delaying implementation of this rule. CBP will accept public comments for 60 days following the publication of this IFR. CBP will respond to the comments received when it issues a final rule.

In addition to finding that this IFR meets the good cause exception from the APA’s notice and comment procedures, CBP finds that good cause exists such that this rule is not subject to the 30-day delayed effective date requirement found under 5 U.S.C. 553(d)(3); thus, this rule is effective immediately upon publication. Delaying the effective date of this rule for 30 days after publication would be impracticable and contrary to the public interest for the same critical national security reasons that necessitated the publication of this rule without notice and comment procedures. Without an immediate effective date, the United States would be left unnecessarily vulnerable to a specific threat. Therefore, this rule is effective upon publication.

As such, CBP finds that this rule is exempt from the public notice and comment and delayed effective date requirements of the APA under the good cause exception.

B. Executive Orders 12866, 13563, and 14192

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

³³ *Jifry v. FAA*, 370 F.3d 1174, 1179 (D.C. Cir. 2004) (citations omitted).

³⁴ See S. Doc. No. 248, 79th Cong., 2d Sess. 200 (1946).

³⁵ See *Jifry v. FAA*, 370 F.3d 1174, 1179 (D.C. Cir. 2004); *NRDC v. Nat’l Highway Traffic Safety Admin.*, 894 F.3d 95, 114 (2d Cir. 2018).

³⁶ *Mack Trucks, Inc. v. EPA*, 682 F.3d 87, 95 (D.C. Cir. 2012); see *Florida v. HHS*, 19 F.4th 1271, 1306 (11th Cir. 2021).

³⁷ See *Mack Trucks, Inc. v. EPA*, 682 F.3d 87, 95 (D.C. Cir. 2012).

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

The Office of Management and Budget (OMB) has designated this rule an economically significant regulatory action as defined under section 3(f)(1) of E.O. 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget.

This rule is not an Executive Order 14192 regulatory action because it is being issued with respect to a national security or homeland security function

of the United States. The benefit-cost analysis demonstrates that the regulation is anticipated to improve national or homeland security as its primary direct benefit and OIRA and the promulgating agency agree the regulation qualifies for a ‘good cause’ exception under 5 U.S.C. 553(b)(B). *See* OMB Memorandum M–25–20, “Guidance Implementing Section 3 of Executive Order 14192, titled ‘Unleashing Prosperity Through Deregulation’” (Mar. 26, 2025). CBP conducted an economic analysis to assess the potential impacts of this IFR, which can be found in the following sections. Although this analysis attempts to mirror the terms and wording of the rule, readers are cautioned that the regulatory text, not the text of this assessment, is binding. In summary, CBP expects that during the period of analysis (from 2024 to 2033), the net cost of this IFR will range from \$877 million (7% discount rate, 2024 U.S. dollars) to \$1.04 billion (3% discount rate, 2024 U.S. dollars). The annualized costs will range from

\$116,754,193 to \$118,721,545 (7% and 3% discount rate respectively). This IFR will affect CBP, air carriers, and other trade members engaging in the process of importing cargo into the United States by air. CBP anticipates that this IFR will also provide added benefits in the form of enhanced cargo safety and security measures that will reduce the potential for the loss of life, destruction of infrastructure, and the disruption of supply chains due to a threat. Due to data limitations, CBP is unable to monetize the benefits of this rule. Instead, CBP conducts a “break-even” analysis, which shows how often a terrorist event must be avoided due to the rule for the benefits to equal or exceed the costs of the enhanced ACAS program. As this rule has annualized costs of over \$100 million, the rule is considered an economically significant rulemaking, and, in accordance with OMB Circular A–4 and Executive Order 12866, CBP has provided accounting statements in Table 2.

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Table 2. OMB Circular A-4 Accounting Statement: Cost of the Rule, 2024-2033 (2024\$, millions)

Category	Primary Estimate	Low Estimate	High Estimate	Dollar Year	Discount Rate	Time Horizon	Source
BENEFITS							
Annualized monetized benefits	-	-	-	2024	3%	10 Years	RA
				2024	7%		
Annualized quantified, but non-monetized, benefits	-	-	-	2024	3%		
				2024	7%		
Unquantified benefits	Prevent high-risk cargo shipments from being loaded onto aircraft before arrival in United States.						RA
	Improve CBP’s security efforts on air imports in an effort to reduce threats.						
	Improve CBP's security efforts on air imports in an effort to reduce importation of prohibited goods.						
	Improve transparency of supply chain to reduce threats and protect trade members’ employees and customers.						
COSTS							
Annualized monetized costs	\$118.82	-	-	2024	3%	10 Years	RA
	\$116.85			2024	7%		
Annualized quantified, but non-monetized, costs	-	-	-	2024	3%		
				2024	7%		
Unquantified costs	Trade members may see costs as any additional trainings or meetings with CBP are needed to learn the new process.						RA
	The supply chain may face disruptions as the new data elements are enacted and industry learns the new process to provide them.						
	There is a potential of lost revenue if shipments are rejected or customers shift to new carriers to avoid regulation.						
	Liquidated damages, \$5,000 for each violation up to max of \$100,000 per departure.						
TRANSFERS							
Transfers	N/A						
Effects on State, local, or Tribal governments	N/A						
Effects on small businesses	N/A						

BILLING CODE 9111-14-C**1. Purpose, Background, and Baseline**

Section 343(a) of the Trade Act authorizes CBP to promulgate regulations providing for the mandatory transmission of cargo information by way of a CBP-approved electronic data interchange (EDI) system before the cargo is brought into or departs from the United States by any mode of commercial transportation. The required

cargo information is that which is reasonably necessary to enable high-risk cargo to be identified for purposes of ensuring cargo safety and security pursuant to the laws enforced and administered by CBP. Within DHS, CBP and TSA have responsibilities for securing inbound air cargo and work together to identify high-risk cargo prior to the aircraft's departure for the United States. CBP and TSA employ a layered security approach to secure inbound air

cargo, including using various risk assessment methods to identify high-risk cargo and to mitigate any risks posed.

For any aircraft required to make entry under 19 CFR 122.41 that will have commercial cargo on board, an inbound air carrier or other eligible party must transmit specified advance air cargo data to CBP. *See* 19 CFR 122.48a. Under 19 CFR 122.48a, advance data pertaining to air cargo

must be transmitted to CBP no later than the time of departure (when the aircraft departs from certain foreign ports near the United States) and four hours prior to arrival of the aircraft in the United States (when the aircraft departs from any other foreign area). Under this data transmission timeline, aircraft could depart from foreign ports and be enroute to the United States prior to the transmission of air cargo data or a risk assessment by CBP.

To address this issue, CBP published an IFR in 2018, establishing a mandatory ACAS program that requires the transmission of certain advance air cargo data earlier in the import process to the United States. CBP's objective for the ACAS program is to obtain the most accurate data at the earliest time possible with as little impact to the flow of commerce as possible. CBP requires that ACAS data be transmitted prior to the loading of cargo onto an aircraft departing for the United States. This timeline is required to enable the performance of a risk assessment for each cargo shipment and to conduct the required screening. The earlier in the import process ACAS data is transmitted, the sooner CBP can conduct risk assessments and determinations can be communicated to air carriers and other trade members, which minimizes the impact to operations. Obtaining this import data in advance enables CBP to identify high-risk cargo before the cargo is transported aboard an aircraft destined to the United States. These ACAS requirements, in conjunction with the existing 19 CFR 122.48a data requirements and TSA's updated security programs, enhance air cargo safety and security measures.

To provide added flexibility in the ACAS program, CBP allows for any eligible party that has the most direct information about the data elements to provide the information directly to CBP.³⁸ However, the air carrier is required to file the ACAS data if no other eligible party elects to submit the data. The ACAS regulations divide the ACAS data requirements into data elements. Mandatory data elements must be transmitted in all

circumstances. Conditional data elements must be transmitted only in certain circumstances. The transmission of optional data elements is recommended, but not required. CBP requires that ACAS data be transmitted at the lowest air waybill level by all ACAS filers. The ACAS data elements introduced through the publication of the 2018 IFR include (data elements are mandatory unless otherwise noted):

1. Shipper name and address ³⁹
2. Consignee name and address ⁴⁰
3. Cargo description ⁴¹
4. Total quantity (based on the smallest external packing unit)
5. Total weight of cargo (expressed in lbs or kgs)
6. Air waybill number ⁴²
7. Master Air Waybill Number (MAWB) (conditional) ⁴³
8. Second Notify Party (optional) ⁴⁴

CBP also encourages ACAS filers to submit additional information regarding any of the ACAS data or any data listed in 19 CFR 122.48a that is not ACAS data. CBP and/or TSA may also require additional information such as flight numbers and routing information to address ACAS referrals for information. This information will be requested in a referral message, when necessary.

As stated previously, CBP's objective with the ACAS program is to obtain the most accurate data possible at the earliest point in the import process. Therefore, CBP allows multiple parties to submit the ACAS data and requires the ACAS data to be disclosed to the ACAS filer by parties in the supply chain. If any third party that is not an eligible ACAS filer possesses required ACAS data, that party must fully disclose and present the required ACAS data to either the inbound air carrier or other eligible ACAS filer for transmission to CBP. *See* 19 CFR

122.48b(c)(5). If no other eligible filer elects to submit the ACAS data, then it is the inbound air carrier's responsibility to provide the ACAS data to CBP. Even if another eligible party decides to submit the ACAS data directly to CBP, the inbound air carrier may also elect to file the ACAS data. The party that transmits the ACAS data to CBP (the ACAS filer) is the party responsible for updating the information if any data changes or more accurate information becomes available and this party is also responsible for responding to any CBP questions or referrals that may arise during the review of that ACAS data. CBP requires ACAS filers to provide CBP with a telephone number and email address that the filer must monitor 24 hours, 7 days a week to quickly address any instructions or referrals that CBP issues. After ACAS data is submitted to CBP, the ACAS filer receives a confirmation message.⁴⁵ CBP's ATS reviews each ACAS filing and uses targeting strategies to identify filings that require additional review. ACAS filings that are identified by ATS are then manually reviewed by a CBP or TSA officer to determine if an ACAS referral or DNL instruction should be issued. Once the determination is made by the CBP or TSA officer, the ACAS filer is notified electronically.

There are two types of ACAS referrals that may be issued after an officer manually reviews the ACAS filing information, a referral for information and/or a referral for screening. The responsible party must address any ACAS referrals no later than prior to the departure of the aircraft to the United States. Until referrals are resolved, the inbound air carrier is prohibited from transporting that cargo on an aircraft destined to the United States. A referral for information is issued after the ACAS filing is manually reviewed and determined to have non-descriptive, inaccurate, or insufficient ACAS data, preventing CBP from conducting a proper risk assessment.⁴⁶ For these referrals, the ACAS filer must resolve the referral by providing CBP with the requested clarifying data. The last party to file the ACAS data is responsible for addressing a referral for information because that party is generally in the best position, relative to earlier filers, to

³⁹ The name and address of the foreign vendor, supplier, manufacturer, or other similar party is acceptable. The address of the foreign vendor, etc., must be a foreign address. The identity of a carrier, freight forwarder, or consolidator is not acceptable.

⁴⁰ This is the name and address of the party to whom the cargo will be delivered regardless of the location of the party; this party need not be located at the arrival or destination port.

⁴¹ A precise cargo description or the 6-digit Harmonized Tariff Schedule (HTS) number must be provided.

⁴² The air waybill number must be the same in the ACAS filing and the 19 CFR 122.48a filing. The air waybill number is the International Air Transport Association (IATA) standard 11-digit number, as provided in 19 CFR 122.48a(d)(1)(i).

⁴³ The MAWB number is the IATA standard 11-digit number.

⁴⁴ Any secondary stakeholder or interested party in the importation of goods to the United States, to receive shipment status messages from CBP. This party does not have to be the inbound air carrier or an eligible ACAS filer.

⁴⁵ If the ACAS filer designates a Second Notify Party, that party will also receive the status notification (and any subsequent status notifications).

⁴⁶ This can be due to typographical errors, vague cargo descriptions, and/or unverifiable data.

³⁸ Eligible parties to provide ACAS data to CBP include freight forwarders, Automated Broker Interface (ABI) filers, Container Freight Station/deconsolidators, Express Consignment Carrier Facilities, or the air carrier. CBP requires all ACAS filers to meet the following requirements: establish the communication protocol to properly transmit ACAS data to CBP through a CBP-approved EDI system, possess the appropriate bond, have access to report all of the originator codes that will be used to file ACAS data, and provide 24 hours/7 days a week contact information including a telephone number and email address that CBP can use to notify and communicate as needed.

lead in correcting any data inconsistencies or errors.⁴⁷

An ACAS referral for screening is issued after manual review of ACAS data and the risk assessment concludes that the cargo presents an elevated level of risk that warrants enhanced security screening. Once a referral for screening is issued, the ACAS filer and/or the inbound air carrier is required to respond with information on how the cargo was screened in accordance with TSA-approved or accepted enhanced screening methods.⁴⁸ A referral for screening mandates that the ACAS filer implement a higher security screening before the cargo can be imported into the United States. The ACAS filer can perform the necessary screening provided that it is a party recognized by TSA to perform screening. If the ACAS filer is a party other than the inbound air carrier and chooses not to perform the screening, or is not a party recognized by TSA to perform screening, then that ACAS filer must notify the inbound air carrier of the referral for screening. Once the inbound air carrier is notified of the unresolved referral for screening, the inbound air carrier must perform the enhanced screening required, and/or provide the necessary information to TSA and/or CBP to resolve the referral for screening.⁴⁹ The ultimate responsibility to resolve any outstanding referral for screening is placed on the inbound air carrier because that is the party with physical possession of the cargo prior to the departure of the aircraft.

If it is determined during a manual review of ACAS data that the cargo contains a potential immediate and lethal threat to an aircraft and/or its vicinity, CBP will issue a DNL instruction. If a DNL is issued, the cargo must not be loaded onto the aircraft. If a DNL were issued, it would pose significant costs to the airline and their customers. Since the implementation of the 2018 ACAS IFR, CBP has limited the issuance of DNL orders by working closely with carriers and other ACAS filers to resolve issues as they arise; however, CBP reserves the right to issue a DNL when necessary. Additionally, a DNL prohibits any party that currently

has physical possession of that cargo from transporting that cargo until further guidance is received from law enforcement authorities. When a DNL is issued, the ACAS filer will be contacted by CBP and TSA using the 24/7 contact information that must be provided for all eligible filers. CBP has defined the process described above as the baseline scenario, the environment since the 2018 ACAS IFR was implemented. The analysis of this IFR attempts to measure any incremental costs, cost savings, or benefits compared to the baseline scenario.

Since 2018, the ACAS program has improved CBP's ability to ensure cargo safety and security; however, security concerns have expanded while the amount and quality of information mandated to be transmitted has remained static. As an example of expanding security concerns, in recent months, there have been heightened concerns about unconventional incendiary devices being sent in parcels which have avoided detection and have caught fire while in transit.⁵⁰ Experience has shown that the existing ACAS regulations require further refinement for CBP to effectively identify high-risk cargo.⁵¹ CBP believes an expansion of the required ACAS data elements is needed to conduct effective pre-loading cargo screening and targeting measures. This rule will require inbound air carriers or other eligible filers to transmit this additional data in advance of loading so that appropriate security vetting can occur.

2. Enhanced ACAS Filing

Since 2018, air cargo imports to the United States have evolved and increased significantly in volume. CBP determined that additional ACAS data requirements are needed to ensure the safety and security of air cargo entering the United States. To enhance CBP's ability to identify high-risk cargo, prevent that cargo from being loaded onto aircraft destined for the United States, and prevent aircraft with high-risk cargo onboard from departing a foreign country and entering the United States, CBP is introducing the enhanced ACAS filing which contains additional data element requirements. CBP will continue to use ATS for screening and risk assessment. Based on targeting

results, CBP and TSA officers will continue to review certain ACAS shipments and issue referrals for information, referrals for screening, and DNL instructions, as discussed above in the baseline. Additionally, ACAS filers and other parties involved in the supply chain must meet the same requirements as established in the 2018 ACAS IFR, and will continue to be subject to penalties and/or claims for liquidated damages of \$5,000 for each violation up to a maximum of \$100,000 per conveyance arrival for noncompliance with the enhanced ACAS filing.⁵²

The enhanced ACAS filing will include new mandatory and conditional data elements, in addition to the existing ACAS data elements, which must be transmitted no later than prior to the loading of cargo onto an aircraft that is departing a foreign port bound for the United States. ACAS filers must transmit ACAS data elements at the lowest air waybill level. These data elements can be provided by any eligible ACAS filer; however, if any party in the supply chain does not elect to provide the enhanced ACAS filing data, then it must be provided by the air carrier within the ACAS time frames. CBP lists the new mandatory and conditional ACAS data elements below:

1. Consignee email address (mandatory)
2. Consignee phone number (mandatory)
3. Shipment packing location and/or scheduled shipment pickup location (mandatory)
4. Ship to party (mandatory)
5. Verified Known Consignor (conditional)
6. Shipper email address (conditional)
7. Shipper phone number (conditional)
8. Customer account name (conditional)
9. Customer account issuer (conditional)
10. Customer account number (conditional)
11. Customer account shipping frequency/volume (conditional)
12. Customer account establishment date (conditional)
13. Customer account billing type (conditional)
14. Unmasked internet protocol (IP) address or media access control (MAC) address of the device used during account creation (conditional)
15. Unmasked internet protocol (IP) address or media access control (MAC) address of the device used to initiate the shipping transaction and the unmasked IP address or MAC address of the device used to

⁴⁷ For instance, when the inbound air carrier retransmits an original ACAS filer's data and a referral for information is issued after this retransmission, the inbound air carrier is responsible for taking the necessary action to address the referral.

⁴⁸ All inbound cargo must be screened in accordance with the TSA-approved or accepted enhanced screening methods contained in the carrier's security program.

⁴⁹ If a screening is not performed, TSA will follow up with any administrative action against the ACAS filer.

⁵⁰ See, e.g., German Firms Warned of Packages Containing Incendiary Devices, Reuters (Aug. 30, 2024), <https://www.reuters.com/world/europe/german-security-services-warn-danger-packages-containing-incendiary-devices-2024-08-30/> (last visited October 18, 2024).

⁵¹ Other countries, including Australia and Canada, have also taken steps to increase security measures on inbound air freight shipments in recent months.

⁵² See 83 FR 27392 (Jun. 12, 2018) (discussing amendments to the relevant bond conditions to account for enforcement of ACAS requirements).

file the ACAS filing each time an ACAS filing is submitted (conditional)

16. Shipping cost (conditional)
17. Biographic data (conditional)
18. Link to product listing (conditional)

In addition to the data elements listed above, CBP is also revising the list of optional data elements. Under the 2018 IFR, CBP encouraged ACAS filers to transmit data elements that are not required or additional information regarding data elements. CBP continues to encourage these transmissions; however, CBP determined that additional guidance was needed in the form of new optional data elements. CBP continues to encourage the transmission of additional optional data when available. CBP believes that filers will provide the optional information if it is collected already and poses no extra burden to collect. The additional information will further help CBP target high-risk shipments. Higher levels of security will benefit trade members who have valuable assets, such as aircraft, involved in the supply chain. CBP lists the new optional data elements below:

1. Origin of shipment
2. Declared value
3. Harmonized commodity code
4. Transaction type
5. Special handling type
6. Customer account email address
7. Customer account phone number
8. Shipper Manufacturer Identification (MID) code or Authorized Economic Operator (AEO) number
9. Consignee importer of record number
10. Regulated agent name, address, and code
11. ACAS filing type

This IFR will implement the addition of the enhanced data elements and the retention of biographic data as noted in the regulatory text. The process and requirements to complete an ACAS filing will continue in the same manner as the baseline scenario prior to this IFR, but now with the additional data elements.

3. Population Affected by Rule

CBP expects that this IFR will affect a number of different trade members that engage in importing cargo into the United States in the air environment. CBP expects that this IFR will affect all air carriers currently participating in importing cargo into the United States and a number of other trade members, such as freight forwarders, involved in the process of importing cargo into the United States in the air environment. In the regulatory impact analysis for the ACAS IFR published in 2018, CBP expected there would be 293 unique

ACAS filers affected by the IFR, including passenger carriers, cargo carriers, express carriers, and freight forwarders. CBP was able to obtain the number of unique ACAS filers for fiscal years 2020 through 2024.⁵³ The number of unique filers declined after the COVID-19 pandemic, but is now trending upward toward, and remaining close to, pre-pandemic levels. CBP anticipates that the number of unique ACAS filers will remain relatively constant in the future because trade members that will transmit enhanced ACAS data are already involved in transmitting ACAS data to CBP. The level of ACAS filers has reached pre-pandemic levels and CBP believes it will remain constant at this rate.⁵⁴ CBP assumes that the number of filers will remain constant, and that this IFR will affect 281 trade members acting as ACAS filers, largely including passenger carriers, cargo carriers, express carriers, and freight forwarders. CBP anticipates that this IFR will also affect a large number of other trade members, including freight forwarders and customs brokers, that are involved in the process of importing cargo into the United States in the air environment.

CBP also anticipates that this IFR will affect a number of software vendors that provide data processing services to the trade community. These companies will need to adjust their systems to incorporate the additional enhanced ACAS data elements for their clients to provide the enhanced ACAS data elements to CBP. CBP expects that around 50 software vendors will be affected as a result of this IFR.⁵⁵

4. Time Period of Analysis

To estimate the effects from this IFR, CBP examines costs and benefits to CBP, air carriers, and other trade members involved in the process of importing cargo into the United States in the air environment during a 10-year period of analysis from fiscal years 2024–2033 compared to the baseline scenario (prior to requiring the enhanced ACAS filing data elements). Though this rule was not in place in 2024, many of the affected parties incurred costs in 2024

in anticipation of this rulemaking, so we use 2024 as the first year of the analysis to capture all relevant costs. Moving forward in this analysis, all references to years are for fiscal years unless otherwise noted.

5. ACAS Filings, Referral Data, and Projections

CBP anticipates that this IFR will not affect the annual number of ACAS filings submitted to CBP but may increase the time burden incurred by trade members when submitting the additional data elements for each ACAS filing.⁵⁶ To determine how many ACAS filings will be submitted in future years, CBP examined recent trends in the number of ACAS filings. CBP was able to identify the actual number of ACAS filings submitted to CBP by air carriers and other trade members from 2020–2024.⁵⁷ Additionally, as an ACAS filing may be resubmitted several times prior to departure, we differentiate between the number of total ACAS filings and the number of unique ACAS filings. Total ACAS filings are the total number of submissions in a given year and unique ACAS filings are the total number minus any resubmissions. We make this differentiation to ensure that the time burden of submitting an ACAS filing is not double counted.⁵⁸

First, we estimate the actual unique number of ACAS filings from 2020–2024 and CBP's estimates for the future number of unique ACAS filings in Table 4. According to CBP data, the number of ACAS filings have been increasing as e-commerce has increased significantly, resulting in a higher volume of shipments to the United States in the air environment. In 2020, there were a total of 237,778,028 unique ACAS filings and filings increased by 108 percent in 2021 to 493,447,602. Growth slowed in 2022 as unique ACAS filings only increased by 2 percent to 504,948,978, but ACAS filings increased by 53 percent in 2023, and by 62 percent in 2024 when there were 1,249,182,643 ACAS filings. CBP subject matter experts anticipate that the

⁵⁶ CBP expects that this IFR will increase the number of data elements that need to be included in the ACAS filings. CBP does not expect that this IFR will result in additional or fewer ACAS filings when compared to the baseline scenario.

⁵⁷ Information obtained from CBP, National Targeting Center, Cargo Division, subject matter expert on Oct. 3, 2024.

⁵⁸ Trade members have noted that they resubmit data at specific intervals regardless of new information being added to the filing. For example, an air carrier may submit the ACAS filing 12 hours before departure and then resubmit 8 hours before departure. In these cases, resubmitting the same data would not increase the time burden because the resubmission is automated. CBP filters data for unique filings to ensure that this time burden is not double counted.

⁵³ Data obtained from CBP, National Targeting Center, Cargo Division, subject matter expert on Oct. 3, 2024. Number of unique ACAS filers per fiscal year: 2020—295, 2021—204, 2022—227, 2023—244, 2024—281.

⁵⁴ Information obtained from CBP, National Targeting Center, Cargo Division, subject matter expert on Oct. 7, 2024.

⁵⁵ CBP, ABI Software Vendors (Sept. 26, 2024), <https://www.cbp.gov/document/guidance/abi-software-vendors-list> (last visited Oct. 21, 2024). CBP assumes that ABI software vendors that act as Entry Vendors or Entry Service Bureaus would be affected by this IFR.

annual number of unique ACAS filings submitted will continue to increase in future years as e-commerce continues to grow; however, CBP does not expect unique ACAS filings to increase at the same rate as 2023 and 2024. The rapid growth of ACAS filings was tied to the increase of direct business to consumer shipments, the COVID–19 pandemic, and the increase in the administrative exemption limit from \$200 to \$800 (commonly referred to as the de minimis limit). CBP believes that consumers have already adjusted their behavior to these factors and that the rapid growth will not continue for the next 5 years. CBP also notes that ongoing policy developments, including recent Executive Order 14324 which eliminated the tariff exemption for de minimis shipments starting August 29, 2025, could have significant effects on the number of unique ACAS filings.⁵⁹ Since it is too soon to determine the full impact of such factors affecting the volume of shipments, CBP presents a range of estimates for the possible number of future unique ACAS filings that will be submitted.

To estimate how many unique ACAS filings will be submitted in future years, CBP provides a primary, low, and high estimate. CBP acknowledges that currently there is significant uncertainty

on how ongoing and future policy developments will affect the number of unique ACAS filings. Specifically, this uncertainty refers to the effects of changing tariff rates and the elimination of the de minimis tariff exemption. It is too early to know exactly how trade members will react, but CBP expects there could be a significant drop in the number of unique ACAS filings as a result of this policy change. Thus, CBP addresses this uncertainty by providing a wide range of estimates. As CBP’s primary estimate for the number of unique ACAS filings that will be submitted in future years, CBP assumes the number of unique ACAS filings will mirror gross domestic product (GDP) growth each year in the future. CBP models growth in unique ACAS filings using the GDP projection developed by the Energy Information Administration (EIA) for its “Annual Energy Outlook 2023.”⁶⁰ EIA projects real annual GDP growth ranging from 1.56 percent to 2.11 percent for years 2025 through 2033 (see Table 3). CBP acknowledges that due to uncertainty from ongoing policy developments, the actual number of unique ACAS filings submitted could be more or less than what CBP expects. CBP’s high estimate shows how many unique ACAS filings would be submitted in future years if the number

of ACAS filings increases by 5 percent annually (CBP’s high estimate). CBP’s low estimate assumes that the elimination of the tariff exemption in 2025 could result in a significant decrease (15%) in the number of unique ACAS filings in the first year as trade adjusts to policy changes. Then CBP assumes that the number of unique ACAS filings would continue slowing by 1 percent each year, as ongoing trade policy developments could decrease the overall number of unique ACAS filings despite increasing economic growth. According to CBP’s primary estimate, in future years (2024–2033), trade members will submit a total of 12.3 billion unique ACAS filings or, on average, 1.4 billion annually. CBP’s low and high estimates suggest that the number of unique ACAS filings in future years of the period of analysis could range from 9.2 billion to 14.5 billion or, on average, trade members will submit 1.0 billion to 1.6 billion unique ACAS filings annually. CBP acknowledges that it is too early to tell what the effect of ongoing policy decisions will be on the number of unique ACAS filings in future years, and CBP intends to revisit these estimates for the number of future unique ACAS filings in the final rule.

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Table 3. Percentage Change in Gross Domestic Product

Fiscal Year	Percentage Change of GDP
2025	1.56%
2026	2.11%
2027	2.08%
2028	1.92%
2029	1.71%
2030	1.54%
2031	1.56%
2032	1.81%
2033	1.95%
Source: Author Calculations, and Energy Information Administration’s “Annual Energy Outlook 2023.”	

⁵⁹ See, e.g., E.O. 14256, Further Amendment to Duties Addressing the Synthetic Opioid Supply Chain in the People’s Republic of China as Applied to Low-Value Imports, 90 FR 14899 (Apr. 7, 2025).

⁶⁰ U.S. Energy Information Administration, Macroeconomic Indicators: Real Gross Domestic Product (Reference Case), <https://www.eia.gov/outlooks/aeo/data/browser/#/?id=18->

[AEO2023&cases=ref2023&sourcekey=0](https://www.eia.gov/outlooks/aeo/data/browser/#/?id=18-AEO2023&cases=ref2023&sourcekey=0) (last visited Nov. 14, 2024).

Table 4. Millions of Unique and Projected Unique ACAS Filings Annually (2020-2033)

Unique ACAS Filings			
Fiscal Year	Unique ACAS Filings	Percent Change ⁶¹	
2020	238		
2021	493	108%	
2022	505	2%	
2023	772	53%	
2024	1,249	62%	
Future Projections of Unique ACAS Filings			
	Primary Estimate (Mirrors GDP)	Low Estimate*	High Estimate (5% increase)
2025	1,269	1,062	1,312
2026	1,296	1,051	1,377
2027	1,322	1,041	1,446
2028	1,348	1,030	1,518
2029	1,371	1,020	1,594
2030	1,392	1,010	1,674
2031	1,414	1,000	1,758
2032	1,439	990	1,846
2033	1,467	980	1,938
Total	12,317	9,183	14,463
*CBP's low estimate assumes a 15% decline in unique ACAS filings in 2025 followed by a 1% decline each year from 2026-2033.			

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Next, we estimate the total number of ACAS filings from 2020–2024 and CBP's estimates for the future number of total ACAS filings, including resubmissions, in Table 5. According to a sample of historical data, there are 12.5 resubmissions for every 100 unique ACAS filings.⁶² We use this estimate to

⁶¹The rapid growth of ACAS filings from 2020 to 2021 was primarily driven by the increase of direct business to consumer (B2C) shipments, the COVID-19 pandemic, and the increase in the administrative exemption limit from \$200 to \$800 (commonly referred to as the *de minimis* limit). This growth slowed in 2022 as businesses who were able to adapt quickly had already shifted their business models to ship directly to consumers. We see an increase in ACAS filings in the subsequent years as companies slower to change adapted and new companies entered the market that focused on B2C shipments.

⁶²Information obtained from CBP, National Targeting Center, Cargo Division, subject matter expert on Nov. 26, 2024.

calculate the estimated total number of ACAS filings from 2020–2024 by multiplying the unique number of filings by 1.125 (1+0.125). CBP subject matter experts anticipate that the total rate of resubmissions will remain constant in future years. This analysis will apply the rate of resubmissions to our predicted future unique ACAS filings and will keep the assumption that growth will mirror GDP growth each year in the future. CBP acknowledges that the actual number of total ACAS filings submitted could be more or less than what CBP expects, and therefore, to show how the number of total ACAS filings could vary in future years, CBP provides a range of estimates. CBP's low and high estimates show how many total ACAS filings would be submitted in future years if the number of ACAS filings decrease by

15 percent in 2025 and then decline by 1 percent annually (CBP's low estimate) and if total ACAS filings increase by 5 percent annually (CBP's high estimate). According to CBP's primary estimate, in future years (2024–2033), trade members will submit a total of 13.9 billion total ACAS submissions or, on average, 1.5 billion annually. CBP's low and high estimates suggest that the number of total ACAS filings in future years of the period of analysis could range from 10.3 billion to 16.2 billion or, on average, trade members will submit 1.1 billion to 1.8 billion total ACAS filings annually. Trade members and CBP subject matter experts state that resubmissions are typically fully automated and updated based on a pre-set schedule (*i.e.*, 12 hours before

departure, 8 hours before departure, etc.). Therefore, CBP will use the unique number of ACAS filings for all future calculations unless otherwise stated.⁶³

Table 5. Millions of Actual and Projected Total ACAS Filings Annually (2020-2033)

Actual Total ACAS Filings			
Fiscal Year	Total ACAS Filings	Percent Change	
2020	268		
2021	555	108%	
2022	568	2%	
2023	868	53%	
2024	1,405	62%	
Future Projections of Total ACAS Filings			
	Primary Estimate (Mirrors GDP)	Low Estimate*	High Estimate (5% increase)
2025	1,427	1,195	1,476
2026	1,457	1,183	1,549
2027	1,488	1,171	1,627
2028	1,516	1,159	1,708
2029	1,542	1,147	1,794
2030	1,566	1,136	1,883
2031	1,590	1,125	1,977
2032	1,619	1,113	2,076
2033	1,651	1,102	2,097
Total	13,857	10,331	16,188

* CBP’s low estimate assumes a 15% decline in unique ACAS filings in 2025 followed by a 1% decline each year from 2026-2033.

CBP acknowledges it may be possible that when ACAS filers submit the additional enhanced ACAS data elements, this could result in additional ACAS shipments being targeted and needing to be manually reviewed by a CBP or TSA officer compared to the baseline. However, CBP anticipates that the additional data elements will help CBP or TSA officers validate existing business relationships and patterns, assisting in the identification of legitimate shipments which could reduce the number of ACAS shipments that will be targeted for manual review.⁶⁴ Therefore, CBP expects that this IFR will have a negligible effect on the overall percentage of ACAS shipments that need to be manually reviewed when compared to the baseline scenario. During future years of the period of analysis, CBP believes that

this IFR will not result in a higher percentage of total ACAS filings being targeted for manual review, issued referrals for information, issued referrals for screening, or issued DNL instructions when compared to the baseline. Therefore, CBP does not include the time associated with manually reviewing filings, issuing referrals for information, issuing referrals for screening, or issuing DNL instructions as a cost.

6. Costs
CBP IT System Costs

Because the ACAS program is already fully operational and developed in a CBP IT system, CBP did not have to develop an entirely new IT system to implement the changes for this IFR. There was a one-time development cost for adjusting the ACAS program to

include the new enhanced ACAS data elements in CBP’s system. CBP’s Office of Information Technology reports that this one-time development cost was \$240,182 in 2024.⁶⁵ Beyond the system costs incurred from developing and implementing the enhanced ACAS data elements into the ACAS program, CBP expects to experience ongoing system operation and maintenance costs each year associated with the enhanced ACAS filing data elements. According to CBP estimates, ongoing maintenance of the ACAS program related to the enhanced ACAS data elements will cost CBP a total of \$831,195 during the period of analysis or, on average, \$92,355 annually.⁶⁶ Table 6 below displays CBP’s system costs related to the development and maintenance of the enhanced ACAS filing data elements during the pilot period. CBP estimates

⁶³ Information obtained from CBP discussions with trade members on the impacts from implementing enhanced ACAS filing data requirements. Information obtained in October 2024.

⁶⁴ Information obtained from CBP, National Targeting Center, Cargo Division, subject matter expert on Oct. 3, 2024.

⁶⁵ Data obtained from CBP’s Office of Information Technology, Targeting and Analysis Systems

Program Directorate, subject matter expert on Sept. 26, 2024.

⁶⁶ Data obtained from CBP’s Office of Information Technology, Targeting and Analysis Systems Program Directorate, subject matter expert on Sept. 26, 2024.

that the total CBP IT system costs during the pilot period was approximately \$1,071,377 or, on average, \$107,138 annually.

Table 6. CBP IT System Costs (in undiscounted 2024 U.S. dollars)

Fiscal Year	Development	Operations and Maintenance ⁶⁷
2024	\$240,182	
2025		\$82,355
2026		\$84,855
2027		\$87,355
2028		\$89,855
2029		\$92,355
2030		\$94,855
2031		\$97,355
2032		\$99,855
2033		\$102,355
Sub Total	\$240,182	\$831,195
Total Costs	\$1,071,377	

CBP Opportunity Costs

As stated earlier, CBP believes that this IFR will not result in a higher percentage of total ACAS filings being targeted for manual review when compared to the baseline.⁶⁸ CBP expects that the time burden to manually review an ACAS filing with the additional enhanced data elements would be the same as the time burden to manually review an ACAS filing before this IFR.⁶⁹ Additionally, CBP does not anticipate that providing the enhanced ACAS data elements will result in more referrals for information, referrals for screening, and DNL instructions when compared to the baseline. This rule will not result in more targeting or more referrals, and instead, will improve the quality of the targeting and referrals that are made. As such, CBP does not expect that this rule

will increase time spent by CBP and TSA.

However, if CBP's assumption is inaccurate and the submission of the enhanced ACAS data elements results in a higher percentage of ACAS filings being targeted for manual review, CBP and TSA officers would incur added costs to review and resolve those additional ACAS filings. CBP notes that the time burden to manually review an ACAS filing varies significantly based on the complexity of the ACAS filing. CBP estimates that the time burden to manually review an ACAS filing can range from 5 minutes for a simple filing to as much as 60 minutes for a complex filing. CBP assumes that the average time to manually review an ACAS filing will be around 10 minutes. Therefore, if submitting the enhanced ACAS data elements results in a higher percentage of ACAS filings being referred for manual review, then CBP assumes that each additional manual review above the baseline will result in a 10-minute time burden to CBP. CBP uses the average hourly wage rate for a CBP officer of \$99.33, to estimate that the average added cost will be around \$16.56 to review an additional ACAS filing.⁷⁰ In summary, CBP does not expect that this rule will increase the number of manual reviews by CBP officers, but to the extent that it does,

the additional opportunity cost will be about \$16.56 per review.

Trade Member IT System Costs

Based on numerous conversations with trade members throughout the course of this analysis, CBP estimates that all ACAS filers and some other trade members involved in the process of importing goods into the United States in the air environment will incur IT system costs as a result of this IFR. Additionally, trade members have experienced costs to keep IT systems in line with CBP's ACAS Implementation Guide.⁷¹ CBP reports these costs because trade members have adjusted their systems to meet CBP's request for more information to improve targeting efficiency. The cost to adjust IT systems will vary significantly depending on the trade member. Most affected trade members have existing systems for completing ACAS filings and will not need to develop entirely new systems, and instead, would adjust their existing systems to meet the new requirements of the enhanced ACAS filing. Based on feedback from trade members, the investment needed will vary based on the size of the affected party. Larger trade members that manage their own integrated IT systems will have significantly higher costs than smaller to medium sized trade members. Additionally, many smaller trade

⁶⁷ CBP estimates that the cost to maintain the system will increase each year as the technology ages.

⁶⁸ Information obtained from CBP, National Targeting Center, Cargo Division, subject matter expert on Oct. 3, 2024. Additional data could lead to more referrals, but the additional data also helps CBP identify legitimate shipments as the data could validate established relationships and patterns and reduce the number of referrals. Therefore, CBP assumes that the percentage of total ACAS filings that will result in a referral should remain relatively constant in future years compared to the baseline.

⁶⁹ Information obtained from CBP, National Targeting Center, Cargo Division, subject matter expert on Oct. 18, 2024. CBP expects that manual review of ACAS shipments targeted for review will not necessarily require the reviewing officers to review each data element or to resolve each data element. Instead, the data elements will assist the reviewing officer to better understand the totality of the circumstances.

⁷⁰ CBP bases this wage on the FY 2024 salary, benefits, premium pay and non-salary costs of the national average of CBP Officer Positions, which is equal to a GS-11, Step 10. Source: Email correspondence with CBP's Office of Finance on June 17, 2024.

⁷¹ The most recent version of the ACAS Implementation Guide can be found at <https://www.cbp.gov/document/guides/air-cargo-advance-screening-acas-implementation-guide> (last visited May 16, 2025).

members will have minimal IT system adjustments as they rely heavily on purchasing software packages from software vendors to provide ACAS data.

In order to estimate the total IT system costs to trade members as a result of this rule, CBP provides estimates for each category of trade member. First, CBP categorizes ACAS filers into small, medium, or large-volume filers based on how many ACAS

filings the entity submitted in 2024. In 2024, there were approximately 1.2 billion ACAS filings and 281 unique filers. CBP analyzed the number of ACAS filings per company in 2024 to decide size categories. First, we calculated the average number of filings per company per day by dividing the total number of ACAS filings per company by 365 days. Based on feedback from trade members, CBP

assumes that large companies file, on average, over 5,000 ACAS filings a day. Medium companies, on average, file between 101 and 5,000 filings a day, and small companies will file, on average, 100 or fewer filings a day. The resulting distribution is 39 large-volume, 88 medium-volume, and 154 small-volume filers. See Table 7. CBP assumes that the future number of filers will remain constant at 281.

Table 7. ACAS Filers by Size

Size of company	Number of ACAS filers
Small volume	154
Medium volume	88
Large volume	39
Total ACAS Filers	281

First, we estimate the costs faced by large and medium trade members to reprogram their internal systems to match CBP’s ACAS Implementation Guide published in August 2024.⁷² Representatives from trade members estimate that updating systems to match the latest guide cost \$139,600 (undiscounted 2024 U.S. dollars) per firm. Due to limited feedback, this analysis assumes that large and medium firms faced similar costs to update their systems to match guidance. CBP requests public comment on this assumption. Additionally, CBP assumes this is a one-time cost that trade members experienced in 2024.

Next, we estimate the cost that large firms will pay to further reprogram their internal IT systems to match the data elements in this IFR. According to

feedback from large trade members, each member will experience an initial cost of \$900,000 (undiscounted 2024 U.S. dollars).⁷³ After reprogramming their systems, each large-volume filer will experience an operating and maintenance cost of \$90,000 per year. On average, a large-volume filer will pay \$1,620,000 (\$900,000 (cost to reprogram internal IT system) + (\$90,000 (yearly cost of maintenance) × 8 (years in the regulatory period where maintenance is needed)) to further update its IT systems as a result of this IFR. Costs for large-volume filers are presented in Table 8. CBP requests comments on the cost of updating IT systems.

Medium-volume filers will also have to further reprogram their IT systems as a result of this IFR. According to trade members, the initial cost to these filers

will be \$20,000 (undiscounted 2024 U.S. dollars).⁷⁴ After reprogramming their systems, each medium-volume filer will experience an operating and maintenance cost of \$10,000 per year. On average, a medium-volume filer will pay \$100,000 (\$20,000 (cost to reprogram the system) + (\$10,000 (yearly cost of maintenance) × 8 (years in the regulatory period where maintenance is needed)) = \$100,000) to update its IT systems as a result of this IFR. Costs for medium-volume filers are presented in Table 8. CBP requests comments on the cost of updating IT systems.

⁷² CBP, Air Cargo Advance Screening (ACAS) Implementation Guide, version 2.3.1 (Aug. 30, 2024), https://www.cbp.gov/sites/default/files/2024-09/ACAS%20IG%20v2.3.1_508.pdf (last visited Nov. 25, 2024).

⁷³ Information obtained from CBP discussions with trade members on the impacts from implementing enhanced ACAS filing data requirements. Information obtained in October 2024.

⁷⁴ Information obtained from CBP discussions with trade members on the impacts from implementing enhanced ACAS filing data requirements. During these discussions larger companies indicated that they were more willing to substantially change their IT systems to reduce time burden. Additionally, large companies have extremely complex IT systems. Whereas, medium filers mentioned they would not have to make as many changes. Information obtained in October 2024.

Table 8. ACAS Filers IT Costs (in undiscounted 2024 U.S. Dollars)

Fiscal Year	Large-Volume Filers			Medium-Volume Filers			Total Costs
	No. of Companies	Development	Operations and Maintenance	No. of Companies	Development	Operations and Maintenance	
2024	39	\$5,444,400	\$0	88	\$12,284,800	\$0	\$17,729,200
2025	39	\$35,100,000	\$0	88	\$1,760,000	\$0	\$36,860,000
2026	39	\$0	\$3,510,000	88	\$0	\$880,000	\$4,390,000
2027	39	\$0	\$3,510,000	88	\$0	\$880,000	\$4,390,000
2028	39	\$0	\$3,510,000	88	\$0	\$880,000	\$4,390,000
2029	39	\$0	\$3,510,000	88	\$0	\$880,000	\$4,390,000
2030	39	\$0	\$3,510,000	88	\$0	\$880,000	\$4,390,000
2031	39	\$0	\$3,510,000	88	\$0	\$880,000	\$4,390,000
2032	39	\$0	\$3,510,000	88	\$0	\$880,000	\$4,390,000
2033	39	\$0	\$3,510,000	88	\$0	\$880,000	\$4,390,000

Small-volume ACAS filers generally do not program their own systems to file ACAS, but instead pay for access to software developed by vendors for that purpose. According to interviews with small-volume ACAS filers and software vendors, any changes to the software to comply with ACAS requirements are made at no cost to the customer. As such, this rule will have no software costs for small-volume filers. CBP requests public comment on this assumption.

Software vendors incurred costs to reprogram software to match CBP's ACAS Implementation Guide published in August 2024.⁷⁵ Representatives from trade members estimate that updating systems to match the latest guide cost \$55,920 per firm (undiscounted 2024 U.S. dollars). Due to limited feedback, this analysis assumes that large and small software vendors faced similar costs to update their systems to match the latest guidance. CBP requests public comment on this assumption. Additionally, CBP assumes this is a one-time cost that trade members experienced in 2024.

Software vendors will also incur costs to update their platforms to accept the enhanced data elements in this IFR. Small-volume filers rely on software vendors to update their software based on the latest regulations. Based on conversations with software vendors and their clients, CBP expects that in the situations where trade members purchase the software necessary to provide the ACAS data, the costs to update the software to comply with this rule will be incurred by the software vendors at no cost to the clients as the existing contract provides that the software will stay up to date with any changing filing requirements. Therefore, CBP assumes that the total costs to software vendors to adjust their systems accurately reflects the total costs to smaller trade members that rely on their software. There are 50 approved software providers and CBP finds that there are 11 large vendors and 39 small vendors.⁷⁶ CBP assumes that each large

vendor will have an upfront cost of \$140,000 with operating and maintenance costs of \$40,000 that they pay in 2025.⁷⁷ On average, a large vendor will pay \$460,000 (\$140,000 (cost to reprogram the system) + (\$40,000 (yearly cost of maintenance) × 8 (years in the regulatory period where maintenance is needed)) = \$100,000) as a result of this IFR. Small vendors will have an upfront cost of \$50,000, with operating and maintenance costs of \$5,000 that they pay in 2025.⁷⁸ On average, a small vendor will pay \$90,000 (\$50,000 (cost to reprogram the system) + (\$5,000 (yearly cost of maintenance) × 8 (years in the regulatory period where maintenance is needed)) = \$90,000) as a result of this IFR. Table 9 provides a breakdown by category of trade members. CBP requests public comment on the IT costs as a result of the rule.

standards (last visited Dec. 31, 2024). Sampling was conducted in 2024.

⁷⁷ Information obtained from CBP discussions with trade members on the impacts from implementing enhanced ACAS filing data requirements. Information obtained in October 2024.

⁷⁸ Information obtained from CBP discussions with trade members on the impacts from implementing enhanced ACAS filing data requirements. Information obtained in October 2024.

⁷⁵ CBP, Air Cargo Advance Screening (ACAS) Implementation Guide, version 2.3.1 (Aug. 30, 2024), https://www.cbp.gov/sites/default/files/2024-09/ACAS%20IG%20v2.3.1_508.pdf (last visited Nov. 25, 2024).

⁷⁶ CBP used Dun & Bradstreet Hoovers business database to obtain business level data on the software vendors identified by CBP to be affected by this IFR. CBP then compared the number of employees or revenue for each company with the U.S. Small Business Administration (SBA) size standards to determine if that company is a small entity. The SBA size standards can be found at <https://www.sba.gov/document/support-table-size->

Table 9. Software Provider IT Costs (in undiscounted 2024 U.S. Dollars)

Fiscal Year	Large Software Vendors			Small Software Vendors			Total
	No. of Companies	Development	Operations and Maintenance	No. of Companies	Development	Operations and Maintenance	
2024	11	\$615,120	\$0	39	\$2,180,880	\$0	\$2,796,000
2025	11	\$1,540,000	\$0	39	\$1,950,000	0	\$3,490,000
2026	11	\$0	\$440,000	39	\$0	\$195,000	\$635,000
2027	11	\$0	\$440,000	39	\$0	\$195,000	\$635,000
2028	11	\$0	\$440,000	39	\$0	\$195,000	\$635,000
2029	11	\$0	\$440,000	39	\$0	\$195,000	\$635,000
2030	11	\$0	\$440,000	39	\$0	\$195,000	\$635,000
2031	11	\$0	\$440,000	39	\$0	\$195,000	\$635,000
2032	11	\$0	\$440,000	39	\$0	\$195,000	\$635,000
2033	11	\$0	\$440,000	39	\$0	\$195,000	\$635,000

This IFR requires ACAS filers to submit biographic data elements of a customer and the date and time when this information was collected. Additionally, CBP may, following prior notification from CBP to ACAS filers, require ACAS filers to store a copy of a government-issued photo identification document for 3 years for potential inspection. There will be a cost to filers to store this information. Because of differing existing data storage capacities for different filers and privacy requirements in foreign countries, CBP notes that this could lead to significant variations in the costs of storing this information per ACAS filer. CBP does not know exactly how much this data storage will cost ACAS filers, but to illustrate the potential costs, CBP provides an estimate below. CBP assumes that, on average, an ACAS filer will incur costs of approximately \$200 annually to secure sufficient space to store a copy of the photo identification documents.⁷⁹ Therefore, CBP estimates that the total annual cost to the 281 ACAS filers would be around \$56,200 (undiscounted 2024 U.S. dollars) each year. CBP requests public comment on the cost of storing copies of customers' government-issued photo identification.

⁷⁹ CBP based this cost estimate on the average cost of cloud storage space across 10 cloud service products for around 1TB of cloud storage, which would allow for each ACAS filer to store around 300,000 photos annually. Sources: CloudZero: "The 2025 Cloud Storage Price Guide", July 14, 2025, <https://www.cloudzero.com/blog/cloud-storage-pricing/>. Accessed August 11, 2025. 10StoredBits.com: "Photo Storage Calculator: Estimated Storage Required for Photos", <https://storedbits.com/photo-storage-calculator/>. Accessed August 8, 2025.

Trade Member Opportunity Costs

In addition to costs associated with adjusting and maintaining IT systems, trade members may face an added time burden to submit the enhanced ACAS data elements. Based on feedback from trade members, most ACAS filers do not actually incur time burdens to compile the data for the ACAS filing as trade members submit the air waybills and ACAS data to the filer. In this situation, the ACAS filer acts as a conduit, accepting the ACAS data from the customer and transmitting the ACAS filing on the customer's behalf. In addition, with respect to the original set of ACAS data elements, these data elements are already needed for other purposes within the ordinary course of business, so there is not an additional time burden for gathering that information. ACAS filers have automated this process such that there is no time burden to the ACAS filers. This is also the case for the enhanced ACAS data as ACAS filers report that other than software costs, they do not anticipate an additional cost to submit the enhanced ACAS data.

Filers themselves do not have an opportunity cost to submit the enhanced ACAS data, as it is an automated transmission of information in their systems. However, CBP has learned through its interviews that other trade members will bear an opportunity cost to gather this data and provide it to the ACAS filer. While the basic ACAS data was already provided on a routine basis to the filer for other purposes, that is not the case for all of the enhanced ACAS data. CBP assumes the time burden to provide these additional data elements will be incurred across a number of

companies engaging in the importation of air cargo into the United States, such as freight forwarders, exporters, importers, etc., and will vary depending on the business model used; thus, CBP provides these cost estimates to the trade as a whole.

CBP met with several trade members that engage in importing goods into the United States in the air environment and worked with them to develop a list of data elements that meets the security needs of CBP without creating undue burden to the public. Based on feedback from trade members, CBP acknowledges that, for certain trade members, some of the data elements may be difficult to obtain.⁸⁰ Specifically, for foreign-based trade members, there are concerns about the changes that need to be made to obtain some of the data elements. Some trade members do not currently track the unmasked IP address from customers or other trade members. Another element of concern is the link to product description URL, as some trade members do not currently obtain that information from customers.⁸¹ CBP notes that trade members have the incentive to be efficient and CBP expects trade members to automate the processes of obtaining and providing the additional enhanced ACAS data elements, as much as possible. CBP nonetheless anticipates that there will

⁸⁰ CBP notes that most of the enhanced ACAS data elements are conditional, and in most situations, ACAS filers or their customers will not be providing all additional data elements.

⁸¹ Information obtained from CBP discussions with trade members on the impacts from implementing enhanced ACAS filing data requirements. Information obtained in October 2024.

be some added time burden for these trade members.

During the enhanced ACAS program development process, several trade members expressed concerns about the public burden imposed by the new information collection requirements. To reduce public burden, CBP has made certain data elements conditional which means that those data elements are only required under certain circumstances. The majority of the new conditional data elements are only required if the shipper is not a Verified Known Consignor. In addition to the existence or absence of a Verified Known Consignor, certain conditional data elements are only required if additional circumstances exist. These additional circumstances generally refer to the assignment of certain codes under the customer account shipping frequency/volume data element, with some exceptions. According to conversations with trade members and subject matter experts, CBP estimates that 85% of shipments will come from accounts with a Verified Known Consignor or from customers that have a shipping frequency code of regular/daily shipper or high-volume shipper and there will be no time burden to submit an ACAS filing.⁸² Feedback from industry indicates that the process to submit ACAS filings is fully automated and, if the above condition is met, has no time

burden because the data elements they are required to provide already exist in their systems and the software modifications discussed above will seamlessly transmit that data to CBP. However, for accounts that are not from a Verified Known Consignor or from customers that have a shipping frequency of regular/daily shipper or high-volume shipper, there will be a time burden associated with submitting an ACAS filing. Due to the automated nature of ACAS filing, trade members will need to update systems to compile needed information or capture new information. CBP requests public comment on the percentage of customers who will have a Verified Known Consignor or have a shipping frequency of regular/daily shipper or high-volume shipper. Additionally, CBP requests comments on the assumption that shipments made by Verified Known Consignor or from customers that have a shipping frequency of regular/daily shipper or high-volume shipper will pose no additional time burden per ACAS filing.

CBP anticipates that trade members will incur an additional time burden of around 1 minute (0.017 hours) to submit the average enhanced ACAS filing if the customer is not a Verified Known Consignor or does not ship with a frequency of regular/daily shipper or high-volume shipper.⁸³ Trade members

believe that 85% of shipments have an associated Verified Known Consignor number or a shipping frequency of regular/daily shipper or high-volume shipper and will incur no time burden to submit an ACAS filing. To estimate the time burden costs to trade members from submitting enhanced ACAS filings, CBP multiplied the additional time burden per ACAS filing (.017 hours) by CBP's range of estimates for the future number of ACAS filings submitted each year that do not have a Verified Known Consignor number or a shipping frequency of regular/daily shipper or high-volume shipper (15%). According to CBP's primary estimate, from 2025–2033, trade members will incur an added time burden of 30,793,324 hours or, on average, 3.4 million hours annually. From 2024–2033, CBP's low and high estimates suggest that the time burden could range from 22,956,960 hours to 36,157,256 hours or, on average, 2.5 million hours to 4 million hours annually.⁸⁴ Table 10 below displays the affected numbers of ACAS filings and CBP's range estimates for the total time burden to trade members to submit the additional enhanced ACAS data elements as required by this IFR. CBP requests public comments on the time burden incurred by shippers who are not a Verified Known Consignor or have a shipping frequency of regular/daily shipper or high-volume shipper.

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⁸² Information obtained from CBP discussions with trade members on the impacts from implementing enhanced ACAS filing data requirements. Information obtained in November 2024.

⁸³ Information obtained from CBP discussions with trade members on the impacts from implementing enhanced ACAS filing data requirements. Information obtained in October 2024.

⁸⁴ Average annual time burdens are for 2025–2033 and exclude 2024 since CBP does not anticipate an added time burden in that year.

Table 11. Estimated Time Burden Costs (in undiscounted 2024 U.S. Dollars)

Fiscal Year	Estimated Time Burden Costs		
	Primary Estimate	Low Estimate	High Estimate
2024	\$0	\$0	\$0
2025	\$112,882,655	\$94,474,122	\$116,703,327
2026	\$115,268,098	\$93,529,381	\$122,538,493
2027	\$117,661,361	\$92,594,087	\$128,665,418
2028	\$119,917,054	\$91,668,146	\$135,098,689
2029	\$121,965,974	\$90,751,464	\$141,853,623
2030	\$123,847,088	\$89,843,950	\$148,946,304
2031	\$125,784,181	\$88,945,510	\$156,393,620
2032	\$128,057,147	\$88,056,055	\$164,213,301
2033	\$130,550,842	\$87,175,495	\$172,423,966
Total	\$1,095,934,401	\$817,038,210	\$1,286,836,741

Trade Member Miscellaneous Costs

CBP anticipates that some trade members will also incur time burden costs related to training their staff and becoming familiar with the process of providing data elements required in the enhanced ACAS filings. CBP expects that the training costs will vary depending on the trade member and larger companies will likely incur larger costs to train their staff and to become familiar with the new processes. CBP spoke with several trade members to determine the cost of training staff members and took the average of these costs. Based on feedback from the trade, CBP assumes that each filer will spend an average of \$12,200 on training staff members and customers on the required elements. In 2025, this will cost the 281 trade members \$3,428,200 (in undiscounted 2024 U.S. dollars). CBP requests public comment on the costs to train staff members for large and small trade members on the additional enhanced data element requirements. See Table 12 for summary of miscellaneous costs.

Requiring additional ACAS data elements will likely also result in other costs to trade members beyond IT systems, opportunity costs to provide the ACAS data, and training costs. Implementing new requirements for the ACAS filing can result in disruptions to supply chain and result in significant costs. Inbound air carriers are the responsible party for loading and transporting cargo into the United States, and those carriers are required to submit the ACAS filing if another trade member does not elect to do so, but the carriers may also submit an ACAS filing in addition to an ACAS filing submitted

by another trade member. Because the loading of cargo onto aircraft is the responsibility of the carrier, the carriers have the right to decide whether or not the ACAS data provided by freight forwarders or other trade members is sufficient to load the cargo for import to the United States. When carriers begin transitioning to requiring additional ACAS data elements, trade members who provide the ACAS data to the carriers may not have access to all of the data elements that carriers are requiring, which could result in the cargo not being shipped or being delayed until data can be researched and provided to the carrier. This situation could be costly to trade members.⁸⁸ CBP cannot accurately predict the frequency at which this is currently occurring or the frequency at which this will occur after the enhanced ACAS data requirements are implemented. In recognition of these challenges and to ensure trade members will have sufficient time to adjust to the new requirements, CBP will phase in full enforcement over a 12-month period following publication of the IFR. However, willful and egregious violators will be subject to enforcement actions at all times. CBP obtained feedback suggesting that the average carrier could lose up to \$30,000 a day in lost revenue when shipments are rejected and not moved.⁸⁹

⁸⁸ Information obtained from CBP discussions with trade members on the impacts from implementing enhanced ACAS filing data requirements. Information obtained in October 2024.

⁸⁹ Information obtained from CBP discussions with trade members on the impacts from implementing enhanced ACAS filing data requirements. Information obtained in October 2024.

The IFR could also cause significant disruptions to the supply chain, and depending on the time required to research and provide the necessary data to carriers, other trade members may decide to reroute their cargo shipment from the air environment to the sea environment.⁹⁰ However, after speaking with trade members, CBP updated requirements to make certain data elements conditional. Trade members and CBP believe that this change will minimize the risk of shipping delays.⁹¹ Additionally, CBP will be flexible in implementing enforcement to allow time for trade members to update systems. CBP requests public comment on the costs of shipping delays and how often they may occur.

CBP received feedback from trade members about certain enhanced ACAS data elements not being readily available to foreign-based companies.⁹² The supply chain processes of foreign and U.S. carriers vary in operational structure and complexity. The time to collect ACAS data for foreign carriers

⁹⁰ Importing cargo into the United States through the sea environment has different requirements for import data compared to the air environment. As a result of this rule, it may be possible that there could be a slight transfer in cargo movement from air to sea but CBP expects this will be negligible since moving cargo by sea can be significantly slower and not practicable in a company that engages in B2C shipments (which suggests that these modes of transport are not readily substitutable in many instances).

⁹¹ Information obtained from CBP discussions with trade members on the impacts from implementing enhanced ACAS filing data requirements. Information obtained in October 2024.

⁹² Information obtained from CBP discussions with trade members on the impacts from implementing enhanced ACAS filing data requirements. Information obtained in October 2024.

⁹⁷ Information obtained from CBP discussions with Trade members on the impacts from implementing enhanced ACAS filing data

Table 12. Summary of Miscellaneous Trade Member Costs (in undiscounted 2024 U.S. dollars)

Cost to Trade	FY 2024
Training staff and customers on new requirements	\$3,428,200
Updating industry standards to match new requirements	\$55,326
Total	\$3,483,526

Total Costs

According to CBP's primary estimates, the enhanced ACAS filing data requirements will result in total costs of

around \$1.2 billion. CBP will incur IT system costs of approximately \$1,071,377, while trade members will experience costs of around \$1,202,576,103. The total annualized

costs will range from \$116,851,637 (7% discount rate) to \$118,821,152 (3% discount rate). Table 13 displays CBP's estimates for costs from enhanced ACAS filing data requirements.

Table 13. Total Costs (2024 U.S. dollars)

Fiscal Year	Industry	CBP	Total
2024	\$20,525,200	\$240,182	\$20,765,382
2025	\$156,828,581	\$82,355	\$156,910,936
2026	\$120,405,498	\$84,855	\$120,490,353
2027	\$122,798,761	\$87,355	\$122,886,116
2028	\$125,054,454	\$89,855	\$125,144,309
2029	\$127,103,374	\$92,355	\$127,195,729
2030	\$128,984,488	\$94,855	\$129,079,343
2031	\$130,921,581	\$97,355	\$131,018,936
2032	\$133,194,547	\$99,855	\$133,294,402
2033	\$135,688,242	\$102,355	\$135,790,597
Total, Undiscounted	\$1,201,504,726	\$1,071,377	\$1,202,576,103
Annualized Costs, 3% Discount Rate	\$118,712,408	\$108,744	\$118,821,152
Annualized Costs, 7% Discount Rate	\$116,740,583	\$111,054	\$116,851,637

7. Benefits

CBP anticipates that the enhanced ACAS filing will generate benefits after this IFR is implemented. However, CBP is unable to quantify those benefits in this analysis because of unknown risk factors and therefore discusses these benefits qualitatively. CBP expects the enhanced ACAS filing will improve lawful international trade by reducing the risk of terrorism and improving efforts to ensure cargo safety and security by providing CBP and TSA with more in-depth information about inbound shipments earlier in the import process. This section will discuss the potential threats to air cargo, the current vulnerabilities CBP faces, and the consequences of not addressing the threat.

CBP processes over a billion air cargo shipments per year, and because of the

volume of shipments compared to operational resources, is limited in its ability to manually inspect all cargo shipments upon arrival. Compounding the vulnerability is that by the time the shipments get to the United States to be inspected, it is already too late, because if a dangerous package was on the plane, it may do little good to have it interdicted after the flight. For this reason, CBP relies on advance data to identify shipments before planes depart for the United States. Using a mix of computer-based targeting and the expertise of CBP officers, CBP identifies shipments needing additional data or a manual inspection before the aircraft takes flight.

The advance data provided under the original ACAS program has strengthened CBP's ability to ensure cargo safety and security. Security

concerns have increased in recent years due in part to increased trade and the increased volume of shipments arriving in the United States by air. However, the amount and quality of information mandated for transmission has remained static. In 2024, packages containing unconventional incendiaries caught fire while in transit.¹⁰¹ Had these incendiaries activated during a flight, the resulting conflagration could have caused significant damage to the aircraft, potentially resulting in the complete destruction of the aircraft and its cargo and loss of life for any crew or passengers on board. Even the

¹⁰¹ See, *German Firms Warned of Packages Containing Incendiary Devices*, Reuters (Aug. 30, 2024), <https://www.reuters.com/world/europe/german-security-services-warn-danger-packages-containing-incendiary-devices-2024-08-30/>.

perception of this kind of vulnerability, let alone the reality that multiple such parcels entered the supply chain, creates a heightened threat to the United States air cargo sector, as this dangerous cargo poses a threat to aviation and the physical supply chain.

The new data elements introduced through the publication of this IFR will provide CBP with additional information that can help CBP identify the highest-risk and lowest-risk cargo prior to cargo being loaded on an aircraft. CBP believes that the enhanced ACAS filing will improve entity identification by leveraging business relationships that naturally exist between the actual shippers and their logistics providers. The new data elements will provide CBP with more information about the original party shipping cargo into the United States. For example, customer account frequency information will allow CBP to know if the original shipper frequently ships cargo to the United States or if the shipper is relatively unknown. For frequent shippers, this information will allow for analyses of shipping patterns to either clear shipments in less time or identify shipments for further review. Other new data elements, put together with existing information, will allow officers to identify suspicious inconsistencies. The additional information will help officers effectively target and screen air cargo.

CBP believes that improving entity identification is critical for CBP to conduct proper risk assessments, because it allows CBP to better identify legitimate shipments by validating established relationships and patterns. This important data would be one added piece to the overall information that CBP uses for targeting efforts, and in turn, will allow CBP officers to focus more time and effort on identifying other potentially illicit shipments. If a potential threat is loaded on an aircraft, there could be serious harm or loss of life to the public, air carrier staff, and CBP officers. Additionally, if a potential threat is able to destroy an airplane, airport facilities, or supply chain infrastructure, it can cause large economic losses through destroying infrastructure and disrupting supply chains. This rule will benefit the public, industry, and CBP through the mitigation of potential threats.

Additionally, while this rule is intended to address aviation safety and security risks, the enhanced data elements may also have the added benefit of preventing prohibited goods, such as narcotics, from entering the United States. In particular, CBP believes that these data elements may

identify shipments of illicit synthetic drugs, synthetic drug raw materials, and related manufacturing equipment.

Fentanyl, a synthetic opioid, continues to be prevalent in the air environment and poses a significant risk to the United States. In calendar year 2023, the Centers for Disease Control estimated that 107,543 individuals died in the United States from a drug overdose, and approximately 70% of these overdoses were caused by fentanyl.¹⁰² In fiscal year 2024, CBP seized 676.17 pounds of fentanyl and 349.66 pounds of precursor chemicals in the air environment.¹⁰³ The additional data elements will enhance CBP's ability to assess air cargo risk and, by extension, could assist officers in identifying shipments that contain prohibited goods. Additionally, CBP anticipates that the new data elements will allow CBP to segment risk and identify shipments that can move through without physical inspection which would allow CBP to focus on shipments that are more likely to contain fentanyl and other illicit goods. CBP believes that the enhanced ACAS data elements could improve enforcement actions against these goods.

Lastly, trade members will benefit from the improved security of their supply chains. As trade members identify entities earlier in the import process, it will help secure members' supply chains to protect their employees, customers, and sources of revenue.

Break-Even Analysis

Ideally, CBP would quantify and monetize the security benefit of the IFR through a two-step process. First, CBP would need to estimate the reduction in the probability of a successful attack on a flight carrying air cargo. CBP would also need to estimate the quantified consequences of an averted attack. However, due to unknown risk factors, it is not possible to estimate the likelihood of an attack and the probability that it would be successful. Instead, CBP presented the benefits of the analysis qualitatively above. Additionally, to explore the effects of the uncertainty surrounding the unknown risk factors, CBP prepared a break-even analysis. OMB Circular A-4 recommends conducting a threshold, or break-even analysis, if the non-monetized benefits are likely to be

important and cannot be quantified. CBP believes that the non-monetized benefits in this analysis are important to capture. According to OMB, a "threshold" or "break-even" analysis answers the question, "How small could the value of the non-monetized benefits be (or how large would the value of the non-monetized costs need to be) before the regulation would yield zero net benefits (or before the most net-beneficial regulatory alternative changes)?"¹⁰⁴

In this break-even analysis, CBP compares the estimated costs to implement the enhanced ACAS data elements with the estimated monetary value of the avoided consequences of a successful attack. The direct consequences of an attack (or averted costs) include the monetized value of avoided fatalities, non-fatal injuries, property damage, and rescue and cleanup costs. Dividing the averted costs of an attack by the annualized costs of the regulation results in the number of such attacks that must be avoided on an annual basis for benefits to equal costs.

In order to compare direct costs with direct benefits, CBP considers major direct costs of the attack scenarios. The analysis does not account for possible macroeconomic consequences of attacks, specifically the indirect benefits (in terms of avoided indirect costs), from preventing a successful attack. Indirect effects might include, for example, macroeconomic effects associated with temporary closures of airports or specific air routes, resulting in business interruption and cargo delays; broader reductions in air travel; and other follow-on effects. The omission of indirect effects, due to data limitation and uncertainty, leads to a likely understated total avoided cost.

To identify the types of attack scenarios that may be averted by the regulation, we rely on TSA's Transportation Sector Security Risk Assessment (TSSRA). TSA uses TSSRA to evaluate risk for hundreds of attack scenarios across aviation, mass transit, highway, freight rail, and pipeline transportation modes. The assessments are used to inform mitigation priorities, security strategy and program development, and resource allocation.¹⁰⁵

¹⁰⁴ Off. of Mgmt. & Budget, Exec. Off. of the President, OMB Circ. A-4, Regulatory Analysis (2003), https://obamawhitehouse.archives.gov/omb/circulars_a004_a-4 (last visited Feb. 12, 2025).

¹⁰⁵ General background on TSSRA is taken from Pekoske, David P., Administrator, Transportation Security Administration, "Biennial National Strategy for Transportation Security (NSTS)" April 18, 2023.

¹⁰² Ahmad FB, Cisewski JA, Rossen LM, Sutton P. Provisional drug overdose death counts. Available at: <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm>. National Center for Health Statistics. 2025. Last accessed Jan. 29, 2025.

¹⁰³ Information provided by CBP's National Targeting Center, Cargo Division, Office of Field Operations, subject matter expert on Jan. 29, 2025.

TSA provided CBP with data on the consequences of possible attack scenarios incorporated in TSSRA. These scenarios are characteristic of the types of events the ACAS rule is intended to prevent. In this analysis, we consider the range of potential outcomes for these scenarios.

For the value of reducing the risk of death and injuries, we apply the estimates used in TSSRA. To estimate the value of reducing the risk of deaths and injuries, DHS uses the U.S. Department of Transportation (DOT) recommended value of a statistical life (VSL) of \$13.2 million dollars.¹⁰⁶ DOT

¹⁰⁶ Economists estimate VSL by measuring individual WTP for a defined change in his or her own mortality risk. This tradeoff between money and small changes in mortality risk is reported as the VSL, and is often estimated by dividing the value of a small risk reduction by the size of the risk change (for example, if an individual is willing to pay \$1,320 for a 1 in 10,000 reduction in his or her risk of dying in the current year, then his or her VSL is calculated as $\$1,320 \div 1/10,000$ annual risk change = \$13.2 million VSL). Alternatively, this tradeoff can be multiplied by the population risk change to determine the value of a community-wide risk reduction (for example, if \$1,320 is the average WTP for a 1 in 10,000 risk reduction across all affected individuals, and the number of affected individuals is 10,000, then aggregating these values leads to the same VSL: $\$1,320 \text{ average individual WTP} \times 10,000 \text{ affected individuals} = \$13.2 \text{ million}$). Therefore, VSL is not the value of an individual's life; it is simply the conventional way to express the value of small risk reductions.

The VSL terminology has led to substantial confusion. Therefore, agencies have begun to instead use the term “value of mortality risk reduction” (VMRR) to refer to WTP for a risk change of specific magnitude. For example, the estimates above reflect a VMRR of \$1.320 for a 1

also recommends relative disutility factors that can be applied to the VSL to estimate the value of reducing the risk of non-fatal injuries of varying levels of severity. We apply DOT's factor of 26.6 percent to value avoided "severe" injuries and 4.7 percent to value avoided "moderate" injuries.¹⁰⁷ In other words, we assume the value of avoiding one severe injury is equal to 26.6 percent of the VSL (\$13.2 million $\times$ 0.266 = \$3.5 million), and similarly, the value of avoiding one moderate injury is approximately 4.7 percent of the VSL (\$13.2 million $\times$ 0.047 = \$620,400).

For the value of private property losses and rescue and cleanup costs, we apply the estimates used in TSSRA. Private property losses generally

in 10,000 risk reduction. However, in this break-even analysis, we express this change as the VSL to clarify the relationship of the results to the expected number of deaths averted in each binned scenario and for consistency with DOT guidance.

U.S. Department of Transportation,
“Departmental Guidance on Valuation of a
Statistical Life in Economic Analysis”, May 7, 2024.
Available at: <https://www.transportation.gov/office-policy/transportation-policy/revised-departmental-guidance-on-valuation-of-a-statistical-life-in-economic-analysis>. Last accessed on Dec. 5, 2024.

¹⁰⁷ The selection of the DOT severity level that corresponds most closely to the types of injuries likely to result from the scenarios included in the TSSRA model is based on guidance provided by TSA. Source: U.S. Department of Transportation, “Departmental Guidance, Treatment of the Value of Preventing Fatalities and Injuries in Preparing Economic Analyses”, March 2021. Available at: <https://www.transportation.gov/resources/value-of-a-statistical-life-guidance>. Last accessed on Dec. 5, 2024.

include the depreciated value of the plane and the value of lost cargo, as appropriate, depending on the extent of damage to the plane(s). We use the GDP implicit price deflator of 1.024 (124.874/122.273) to update the costs from 2023 to 2024 dollars.¹⁰⁸

Table 14 indicates what would need to occur for the costs of the interim final rule to equal its benefits, assuming the rule reduces the risk of a successful attack (based on the annualized costs of the regulation using a three or seven percent discount rate, see Table 14). For the low consequence estimate, CBP estimates the regulation must result in the avoidance of an attack event about every 0.6 years (or about every 7 months) for the benefits of the rule to equal the costs. For the higher consequence estimate, CBP estimates that the regulation must result in the avoidance of an attack event approximately once every 21.6 years. As a result, if the rule only reduces the risk of a single type of attack, the attack would need to be avoided once every 0.6 years to 21.6 years, depending on the scenario of attack, for the benefits of the rule to equal costs.

¹⁰⁸ U.S. Bureau of Economic Analysis, “Table 1.1.9. Implicit Price Deflators for Gross Domestic Product”. Available at:

Table 14. Break-Even Results

Discount Rate	Annualized Costs 2024-2033 (In Millions of 2024 Dollars)	Economic Consequences of an Attack ² (In Millions of 2024 Dollars)		Benefits of the Regulation = Costs if: ¹	
				Number Of Events That Must Be Avoided in Ten Years ³	Critical Event Avoidance Rate ⁴
Three Percent	\$119	High	\$2,517	0.47	1 in 21.2 years
		Low	\$70	17.04	1 in 0.6 years
Seven Percent	\$117	High	\$2,517	0.46	1 in 21.6 years
		Low	\$70	16.76	1 in 0.6 years
Notes: 1. The estimates provided here reflect the low and high ends of the range of averted cost estimates associated with attack scenarios in TSA’s TSSRA model. 2. Results assume regulation reduces risk of a single attack. The rule will likely reduce the risk of multiple numbers and types of attacks simultaneously, as well as reducing smuggling and other risks. 3. Indicates the number of attack events targeting aircraft that would have to be avoided in 10 years for the benefits of the rule to equal the costs. 4. Indicates the frequency at which the event would need to be averted for the benefits of the rule to equal the costs.					

The benefits of the rule and break-even analysis have limitations that may lead us to under- or overstate the potential benefits of the interim final rule. Notably, we are unable to quantify the incremental risk reduction likely to result from the regulation, providing a qualitative discussion instead. The break-even analysis is limited, as macroeconomic consequences and indirect consequences, such as closures of airports and air routes, are excluded from our analysis. As a result, the break-even analysis likely overstates the frequency at which an attack would need to be averted for the avoided consequences of a successful attack to equal the costs of the rule. Additionally, this analysis focuses on the consequences of a single attack. We compare these costs to the annualized costs of the IFR, which only identifies the critical event avoidance rate for one aircraft attack at a time. In reality, the rule reduces the risk for all aircrafts simultaneously and even if the rule only partially achieved each of the targets in Table 14, it might still break even if the sum of the monetized risk-reduction benefits across all events equals its cost. Finally, this analysis does not address other benefits of the rule. It does not address, for instance, the rule's potential to reduce the amount of fentanyl and

other illicit goods that enter the United States and enrich bad actors.

8. Net Impact of Rule

CBP expects that the enhanced ACAS filing data requirements rule result in overall net quantified cost but will result in significant unquantified security benefits. CBP estimates that during the period of analysis, CBP and trade members will incur a total net present value cost between \$820,717,002 (7% discount rate) and \$1,016,568,529 (3% discount rate). The annualized costs of the rule are between \$116,851,637 (7% discount rate) and \$118,821,152 (3% discount rate). CBP notes that the net impact is largely driven by time burden costs. This time burden is largely faced by unknown or occasional shippers that pose the highest security risk. The total cost of the rule can be found in Table 15 and Table 16. We present the costs in 2024 dollars and discounted at a rate of three and seven percent.

Additionally, CBP anticipates that this IFR will result in added benefits, but CBP was unable to quantify these benefits. The enhanced ACAS filing will improve commercial risk assessment targeting, prevent smuggling, and increase cargo security by providing CBP and TSA with more in-depth information about inbound shipments

earlier in the import process. It will also give CBP more information about business relationships between parties. This allows CBP officers to identify legitimate shipments and spend more time identifying potentially illicit shipments. Trade members will also benefit from added security and will have more confidence in their cargo. Table 17 displays CBP's primary estimate for costs to CBP and trade members during each year of the regulatory period and summarizes potential benefits. CBP believes that the increased risk to aviation security merits the collection of additional ACAS information. While the collection will result in significant costs to CBP and the public, CBP has worked with trade members to minimize those costs to the extent possible. During these conversations, trade members were focused on providing CBP the data needed in a way that did not overly burden industry, and trade members CBP interviewed generally understood the need to collect additional information due to the recent increased risk. CBP believes that the security benefits that will result from this collection of information will outweigh the costs. CBP requests public comment on this conclusion.

Table 15. Total Impact of Enhanced ACAS Data Elements (in 2024 dollars, 3% discount rate)

Fiscal Year	Industry	CBP	Total
2024	\$20,525,200	\$240,182	\$20,765,382
2025	\$152,260,758	\$79,956	\$152,340,715
2026	\$113,493,730	\$79,984	\$113,573,713
2027	\$112,378,262	\$79,942	\$112,458,204
2028	\$111,109,262	\$79,835	\$111,189,097
2029	\$109,640,487	\$79,666	\$109,720,154
2030	\$108,022,478	\$79,440	\$108,101,918
2031	\$106,451,226	\$79,159	\$106,530,385
2032	\$105,145,006	\$78,826	\$105,223,832
2033	\$103,993,739	\$78,447	\$104,072,186
Present Value	\$1,043,020,148	\$955,437	\$1,043,975,585
Annualized	\$118,712,408	\$108,744	\$118,821,152

Table 16. Total Impact of Enhanced ACAS Data Elements (in 2024 dollars, 7% discount rate)

Fiscal Year	Industry	CBP	Total
2024	\$20,525,200	\$240,182	\$20,765,382
2025	\$146,568,767	\$76,967	\$146,645,735
2026	\$105,166,825	\$74,116	\$105,240,940
2027	\$100,240,368	\$71,308	\$100,311,675
2028	\$95,403,444	\$68,550	\$95,471,994
2029	\$90,622,949	\$65,848	\$90,688,797
2030	\$85,947,811	\$63,206	\$86,011,017
2031	\$81,531,381	\$60,628	\$81,592,009
2032	\$77,520,439	\$58,117	\$77,578,556
2033	\$73,805,413	\$55,674	\$73,861,088
Present Value	\$877,332,597	\$834,595	\$877,927,010
Annualized	\$116,740,583	\$111,054	\$116,851,637

Table 17. Net Impact Summary (in 2024 U.S. dollars)

Costs	
CBP Cost – Annualized Costs, 3%	\$108,744
Trade Cost – Annualized Costs, 3%	\$118,712,408
Total Cost – Annualized Costs, 3%	\$118,821,152
CBP Cost – Annualized Costs, 7%	\$111,054
Trade Cost – Annualized Costs, 7%	\$116,740,583
Total Cost – Annualized Costs, 7%	\$116,851,637
Qualitative (non-quantified) (Trade)	Trade members may see costs as any additional trainings or meetings with CBP are needed to learn the new process.
	The supply chain may face disruptions as the new data elements are enacted and industry learns the new process to provide them.
	There is a potential of lost revenue if shipments are rejected or customers shift to new carriers to avoid regulation.
	Liquidated damages, \$5,000 for each violation up to max of \$100,000 per departure.
Benefits	
Annualized monetized benefits	None
Qualitative (non-quantified) (CBP and Trade)	Prevent high-risk cargo shipments from being loaded onto aircraft before arrival in United States.
	Improve CBP's security efforts on air imports in an effort to reduce threats.
	Improve CBP's security efforts on air imports in an effort to reduce importation of prohibited goods.
	Improve transparency of supply chain to reduce threats and protect trade members' employees and customers.

BILLING CODE 9111-14-P**9. Alternatives**

In accordance with E.O. 12866, the following alternatives were considered:

(1) *Alternative 1 (the chosen alternative)*: Submission of 4 new mandatory ACAS data elements, 14 new conditional elements, and 11 new optional elements in addition to the original ACAS data elements. In particular, copies of documents used to provide biographic data will only be required with prior notice from CBP and copies should be retained for 3 years. The transmission of these data elements is required no later than prior to loading the cargo onto any inbound aircraft required to make entry under 19 CFR

122.41 that will have commercial cargo aboard;

(2) *Alternative 2*: Submission of 18 new mandatory ACAS data elements and 11 new optional elements in addition to the original ACAS data elements. Additionally, copies of documents used to provide biographic data would be required for all shipping outlet/walk-in transactions and copies should be retained for 3 years. The transmission of these data elements is required no later than prior to loading the cargo onto any inbound aircraft required to make entry under 19 CFR 122.41 that will have commercial cargo aboard;

(3) *Alternative 3*: Same as Alternative 1, however, there would be no requirement to store a copy of the

document used to provide biographic data. The ACAS filer would still be required to transmit text-based biographic data when the shipping outlet/walk-in code is assigned or when a shipment contains household goods or personal effects. The transmission of the data elements is required no later than prior to loading the cargo onto any inbound aircraft required to make entry under 19 CFR 122.41 that will have commercial cargo aboard;

(4) *Alternative 4*: Same as Alternative 1, however, the portion of the link to product listing data element that requires transmission of the unmasked IP or MAC address of the device used by the consignee to purchase a product from an e-commerce platform would be optional. Required data elements must

be transmitted no later than prior to loading the cargo onto any inbound aircraft required to make entry under 19 CFR 122.41 that will have commercial cargo aboard.

These alternatives represent how CBP adjusted conditional and mandatory elements to balance the anticipated security benefits and potential effects of the requirements on the air cargo industry. In comparison to Alternative 1, Alternative 2 requires more mandatory data elements that will pose a large burden on ACAS filers. CBP believes that making certain elements conditional will lessen the burden on trade members while still increasing security. In particular, CBP made the unmasked IP or MAC address and the shipping cost data elements conditional. Trade members expressed concern about the availability of these elements in certain cases. After speaking with trade members, CBP updated certain data elements to be conditional. Based on conversations with the trade while developing this rule and the economic analysis, CBP believes that this will minimize the burden on industry members. CBP's preferred alternative only requires these elements when the security risk outweighs the potential burden on trade members. Additionally, in Alternative 2, CBP would require all walk-in transactions to store a copy of the document used to provide biographic data for 3 years. The preferred alternative (Alternative 1) only requires copies of biographic data documents in select cases and with prior notice from CBP.

In comparison to Alternative 1, Alternative 3 does not require industry members to store copies of the identification documents used to provide text-based biographic data. This alternative would have a lower time burden and cost on industry. However, this alternative does not provide a way for CBP to verify that the information collected is accurate. The lack of an accountability mechanism could result in poor compliance which could consequently affect the quality of the data CBP receives and reduce the effectiveness of CBP's targeting of high-risk air cargo.

In comparison to Alternative 1, Alternative 4 makes the portion of the link to product listing data element that requires transmission of the unmasked IP or MAC address of the device used to purchase a product from an e-commerce platform optional. This would slightly lower the burden on trade members and the cost of this rule. However, the rise of B2C shipping and e-commerce platforms necessitates the transmission of these unmasked IP or

MAC addresses. Shipments from e-commerce transactions present a special risk to aircraft, crewmembers, and passengers, in part, due to the relative anonymity associated with the transactions. To ensure that CBP receives adequate identity and location information for parties involved in e-commerce transactions, CBP determined that it is necessary to require the IP or MAC address of certain consignees involved in e-commerce shipping transactions.

After speaking with trade members, CBP set mandatory and conditional data elements that will minimize the burden on trade members while achieving the goal of minimizing threats in the air cargo space. CBP's preferred alternative requires data elements when the security risk outweighs the potential burden on trade members. In evaluating these three alternatives, CBP sought the most favorable balance between security outcomes and impacts to air transportation. Based on this analysis of alternatives, CBP determined that Alternative 1 provides the most favorable balance between security outcomes and impacts to air transportation.

C. Regulatory Flexibility Assessment

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–12, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, (Mar. 29, 1996), requires that agencies consider the impacts of their rules on small entities.¹⁰⁹ For purposes of the RFA, small entities include small businesses, not-for-profit organizations, and small governmental jurisdictions. Individuals and States are not included in the definition of a small entity. The RFA's regulatory flexibility analysis requirements apply only to those rules for which an agency is required to publish a general notice of proposed rulemaking pursuant to 5 U.S.C. 553 or any other law. *See* 5 U.S.C. 604(a). As discussed previously, CBP did not issue a notice of proposed rulemaking for this action as exempted by 5 U.S.C. 553(b)(B). Therefore, a regulatory flexibility analysis is not required for this rule.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–38, UMRA) requires each Federal agency to prepare a written statement assessing

the effects of any Federal mandate in a proposed rule or final rule for which the agency published a proposed rule, which includes any Federal mandate that may result in a \$100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector.

A written statement under UMRA is not required unless an agency has published a notice of proposed rulemaking. *See* 2 U.S.C. 1532(a). In addition, an action is exempt from UMRA if it is necessary for the national security. *See* 2 U.S.C. 1503(5). As discussed under Section V.A., this rule is exempt from notice and comment rulemaking procedures and is necessary for the national security. Accordingly, CBP has not prepared a written statement in connection with this rule.

E. Privacy Act of 1974 and E-Government Act of 2002

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

CBP has conducted an initial Privacy Threshold Analysis (PTA) for the Enhanced ACAS program and is in the process of updating the existing Privacy Impact Assessment (PIA) for the ACAS program, DHS/CBP/PIA–061 Air Cargo Advance Screening, to accommodate the requirements promulgated under this IFR.¹¹⁰ CBP maintains transmitted ACAS data in ATS which is covered by the DHS/CBP–006 Automated Targeting System SORN.¹¹¹ CBP does not anticipate that this IFR will require any updates to the DHS/CBP–006 Automated Targeting System SORN. CBP will create new documents or update documents as needed to reflect the revisions to the ACAS program discussed in this IFR and will make any new or revised documents available at: <https://www.dhs.gov/compliance>.

F. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, 109 Stat. 163 (44 U.S.C. 3501 *et seq.*) (PRA), an agency may not conduct, and a person is not required to respond to, a collection of information unless the

¹⁰⁹ Resources for small entities and further information regarding SBREFA can be found on CBP's web page at: <https://www.cbp.gov/trade/stakeholder-engagement/small-business-regulatory-enforcement-fairness-act-sbrefa>.

¹¹⁰ DHS/CBP/PIA–061 Air Cargo Advance Screening is available online at <https://www.dhs.gov/publication/dhscbppia-061-air-cargo-advance-screening> (last visited Apr. 25, 2025).

¹¹¹ *See* 77 FR 30297 (May 22, 2012).

collection of information displays a valid control number assigned by the Office of Management and Budget (OMB). The collection of information contained in this IFR was submitted to OMB for emergency review and authorization under section 3507(j) of the PRA.

In accordance with section 3507(j)(1)(A) of the PRA, CBP determined that the collection of information described in this IFR is needed prior to the expiration of the time periods established under the PRA and is essential to the mission of CBP. Additionally, in accordance with section 3507(j)(1)(B) of the PRA, CBP determined that it cannot reasonably comply with the provisions of the PRA because public harm is reasonably likely to result if normal clearance procedures are followed.

As discussed in Section III.E., CBP's analysis of recent incidents has identified significant ongoing threats to the security of international air cargo operations. To address those threats, CBP determined that it is necessary to expand the ACAS information collection by requiring air carriers and other eligible ACAS filers to transmit additional data elements, among other requirements. The collection of information described in this IFR will enable CBP to effectively identify and target high-risk shipments that could threaten the safety and security of individuals, cargo, and critical transportation infrastructure.

The time periods established under the PRA, such as the 60-day and 30-day comment periods found in sections 3506–07, would delay the implementation of the data elements described in this IFR. Given the immediate need for additional information that will bolster CBP's ability to identify and target high-risk shipments, the collection of information described in this IFR is needed prior to the expiration of the time periods established under the PRA.

Among other duties, CBP is responsible for ensuring the interdiction of goods illegally entering or exiting the United States, safeguarding the borders of the United States to protect against the entry of dangerous goods, and developing and implementing screening and targeting capabilities for cargo across all international modes of transportation. See Homeland Security Act of 2002, Public Law 107–296, sec. 411, 116 Stat. 2178, as amended (6 U.S.C. 211(c)). Given the parallels between these duties and the need for additional ACAS data that can aid CBP in identifying high-risk shipments, the

collection of information is essential to CBP's mission.

In consideration of the potential consequences of successful or attempted attacks, such as injury, loss of life, and damage to critical transportation infrastructure, the ongoing nature of the threat, and the immediate need for information that can address the threat, public harm is reasonably likely to result if normal clearance procedures are followed.

For the reasons stated above, CBP has determined that it is necessary to request, under section 3507(j) of the PRA, an emergency authorization for the collection of information discussed in this IFR.

CBP is simultaneously inviting the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to section 3506(c)(2)(A) of the PRA. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record. Such comments can be submitted in the regulatory docket for this IFR or by email to CBP_PRA@cbp.dhs.gov.

The Enhanced ACAS IFR will require air carriers, or other eligible filers, to transmit new enhanced data elements and add additional optional data elements, resulting in a change to OMB-approved collection 1651–0001. According to representatives from the trade, this IFR will not add a time burden for 85% of responses. A party that will not face a time burden is referred to as a “known party” for the purposes of this section. The remaining 15% will incur an average time burden

of 1 minute. A party that will face a time burden is referred to as an “unknown party” for the purpose of this section. Additionally, the optional data elements will not add a time burden to the public. CBP assumes that parties will only provide these data elements if they already collect them internally and it does not create an additional burden to provide them to CBP. In addition to the time burden below, CBP estimates that some respondents will incur capital costs required to update their systems to collect and submit the requested information. The resulting estimated burden associated with the electronic information for air cargo required in advance of arrival under this rule is as follows:

Air Cargo Advance Screening (ACAS) Original and Optional Data

Estimated Number of Respondents: 281.

Estimated Number of Total Annual Responses: 1,249,182,643.

Estimated Time per Response: 0 minutes.

Estimated Total Annual Burden Hours: 0.

Enhanced ACAS Data (Known Party)

Estimated Number of Respondents: 281.

Estimated Number of Total Annual Responses: 1,061,805,247.

Estimated Time per Response: 0 minutes.

Estimated Total Annual Burden Hours: 0.

Enhanced ACAS Data (Unknown Party)

Estimated Number of Respondents: 281.

Estimated Number of Total Annual Responses: 187,377,396.

Estimated Time per Response: 1 minutes.

Estimated Total Annual Burden Hours: 3,122,957.

G. International Trade Impact Assessment

The Trade Agreements Act of 1979, 19 U.S.C. 2501–82, prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. See 19 U.S.C. 2532. Legitimate domestic objectives, such as essential security and legitimate safety interests, are exempted from classification as an unnecessary obstacle to foreign trade. See 19 U.S.C. 2531(b). The Act also requires consideration of international standards and, where appropriate, that the standards constitute the basis for U.S. standards.

See 19 U.S.C. 2532(2)(A). Some suggested standards exist for collecting and analyzing air cargo data, such as the World Customs Organization (WCO) SAFE Framework of Standards to Secure and Facilitate Global Trade (SAFE FoS);¹¹² however, CBP determined that the 2021 WCO SAFE FoS, the most recent adaptation, does not adequately address CBP's immediate need for information that could address recent threats.

The publication of this IFR serves legitimate domestic objectives, such as the security of the air cargo industry; thus, is exempt from classification as an unnecessary obstacle to foreign trade. However, CBP assessed the potential effects of this IFR and determined that it will not create unnecessary obstacles to the foreign commerce of the United States. CBP conducted extensive outreach with international trade associations during the development of this IFR and incorporated international standards where applicable.

H. Congressional Review Act

Before a rule can take effect, 5 U.S.C. 801, the Congressional Review Act (CRA), requires agencies to submit the rule and a report indicating whether it is a major rule, to Congress and the Comptroller General. If a rule is deemed a "major rule" by OMB, the CRA generally provides that the rule may not take effect until at least 60 days following its publication. 5 U.S.C. 801(a)(3). However, the CRA provides that if an agency finds good cause that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the rule shall take effect at such time as the agency determines. 5 U.S.C. 808(2).

The Administrator of the Office of Information and Regulatory Affairs of OMB has determined that this IFR meets the criteria for a "major rule" in 5 U.S.C. 804(2). However, as indicated by the analysis under Section V.B., CBP determined, as explained in Section V.A., that there is good cause for this rule to become effective immediately upon publication. Thus, the delayed effective date requirements of the CRA are not applicable to this IFR.

VI. Signing Authority

The signing authority for this document falls under 19 CFR 0.2(a). Accordingly, this document is signed by the Secretary of Homeland Security.

List of Subjects

19 CFR Part 103

Administrative practice and procedure, Confidential business information, Courts, Freedom of information, Law enforcement, Privacy, Reporting and recordkeeping requirements.

19 CFR Part 122

Administrative practice and procedure, Air carriers, Aircraft, Airports, Alcohol and alcoholic beverages, Cigars and cigarettes, Cuba, Customs duties and inspection, Drug traffic control, Freight, Penalties, Reporting and recordkeeping requirements, Security measures.

For the reasons stated in the preamble, U.S. Customs and Border Protection amends 19 CFR parts 103 and 122 as follows:

PART 103—AVAILABILITY OF INFORMATION

- 1. The authority citation for part 103 is revised to read as follows:

Authority: 5 U.S.C. 301, 552, 552a; 19 U.S.C. 66, 1624; 31 U.S.C. 9701.

* * * * *

Section 103.31a also issued under 19 U.S.C. 2071 note, 6 U.S.C. 943, 19 U.S.C. 1415, and 49 U.S.C. 44901 note;

* * * * *

- 2. Amend § 103.31a by revising paragraph (a) as follows:

§ 103.31a Advance electronic information for air, truck, and rail cargo; Importer Security Filing information for vessel cargo.

* * * * *

(a) Advance cargo information that is electronically presented to Customs and Border Protection (CBP) for inbound or outbound air, rail, or truck cargo in accordance with § 122.48a, § 122.48b, § 123.91, § 123.92, or § 192.14 of this chapter;

* * * * *

PART 122—AIR COMMERCE REGULATIONS

- 3. The authority citation for part 122 is revised to read as follows:

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

* * * * *

Section 122.48b also issued under 49 U.S.C. 44901 note.

* * * * *

- 4. Amend § 122.48b by adding paragraph (c)(7) and revising and republishing paragraph (d) to read as follows:

§ 122.48b Air Cargo Advance Screening (ACAS).

* * * * *

(c) * * *

(7) *Retention of government-issued photo identification document copies.* When biographic data is a required data element under paragraph (d)(4)(v)(A) of this section, CBP may, following prior notification from CBP to ACAS filers, require such filer(s) to obtain a copy of the government-issued photo identification documents presented by individuals for purposes of fulfilling the biographic data requirements and retain the copy for 3 years. During the retention period, such ACAS filers must provide the copy to CBP if requested.

(d) *ACAS data elements.* Some of the ACAS data elements are mandatory in all circumstances, some are conditional and are required only in certain circumstances, and others are optional.

(1) *Mandatory data elements.* The following data elements are required to be submitted at the lowest air waybill level (*i.e.*, at the house air waybill level if applicable) by all ACAS filers and are defined as set forth in § 122.48a unless otherwise provided in this paragraph (d)(1):

- (i) Shipper name and address;
- (ii) Consignee name and address;
- (iii) Consignee email address (the email address for the party identified under paragraph (d)(1)(ii) of this section);

(iv) Consignee phone number (the phone number for the party identified under paragraph (d)(1)(ii) of this section);

(v) Cargo description;

(vi) Total quantity based on the smallest external packing unit;

(vii) Total weight of cargo;

(viii) Air waybill number (the air waybill number must be the same in the filing required by this section and the filing required by § 122.48a);

(ix) Shipment packing location and/or scheduled shipment pickup location (The shipment packing location is the name and address of the location where the cargo was initially made ready for transportation before the cargo arrives at the location where the cargo will be loaded on the aircraft. The scheduled shipment pickup location is the name and address of the location where the cargo is scheduled to transfer from the custody of the shipper to the custody of the inbound air carrier or other party arranging for and/or delivering the cargo to the inbound air carrier.); and

(x) Ship to party (the name and address of the first deliver-to party scheduled to physically receive a shipment after the shipment is released from CBP custody).

¹¹² The WCO SAFE Framework is available at https://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/frameworks-of-standards/safe_package.aspx.

(2) *Conditional data element: master air waybill number.* The master air waybill (MAWB) number, as defined under § 122.48a, for each leg of the flight is a conditional data element. The MAWB number is a required data element in the following circumstances; otherwise, the submission of the MAWB number is optional, but encouraged:

(i) When the ACAS filer is a different party than the party that will file the advance electronic air cargo data required by § 122.48a. To allow for earlier submission of the ACAS filing, the initial ACAS filing may be submitted without the MAWB number, as long as the MAWB number is later submitted by the ACAS filer or the inbound air carrier according to the applicable ACAS time frame for data submission in paragraph (b) of this section; or

(ii) When the ACAS filer is transmitting all the data elements required by § 122.48a according to the applicable ACAS time frame for data submission; or

(iii) When the inbound air carrier would like to receive from CBP a check on the ACAS status of a specific shipment. If the MAWB number is submitted, either by the ACAS filer or the inbound air carrier, CBP will provide this information to the inbound air carrier upon request.

(3) *Conditional data element: verified Known Consignor Information.* If the shipper, identified under paragraph (d)(1)(i) of this section, is designated as a Verified Known Consignor by a CBP-recognized body, the registration number associated with the shipper's Verified Known Consignor status and the CBP-specified code representing the designating body are required.

(4) *Conditional data elements that may be required when there is not a Verified Known Consignor.* The following data elements are required if the shipper, identified under paragraph (d)(1)(i) of this section, is not identified as a Verified Known Consignor under paragraph (d)(3) of this section and the additional circumstances listed in paragraph (d)(4)(ii), (iii), or (iv) or (d)(4)(v)(A) or (B) of this section exist. If the shipper is a Verified Known Consignor or the circumstances listed for a data element in this paragraph (d)(4) do not exist, the transmission of the data element is optional, but encouraged.

(i) *Definitions.* For the purposes of this paragraph (d)(4):

Customer means a party who has an ownership interest in cargo, as either a buyer or seller, who engages with a logistics provider to arrange transport of the cargo to the United States. A foreign

entity that provides services that involve aggregating shipments from customers, in which the foreign entity acts as a facilitator and engages with a logistics provider for the importation of cargo into the United States, is not a customer for the purposes of this paragraph (d)(4).

Logistics provider means an entity that provides transportation, importation, and/or delivery services for the importation of cargo into the United States.

(ii) *Data elements required for each ACAS filing.* The following data elements are required for each ACAS filing under this paragraph (d)(4):

(A) Shipper email address (the email address for the party identified under paragraph (d)(1)(i) of this section);

(B) Shipper phone number (the phone number for the party identified under paragraph (d)(1)(i) of this section);

(C) Customer account shipping frequency/volume (the nature of the business relationship between the customer and the logistics provider that issued the lowest level air waybill, expressed as one of the following applicable codes representing the frequency and volume of shipments conducted within that business relationship: shipping outlet/walk-in, immediate transaction, occasional shipper, regular/daily shipper, or high-volume shipper); and

(D) Customer account billing type (the method of payment used by the customer to pay for the shipping transaction).

(iii) *Data elements required for customer account shipping frequency/volume assigned shipping outlet/walk-in, occasional shipper, regular/daily shipper, or high-volume shipper codes.* The following data elements are only required when the customer account shipping frequency/volume, under paragraph (d)(4)(ii)(C) of this section, is assigned the shipping outlet/walk-in, occasional shipper, regular/daily shipper, or high-volume shipper codes:

(A) Customer account name. When the customer account shipping frequency/volume, paragraph (d)(4)(ii)(C) of this section, is assigned the high-volume shipper, regular/daily shipper, or occasional shipper codes, this is the name of the customer. However, when the customer account shipping frequency/volume data element, paragraph (d)(4)(ii)(C) of this section, is assigned the shipping outlet/walk-in code, this is the name of the shipping outlet or other party that accepted the cargo from the customer;

(B) Customer account issuer. The customer account issuer is the party that engaged with the party identified under

the customer account name, paragraph (d)(4)(iii)(A) of this section, for the purposes of importing cargo into the United States by air, identified by the applicable code: Air Waybill prefix, CBP Filer Code, or ACAS Originator Code;

(C) Customer account number. The customer account number is the identifier assigned by the customer account issuer, identified under paragraph (d)(4)(iii)(B) of this section, to represent the customer account name, identified under paragraph (d)(4)(iii)(A) of this section;

(D) Customer account establishment date. The customer account establishment date is the date the party identified as the customer account name, paragraph (d)(4)(iii)(A) of this section, established an account with the party identified as the customer account issuer, paragraph (d)(4)(iii)(B) of this section; and

(E) Unmasked internet protocol (IP) address or media access control (MAC) address of the device used during account creation (If the customer account establishment date under paragraph (d)(4)(iii)(D) of this section is after November 21, 2025, the ACAS filer must transmit the unmasked IP or MAC address of the device used during the creation of the account between the parties identified under the customer account name, paragraph (d)(4)(iii)(A) of this section, and customer account issuer, paragraph (d)(4)(iii)(B) of this section.).

(iv) *Data elements required for customer account shipping frequency/volume assigned shipping outlet/walk-in, immediate transaction, or occasional shipper codes.* The following data elements are only required when the customer account shipping frequency/volume, under paragraph (d)(4)(ii)(C) of this section, is assigned the shipping outlet/walk-in, immediate transaction, or occasional shipper codes:

(A) Shipping cost. The shipping cost is the total amount of charges, reported in U.S. dollars, assessed by the carrier, freight forwarder, or other logistics provider to deliver the cargo including, but not limited to, taxes, insurance, and other applicable costs. Alternatively, an estimated shipping cost is acceptable when the total amount of charges will be assessed after the ACAS filing is transmitted, or when the ACAS filer is not the carrier, freight forwarder, or other logistics provider that assessed the total amount of charges to deliver the shipment.

(B) Unmasked internet protocol (IP) address or media access control (MAC) address of the device used to initiate the shipping transaction and the unmasked IP address or MAC address of the device

used to file the ACAS filing each time an ACAS filing is transmitted.

(v) *Data elements required only in certain situations.* (A) Biographic data. Biographic data (Biographic data is the data contained on a CBP-approved government-issued photo identification document verified to match the individual presenting cargo for shipment. Biographic data includes, but is not limited to, the government-issued identification document type, the identifier that is uniquely associated with the identification document, the issuing government authority and country, the name of the individual, and the date of birth of the individual. Biographic data also includes the date and time an individual presents a CBP-approved government-issued photo identification document for the collection of biographic data under this paragraph (d)(4)(v)(A). A copy of the document used to provide biographic data is subject to the retention requirement under paragraph (c)(7) of this section.) is a required data element:

(1) When the customer account shipping frequency/volume, identified under paragraph (d)(4)(ii)(C) of this section, is assigned the shipping outlet/walk-in code; or

(2) When a shipment contains household goods or personal effects.

(B) Link to product listing and unmasked internet protocol (IP) address or media access control (MAC) address of the device used by the consignee to purchase the product. This data element is required when a consignee, who does not have an account with the logistics provider that issued the lowest level air waybill, initiates a cargo shipment by conducting a transaction on any internet store or online marketplace platform.

When this data element is required, the ACAS filer must transmit:

(1) The unmasked IP address or MAC address of the device used by the consignee to purchase the product; and

(2) The uniform resource locator (URL) of the product; or

(3) The stock keeping unit (SKU) of the product so long as the home page URL of the website used to conduct the transaction is also transmitted and entry of the SKU into the search function of the website results in the display of the product landing page described under paragraph (d)(4)(v)(B)(2) of this section.

(5) *Optional data elements.* The transmission of the following data elements is optional, but encouraged.

(i) Second Notify Party. The ACAS filer may choose to designate a Second Notify Party to receive shipment status messages from CBP.

(ii) Origin of shipment. The International Standards Organization (ISO) country code representing the country where the cargo was tendered for shipment.

(iii) Declared value. Declared value is the U.S. fair market value of the cargo in U.S. dollars.

(iv) Harmonized commodity code. The Harmonized commodity code is the applicable Harmonized Tariff Schedule (HTS) code at the 6-digit or 10-digit level.

(v) Transaction type. The CBP-specified code that best represents the transactional relationship between the shipper and the consignee (*e.g.*, C2B—Consumer to Business).

(vi) Special handling type. The CBP-specified special handling code or dangerous goods code applicable to certain cargo shipments.

(vii) Customer account email address. The email address associated with the

account identified under paragraph (d)(4)(iii)(A) of this section.

(viii) Customer account phone number. The phone number associated with the account identified under paragraph (d)(4)(iii)(A) of this section.

(ix) Shipper Manufacturer Identification (MID) code or Authorized Economic Operator (AEO) information. The MID code or AEO number and code representing the designating body for the party identified as the shipper under paragraph (d)(1)(i) of this section.

(x) Consignee importer of record number. The consignee importer of record number is the U.S. Social Security number, the Internal Revenue Service number, the Employer Identification Number (EIN), or the CBP-assigned number used as the importer of record number by the party identified as the consignee under paragraph (d)(1)(ii) of this section.

(xi) Regulated agent name, address, and code. The name, address, and code associated with a party that ensures security controls for the transportation of cargo by air in accordance with standards established by a CBP-recognized body.

(xii) ACAS filing type. The CBP-specified filing code that represents the nature of the handling and transportation of the cargo shipment (*e.g.*, Standard, Express, E-Commerce).

(xiii) Any additional data elements listed in § 122.48a or any additional information regarding ACAS data elements may be provided and are encouraged.

* * * * *

Kristi L. Noem,

Secretary of Homeland Security.

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