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

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[NRC–2025–0479]

RIN 3150–AL39

The Sunset Rule

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to insert a conditional sunset date into certain regulations in response to Executive Order (E.O.) 14270, ''Zero-Based Regulatory Budgeting to Unleash American Energy.''

DATES: The final rule is effective January 8, 2026, unless significant adverse comments are received by January 2, 2026. If the direct final rule is withdrawn as a result of such comments, timely notice of the withdrawal will be published in the **Federal Register**. Comments received on this direct final rule will also be considered to be comments on a companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website (please choose only one of the ways listed):

• *Federal Rulemaking website:* Electronically at *https://www.regulations.gov.* Follow the ''Submit a comment'' instructions. If you are reading this document on *federalregister.gov,* you may use the green ''SUBMIT A PUBLIC COMMENT'' button beneath this rulemaking's title to submit a comment to the *regulations.gov* docket. Address questions about NRC dockets to Helen Chang; telephone: 301–415–3228; email: *Helen.Chang@nrc.gov.* For technical questions contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.

• *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.

• *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff. Mailed comments must be received by the close of the comment period.

• *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. eastern time, Federal workdays; telephone: 301–415–1677.

Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received, and will not be deleted, modified, or redacted. Comments may be submitted anonymously.

Follow the search instructions on *https://www.regulations.gov* to view public comments.

You can read a plain language description of this rule at *https://www.regulations.gov/docket/NRC-2025-0479.* For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Maxwell C. Smith, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1856, email: *Maxwell.Smith@nrc.gov.*

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I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2025–0479 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

• *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–0479.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.*

• *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages timely electronic comment submission through the Federal Rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2025–0479 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Rulemaking Procedure

The NRC uses the ''direct final rule procedure'' for rulemaking when the NRC anticipates the rule is unlikely to attract significant adverse comment because the rule is non-controversial. As explained further, this rulemaking would add a ''sunsetting clause'' to certain regulations many of which are outdated, seldomly used, or duplicative with other regulations. Moreover, the NRC will provide the public with an opportunity to provide additional information on whether the sunsetting provision should be extended for these provisions at a future time as well as provide Tribal consultation opportunities in compliance with NRC's Tribal Policy Statement (82 FR 2402; January 9, 2017). Therefore, because the NRC does not anticipate significant public comments on this rulemaking and considers it to be noncontroversial, the NRC is using the ''direct final rule procedure'' for this rule. The amendments are effective on January 8, 2026. However, if the NRC receives significant adverse comments on this direct final rule by January 2, 2026, then the NRC will publish a document that withdraws this action and will address the comments received in a subsequent final rule as a response to the companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register** or take other action as appropriate. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change.[1] A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC to make a change (other than editorial) to the rule.

For detailed instructions on filing comments, please see the **ADDRESSES** section of this document.

III. Background

Executive Order (E.O.) 14270, ''Zero-Based Regulatory Budgeting to Unleash American Energy,'' directs the NRC to issue a rule inserting a conditional sunset date into each of its regulations that are in effect as of the date of the E.O. (90 FR 15643; April 9, 2025) and were issued in whole or in part pursuant to the following statutes, as amended: the Atomic Energy Act of 1954, the Energy Reorganization Act of 1974, and the Nuclear Waste Policy Act of 1982. The conditional sunset date for covered regulations is to be one year after the effective date of the sunset rule. The E.O. directs the NRC to issue a sunset rule ''to the extent consistent with applicable law'' and provides that the E.O. does not apply to ''regulatory permitting regimes authorized by statute.'' For purposes of implementing this E.O., regulations that provide standards and requirements for NRC license and permit holders or applicants constitute the NRC's ''regulatory permitting regime.'' Thus, the scope of this rulemaking is generally limited to those regulations that do not fit into one or more of the following three categories: (1) regulations that could not be sunset ''consistent with applicable law'' because they are necessary to fulfill the NRC's statutory mandate to provide for the common defense and security and to protect public health and safety; (2) regulations that are part of the NRC's ''regulatory permitting regimes authorized by statute''; or (3) regulations that do not implement one of the three NRC-specific statutes identified in the E.O. (*i.e.,* regulations that implement government-wide requirements such as the Freedom of Information Act of 1969). The vast majority of the NRC's regulations fit into one of these three categories. Nonetheless, the NRC identified several regulations that although they fall into one or more of these categories and are therefore outside the scope of the E.O., they are not being used or no longer serve their original purpose. As explained in section IV, ''Discussion,'' of this document, the NRC will add a sunsetting provision to those regulations. Importantly, the NRC is continuing its regulatory reform efforts through the rulemaking activities directed by E.O. 14300, ''Ordering the Reform of the Nuclear Regulation Commission.''

As stated in E.O. 14270, the sunsetting provision will state a conditional sunset date that is one year after the effective date of this rule and provide that the NRC will offer the public an opportunity to comment on the costs and benefits of the regulations to be conditionally sunset before that effective date. The NRC will issue a separate notice describing the comment opportunity after this rule is effective. Following the sunset date, the NRC will consider sunset regulations to no longer be effective, will not seek to enforce sunset regulations, and will remove the regulation from the *Code of Federal Regulations* and make necessary conforming changes. However, following the opportunity for the public to comment on the sunset rule's costs and benefits, the NRC may extend the conditional sunsetting date if warranted and may do so as many times as appropriate.

IV. Discussion

The NRC will include the sunsetting provision in the following regulations for the reasons explained below.

The President has directed the NRC to issue this proposed zero-based regulating rule. Section 4(a) of E.O. 14270 states that ''each of the Covered Agencies *shall* issue a sunset rule,'' and further specifies the terms of that rule. Accordingly, the NRC lacks any discretion over whether to undertake this sunsetting rule. The President's direction provides an independent, and sufficient, justification for this proposed rulemaking. However, the Executive Order does not direct the NRC to rescind or reissue any particular regulation. The NRC retains its full authority to issue and repeal regulations under the three relevant statutes and their amendments. The President has directed only the manner in which the NRC is to review and issue the relevant regulations.

[1] Administrative Conference of the United States, Adoption of Recommendations, (60 FR 43108–43111; August 18, 1995).

Moreover, as reflected by the Nuclear Energy Innovation and Modernization Act (NEIMA) (Pub. L. 115–439), the Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024 (Pub. L. 118–67), and E.O. 14300, nuclear technology is quickly evolving. The sunsetting provisions in this rulemaking will enable the NRC's regulatory infrastructure to keep pace with those developments by requiring the agency to periodically reevaluate its regulations and remove those that are no longer necessary. Thus, outside of the directions in E.O. 14270, the NRC concludes that adopting the proposed sunset rule is warranted and based on its independent policy judgment, as further explained in greater detail, will add to the efficacy of its regulatory oversight by adding a mechanism to periodically streamline the NRC's regulatory infrastructure.

Future Rulemakings

Executive Order 14270 also directs the NRC to include a sunsetting provision in future rulemakings that would be covered by the E.O. Therefore, the NRC would also add a new provision to 10 CFR 2.807, ''Effective date,'' specifying the circumstances in which regulations adopted by the NRC after the effective date of this rulemaking would include a sunsetting provision.

Early Review of Site Suitability Issues

Subpart F to part 2, ''Additional Procedures Applicable to Early Partial Decisions on Site Suitability Issues in Connection With an Application for a Construction Permit or Combined License To Construct Certain Utilization Facilities; and Advance Issuance of Limited Work Authorizations,'' of title 10 of the *Code of Federal Regulations* (10 CFR), provides special procedures for a hearing and the issuance of a partial decision on site suitability matters for which an applicant seeks early resolution. While these provisions constitute part of the NRC's permitting regime authorized by statute, they are no longer needed. Despite being updated to reflect the amendments made in the final rule to 10 CFR part 52, ''Licenses, Certifications, and Approvals for Nuclear Power Plants'' (72 FR 49352; August 28, 2007), these procedures were last used in the 1970s.[2] Moreover, industry stakeholders do not appear to have any immediate plans to use them. In the preamble to the proposed rule, ''Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors'' (89 FR 86918; October 31, 2024), the staff observed, ''[i]nteractions with external stakeholders during the development of the proposed rule did not identify significant interest in or need for including the process for early review of site suitability issues in part 53[,''Risk-Informed, Technology-Inclusive Regulatory Framework for Commercial Nuclear Plants'']." A sunset date will allow these unused regulations to roll off the books. At the same time, if evidence emerges in the interim indicating a continued need for these regulations, the agency can extend the sunset date as appropriate.

Oral Hearings

Subpart N of 10 CFR part 2, ''Expedited Proceedings with Oral Hearings,'' is a specialized hearing track that contains the NRC's ''fast track'' hearing procedures intended to provide for the expeditious resolution of issues in cases where contentions are few and not complex. These procedures can be used if all parties agree (*see* 10 CFR 2.310, ''Selection of hearing procedures''). They have not been used to date. While these provisions constitute part of the NRC's permitting regime authorized by statute, they are no longer needed. A sunset date will allow these unused regulations to roll off the books. At the same time, if evidence emerges in the interim indicating a continued need for these regulations, the agency can extend the sunset date as appropriate.

Legislative Hearings

Subpart O of 10 CFR part 2, ''Legislative Hearings,'' provides for procedures to be used if the Commission decides to hold legislative hearings for design certification rulemakings where the Commission, at its discretion, determined to hold a hearing under 10 CFR 52.51(b). The procedures also can be used at the Commission's discretion in developing a record to assist in resolving a waiver petition filed under paragraph (b) of 10 CFR 2.335, ''Consideration of Commission rules and regulations in adjudicatory proceedings.'' Subpart O procedures have never been used. While these provisions constitute part of the NRC's permitting regime authorized by statute, they are no longer needed. A sunset date will allow these unused regulations to roll off the books. At the same time, if evidence emerges in the interim indicating a continued need for these regulations, the agency can extend the sunset date as appropriate.

Fitness-for-Duty Licensee Testing Facilities

Subpart F of 10 CFR part 26, ''Licensee Testing Facilities,'' provides requirements for fitness-for-duty testing facilities. No licensee fitness-for-duty programs currently use subpart F licensee testing facilities because these facilities are no longer cost-beneficial for licensees. The marketplace offers a more efficient and cost-effective alternative: submitting specimens for testing to a laboratory that is certified to meet the standards of the U.S. Department of Health and Human Services, ''Mandatory Guidelines for Federal Workplace Drug Testing Programs'' (88 FR 70768; October 12, 2023). While these provisions constitute part of the NRC's permitting regime authorized by statute and at one time played a role in assuring adequate protection of public health and safety, they are no longer needed. A sunset date will allow these outdated regulations to roll off the books. At the same time, if evidence emerges in the interim indicating a continued need for these regulations, the agency can extend the sunset date as appropriate.

Duplicative Regulations in 10 CFR Parts 31, 32, 34, 35, 36, and 39

The regulations at 10 CFR 31.21, ''Maintenance of records,'' 10 CFR 32.3, ''Maintenance of records,'' 10 CFR 34.87, ''Form of records,'' and 10 CFR 35.5, ''Maintenance of records,'' are duplicative of 10 CFR 30.51, ''Records,'' which covers 10 CFR part 31, ''General Domestic Licenses for Byproduct Material,'' 10 CFR part 32, ''Specific Domestic Licenses to Manufacture or Transfer Certain Items Containing Byproduct Material,'' 10 CFR part 34, ''Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations,'' and 10 CFR part 35, ''Medical Use of Byproduct Material.'' In addition, 10 CFR 34.111, ''Applications for exemptions,'' 10 CFR 35.19, ''Specific exemptions,'' paragraph (a) of 10 CFR 36.17, ''Applications for exemptions,'' and 10 CFR 39.91, ''Applications for exemptions,'' are duplicative of 10 CFR 30.11, ''Specific exemptions,'' which covers 10 CFR part 34, 10 CFR part 35, 10 CFR part 36, ''Licenses and Radiation Safety Requirements for Irradiators,'' and 10 CFR part 39, ''Licenses and Radiation Safety Requirements for Well Logging.'' While these provisions constitute part of the NRC's permitting regime authorized by statute and at one time played a role in assuring adequate protection of public health and safety, they are no longer needed. A sunset date

[2] *E.g.,* Commonwealth Edison (Carroll County Site), ALAB–601, 12 NRC 18, 27 (1980).

will allow these duplicative regulations to roll off the books. At the same time, if evidence emerges in the interim indicating a continued need for these regulations, the agency can extend the sunset date as appropriate.

The Aircraft Impact Assessment Rule

The regulations in 10 CFR 50.150, ''Aircraft impact assessment,'' are safety enhancements that are not necessary for the NRC to meet its statutory mission under the Atomic Energy Act of 1954 to provide reasonable assurance of adequate protection from radiological hazards. When the rule was promulgated, the NRC quantified the costs of the rule but did not quantify the benefits and concluded that the key qualitative benefit of the rule was an ''improvement in knowledge'' of how a new reactor would address beyond-design-basis hazards, such as a deliberate large aircraft impact. At the time, the NRC concluded that qualitative benefits outweighed the cost of the rule. However, if reconsidered today, the cost of implementation would not be justified by the increase in safety for future reactors. Other more recently developed regulations (*i.e.,* 10 CFR 50.155, ''Mitigation of beyond-design-basis events,'' and proposed 10 CFR part 53) provide alternative approaches to understand how newly licensed plants would address those beyond-design-basis hazards. Because the analyses required by this regulation are incorporated into plants' licensing bases and are now required by other more comprehensive regulations, sunsetting this provision will not decrease safety at any operating facility. Thus, while this provision constituted part of the NRC's permitting regime authorized by statute, it is no longer needed. A sunset date will allow this outdated and duplicative regulation to roll off the books. At the same time, if evidence emerges in the interim indicating a continued need for this regulation, the agency can extend the sunset date as appropriate.

Appendix Q to 10 CFR Part 50

Appendix Q to 10 CFR part 50, ''Pre-Application Early Review of Site Suitability Issues,'' provides for NRC staff issuance of a staff site report on site suitability issues with respect to a specific site for which a potential applicant seeks the NRC staff's views. The staff site report is issued after receiving and considering the comments of Federal, State, and local agencies and interested persons, as well as the views of the Advisory Committee on Reactor Safeguards, but only if site safety issues are raised. The staff site report does not bind the Commission or a presiding officer in any hearing under 10 CFR part 2, ''Agency Rules of Practice and Procedure.'' This process was not included in 10 CFR part 52 because it was not needed due to the early site permit process in subpart A of 10 CFR part 52, ''Early Site Permits.'' Similarly, it was not included in the proposed 10 CFR part 53. Given its limited value, appendix Q should be sunsetted. The downside is that removal of this regulation could remove some flexibility to part 50, ''Domestic Licensing of Production and Utilization Facilities,'' applicants to potentially address regulatory issues related to siting, such as seismic hazards, emergency planning, and environmental considerations early in the process; however, the benefits afforded by the staff site report could be covered in pre-application interactions through issuance of white paper or topical report feedback. Moreover, applicants for licenses and permits under part 50 may also apply for an Early Site Permit under part 52. Thus, while this provision constituted part of the NRC's permitting regime authorized by statute, it is no longer needed. A sunset date will allow this unused regulation to roll off the books. At the same time, if evidence emerges in the interim indicating a continued need for this regulation, the agency can extend the sunset date as appropriate.

Commenting on Other Agencies' Environmental Impact Statements

The regulation in 10 CFR 51.124, ''Commission duty to comment,'' states the NRC's policy to provide comments on draft environmental impact statements prepared by other Federal agencies. However, the regulation is not needed because it only states a policy; the NRC has authority to provide comments on draft environmental impact statements from other Federal agencies independent of the operation of 10 CFR 51.124. Thus, while this provision was not promulgated under one of the three statutes identified in E.O. 14270, it is no longer needed. A sunset date will allow this unnecessary regulation to roll off the books. At the same time, if evidence emerges in the interim indicating a continued need for this regulation, the agency can extend the sunset date as appropriate.

10 CFR Part 76—Certification of Gaseous Diffusion Plants

The NRC has not issued a certification under 10 CFR part 76, ''Certification of Gaseous Diffusion Plants,'' since 1996 and does not expect to issue another one because gaseous diffusion technology is now obsolete. While these provisions constitute part of the NRC's permitting regime authorized by statute and at one time played a role in assuring adequate protection of public health and safety, they are no longer needed. A sunset date will allow these outdated regulations to roll off the books. At the same time, if evidence emerges in the interim indicating a continued need for these regulations, the agency can extend the sunset date as appropriate.

10 CFR Part 160—Trespassing on Commission Property

The regulations in 10 CFR part 160, ''Trespassing on Commission Property,'' are unnecessary because the General Services Administration regulations and notices currently on the NRC's facilities provide adequate warning to the public against trespassing, which is also covered under State laws. These regulations promulgated under the Atomic Energy Act are not part of the NRC's regulatory permitting regime and are not statutorily required. A sunset date will allow these duplicative regulations to roll off the books. At the same time, if evidence emerges in the interim indicating a continued need for these regulations, the agency can extend the sunset date as appropriate.

Written Interpretations by the General Counsel

The regulations in 10 CFR 19.4, 20.1006, 21.4, 25.7, 26.7, 30.5, 34.5, 36.5, 37.9, 39.5, 40.6, 50.3, 51.5, 52.2, 54.5, 55.6, 60.5, 61.5, 62.4, 63.5, 70.6, 71.2, 72.5, 73.3, 74.5, 75.5, 81.4, 95.7, 110.3, 140.4, 150.5, 170.4, and 171.7 state that no interpretation of the meaning of NRC regulations are to be considered binding on the Commission, other than a written interpretation by the General Counsel. Some of these provisions were part of the original rulemakings for these parts.[3] No explanations for including these provisions were provided in the proposed or final rules. Usage or reliance on these provisions has historically been rare. There is also considerable doubt that the General Counsel, as an inferior officer, can bind the Commission on a question of law. These regulations promulgated under the Atomic Energy Act are not part of the NRC's regulatory permitting regime and are not statutorily required. A sunset date will allow these seldomly used regulations to roll off the books. At the same time, if evidence emerges in the interim indicating a continued need

[3] For example, the 10 CFR part 50 Interpretation provision first appeared in a 1947 final rule (12 FR 7651; November 18, 1947).

for these regulations, the agency can extend the sunset date as appropriate.

V. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act (5 U.S.C. 605(b)), the NRC certifies that this rule does not have a significant economic impact on a substantial number of small entities. The substantive portions of this final rule affect only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of ''small entities'' set forth in the Regulatory Flexibility Act or the size standards established by the NRC (10 CFR 2.810).

VI. Regulatory Analysis

Because the sunset rule is needed to implement E.O. 14270, and this rulemaking is an administrative activity, the NRC did not prepare a regulatory analysis.

VII. Backfitting and Issue Finality

The sunset rule would not constitute backfitting as that term is defined in 10 CFR 50.109, ''Backfitting,'' or affect the issue finality of an approval issued under 10 CFR part 52. As a general matter, eliminating a requirement does not meet the definition of ''backfitting'' because such an act by the NRC would be a nonmandatory relaxation of an existing requirement. For the same reason, the elimination of a requirement would not affect the issue finality of a 10 CFR part 52 approval.

VIII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31885).

IX. National Environmental Policy Act

The NRC has determined that this final rule is the type of action described in 10 CFR 51.22(c)(2), which categorically excludes from environmental review rules that are corrective or of a minor, nonpolicy nature and do not substantially modify existing regulations. Therefore, neither an environmental impact statement nor environmental assessment has been prepared for this final rule.

X. Paperwork Reduction Act

This final rule does not contain a collection of information as defined in the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995.

XI. Regulatory Planning and Review

Executive Order (E.O.) 12866

The Office of Information and Regulatory Affairs (OIRA) has determined that this direct final rule is a significant regulatory action. Accordingly, NRC submitted this direct final rule to OIRA for review. The NRC is required to conduct an economic analysis in accordance with section 6(a)(3)(B) of E.O. 12866. However, NRC considers the costs incurred by this rule to be solely those related to the rulemaking process for this administrative activity.

Review Under E.O.s 14154, 14192, 14215, and 14300

The NRC has examined this direct final rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154, ''Unleashing American Energy,'' E.O. 14192, ''Unleashing Prosperity Through Deregulation,'' E.O. 14215 ''Ensuring Accountability for All Agencies,'' and E.O. 14300, ''Ordering the Reform of the Nuclear Regulatory Commission.'' This direct final rule is considered an E.O. 14192 deregulatory action.

XII. Congressional Review Act

This direct final rule is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has found it does not meet the criteria at 5 U.S.C. 804(2).

List of Subjects

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Confidential business information, Environmental protection, Freedom of information, Hazardous waste, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 19

Criminal penalties, Environmental protection, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Sex discrimination.

10 CFR Part 20

Byproduct material, Criminal penalties, Fusion, Hazardous waste, Licensed material, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Penalties, Radiation protection, Reporting and recordkeeping requirements, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 21

Nuclear power plants and reactors, Penalties, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 25

Classified information, Criminal penalties, Investigations, Penalties, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 26

Administrative practice and procedure, Alcohol abuse, Alcohol testing, Appeals, Drug abuse, Drug testing, Employee assistance programs, Fitness for duty, Management actions, Nuclear power plants and reactors, Privacy, Protection of information, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 30

Byproduct material, Criminal penalties, Fusion, Government contracts, Intergovernmental relations, Isotopes, Nuclear energy, Nuclear materials, Penalties, Radiation protection, Reporting and recordkeeping requirements, Whistleblowing.

10 CFR Part 31

Byproduct material, Criminal penalties, Labeling, Nuclear energy, Nuclear materials, Packaging and containers, Penalties, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment.

10 CFR Part 32

Byproduct material, Criminal penalties, Labeling, Nuclear energy, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 34

Criminal penalties, Manpower training programs, Occupational safety and health, Packaging and containers, Penalties, Radiation protection, Radiography, Reporting and recordkeeping requirements, Scientific equipment, Security measures, X-rays.

10 CFR Part 35

Biologics, Byproduct material, Criminal penalties, Drugs, Health facilities, Health professions, Labeling, Medical devices, Nuclear energy, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 36

Byproduct material, Criminal penalties, Nuclear energy, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures.

10 CFR Part 37

Byproduct material, Criminal penalties, Exports, Hazardous materials transportation, Imports, Licensed material, Nuclear materials, Penalties, Radioactive materials, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 39

Byproduct material, Criminal penalties, Labeling, Nuclear energy, Nuclear material, Occupational safety and health, Oil and gas exploration—well logging, Penalties, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Source material, Special nuclear material.

10 CFR Part 40

Criminal penalties, Exports, Government contracts, Hazardous materials transportation, Hazardous waste, Nuclear energy, Nuclear materials, Penalties, Reporting and recordkeeping requirements, Source material, Uranium, Whistleblowing.

10 CFR Part 50

Administrative practice and procedure, Antitrust, Backfitting, Classified information, Criminal penalties, Education, Emergency planning, Fire prevention, Fire protection, Intergovernmental relations, Nuclear power plants and reactors, Penalties, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements, Whistleblowing.

10 CFR Part 51

Administrative practice and procedure, Environmental impact statements, Hazardous waste, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

10 CFR Part 52

Administrative practice and procedure, Antitrust, Combined license, Early site permit, Emergency planning, Fees, Inspection, Issue finality, Limited work authorization, Manufacturing license, Nuclear power plants and reactors, Probabilistic risk assessment, Prototype, Reactor siting criteria, Redress of site, Penalties, Reporting and recordkeeping requirements, Standard design, Standard design certification.

10 CFR Part 54

Administrative practice and procedure, Age-related degradation, Backfitting, Classified information, Criminal penalties, Environmental protection, Nuclear power plants and reactors, Penalties, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 55

Criminal penalties, Manpower training programs, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements.

10 CFR Part 60

Criminal penalties, Hazardous waste, Indians, High-level waste, Intergovernmental relations, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Radiation protection, Reporting and recordkeeping requirements, Waste treatment and disposal, Whistleblowing.

10 CFR Part 61

Criminal penalties, Hazardous waste, Indians, Intergovernmental relations, Low-level waste, Nuclear energy, Nuclear materials, Penalties, Reporting and recordkeeping requirements, Waste treatment and disposal, Whistleblowing.

10 CFR Part 62

Administrative practice and procedure, Denial of access, Emergency access to low-level waste disposal, Hazardous waste, Intergovernmental relations, Low-level radioactive waste, Low-level radioactive waste treatment and disposal, Nuclear energy, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 63

Criminal penalties, Hazardous waste, High-level waste, Indians, Intergovernmental relations, Nuclear energy, Nuclear power plants and reactors, Penalties, Radiation protection, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 70

Classified information, Criminal penalties, Emergency medical services, Hazardous materials transportation, Material control and accounting, Nuclear energy, Nuclear materials, Packaging and containers, Penalties, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material, Whistleblowing.

10 CFR Part 71

Criminal penalties, Hazardous materials transportation, Intergovernmental relations, Nuclear materials, Packaging and containers, Penalties, Radioactive materials, Reporting and recordkeeping requirements.

10 CFR Part 72

Administrative practice and procedure, Hazardous waste, Indians, Intergovernmental relations, Nuclear energy, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

10 CFR Part 73

Criminal penalties, Exports, Hazardous materials transportation, Imports, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 74

Accounting, Criminal penalties, Hazardous materials transportation, Material control and accounting, Nuclear energy, Nuclear materials, Packaging and containers, Penalties, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Special nuclear material.

10 CFR Part 75

Criminal penalties, Intergovernmental relations, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Security measures, Treaties.

10 CFR Part 76

Certification, Criminal penalties, Nuclear energy, Penalties, Radiation protection, Reporting and record keeping requirements, Security measures, Special nuclear material, Uranium, Uranium enrichment by gaseous diffusion.

10 CFR Part 81

Administrative practice and procedure, Inventions and patents,

Reporting and recordkeeping requirements.

10 CFR Part 95

Classified information, Criminal penalties, Penalties, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 110

Administrative practice and procedure, Classified information, Criminal penalties, Exports, Imports, Intergovernmental relations, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Scientific equipment.

10 CFR Part 140

Insurance, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements.

10 CFR Part 150

Criminal penalties, Hazardous materials transportation, Intergovernmental relations, Nuclear energy, Nuclear materials, Penalties, Reporting and recordkeeping requirements, Security measures, Source material, Special nuclear material.

10 CFR Part 160

Federal buildings and facilities, Penalties, Security measures.

10 CFR Part 170

Byproduct material, Import and export licenses, Intergovernmental relations, Non-payment penalties, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Source material, Special nuclear material.

10 CFR Part 171

Annual charges, Approvals, Byproduct material, Holders of certificates, Intergovernmental relations, Nonpayment penalties, Nuclear materials, Nuclear power plants and reactors, Registrations, Source material, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 2, 19, 20, 21, 25, 26, 30, 31, 32, 34, 35, 36, 37, 39, 40, 50, 51, 52, 54, 55, 60, 61, 62, 63, 70, 71, 72, 73, 74, 75, 76, 81, 95, 110, 140, 150, 160, 170, and 171.

PART 2—AGENCY RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 2 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 29, 53, 62, 63, 81, 102, 103, 104, 105, 161, 181, 182, 183, 184, 186, 189, 191, 234 (42 U.S.C. 2039, 2073, 2092, 2093, 2111, 2132, 2133, 2134, 2135, 2201, 2231, 2232, 2233, 2234, 2236, 2239, 2241, 2282); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); Nuclear Waste Policy Act of 1982, secs. 114(f), 134, 135, 141 (42 U.S.C. 10134(f), 10154, 10155, 10161); Administrative Procedure Act (5 U.S.C. 552, 553, 554, 557, 558); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note. Section 2.205(j) also issued under Sec. 31001(s), Pub. L. 104–134, 110 Stat. 1321–373 (28 U.S.C. 2461 note).

■ 2. In § 2.600, add paragraph (e) to read as follows:

§ 2.600 Scope of subpart.

* * * * *

(e) This section and §§ 2.601 through 2.629 shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of these sections and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this paragraph (e) accordingly.

■ 3. Revise § 2.807 to read as follows:

§ 2.807 Effective date and sunsetting.

(a) The notice of adoption of a regulation will specify the effective date. Publication or service of the notice and regulation, other than one granting or recognizing exemptions or relieving from restrictions, will be made not less than thirty (30) days prior to the effective date unless the Commission directs otherwise on good cause found and published in the notice of rulemaking.

(b) All regulations promulgated after January 8, 2026, under the authority of the Atomic Energy Act of 1954, the Energy Reorganization Act of 1974, or the Nuclear Waste Policy Act of 1982 that are not required by statute or not part of a regulatory permitting regime authorized by statute, will include a conditional sunset date that will not be more than 5 years in the future from the effective date of the regulation.

■ 4. In § 2.1400, add two sentences at the end of the paragraph to read as follows:

§ 2.1400 Purpose and scope of this subpart.

* * * This subpart shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this subpart and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

■ 5. In § 2.1500, add paragraph (c) to read as follows:

§ 2.1500 Purpose and scope.

* * * * *

(c) This subpart shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this subpart and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this paragraph (c) accordingly.

PART 19—NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS: INSPECTION AND INVESTIGATIONS

■ 6. The authority citation for part 19 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 53, 63, 81, 103, 104, 161, 223, 234, 1701 (42 U.S.C. 2073, 2093, 2111, 2133, 2134, 2201, 2273, 2282, 2297f); Energy Reorganization Act of 1974, secs. 201, 211, 401 (42 U.S.C. 5841, 5851, 5891); 44 U.S.C. 3504 note.

■ 7. In § 19.4, add two sentences at the end of the paragraph to read as follows:

§ 19.4 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

■ 8. The authority citation for part 20 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 53, 63, 65, 81, 103, 104, 161, 170H, 182, 186, 223, 234, 274, 1701 (42 U.S.C. 2014, 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2210h, 2232, 2236, 2273, 2282, 2021, 2297f); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); Low-Level Radioactive Waste Policy Amendments Act of 1985, sec. 2 (42 U.S.C. 2021b); 44 U.S.C. 3504 note.

■ 9. In § 20.1006, add two sentences at the end of the paragraph to read as follows:

§ 20.1006 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 21—REPORTING OF DEFECTS AND NONCOMPLIANCE

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

Authority: Atomic Energy Act of 1954, secs. 53, 63, 81, 103, 104, 161, 223, 234, 1701 (42 U.S.C. 2073, 2093, 2111, 2133, 2134, 2201, 2273, 2282, 2297f); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); Nuclear Waste Policy Act of 1982, secs. 135, 141 (42 U.S.C. 10155, 10161); 44 U.S.C. 3504 note.

■ 11. In § 21.4, add two sentences at the end of the paragraph to read as follows:

§ 21.4 Interpretations.

* * * This section shall cease to have effect on January 8, 2027 unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 25—ACCESS AUTHORIZATION

■ 12. The authority citation for part 25 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 145, 161, 223, 234 (42 U.S.C. 2165, 2201, 2273, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 44 U.S.C. 3504 note; E.O. 10865, 25 FR 1583, as amended, 3 CFR, 1959–1963 Comp., p. 398; E.O. 12829, 58 FR 3479, 3 CFR, 1993 Comp., p. 570; E.O. 13526, 75 FR 707, 3 CFR, 2009 Comp., p. 298; E.O. 12968, 60 FR 40245, 3 CFR, 1995 Comp., p. 391.

Section 25.17(f) and Appendix A also issued under 31 U.S.C. 9701; 42 U.S.C. 2214.

■ 13. In § 25.7, add two sentences at the end of the paragraph to read as follows:

§ 25.7 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 26—FITNESS FOR DUTY PROGRAMS

■ 14. The authority citation for part 26 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 53, 103, 104, 107, 161, 223, 234, 1701 (42 U.S.C. 2073, 2133, 2134, 2137, 2201, 2273, 2282, 2297f); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); 44 U.S.C. 3504 note.

■ 15. In § 26.7, add a two sentences at the end of the paragraph to read as follows:

§ 26.7 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

■ 16. In § 26.121, add two sentences at the end of the paragraph to read as follows:

§ 26.121 Purpose.

* * * This subpart shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this subpart and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this subpart accordingly.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

■ 17. The authority citation for part 30 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 81, 161, 181, 182, 183, 184, 186, 187, 223, 234, 274 (42 U.S.C. 2014, 2111, 2201, 2231, 2232, 2233, 2234, 2236, 2237, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); 44 U.S.C. 3504 note.

■ 18. In § 30.5, add two sentences at the end of the paragraph to read as follows:

§ 30.5 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 31—GENERAL DOMESTIC LICENSES FOR BYPRODUCT MATERIAL

■ 19. The authority citation for part 31 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 81, 161, 183, 223, 234, 274 (42 U.S.C. 2111, 2201, 2233, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206 (42 U.S.C. 5841, 5842, 5846); 44 U.S.C. 3504 note.

■ 20. In § 31.21, add two sentences at the end of the paragraph to read as follows:

§ 31.21 Maintenance of records.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 32—SPECIFIC DOMESTIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL

■ 21. The authority citation for part 32 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 81, 161, 170H, 181, 182, 183, 223, 234, 274 (42 U.S.C. 2111, 2201, 2210h, 2231, 2232, 2233, 2273, 2282, 2021); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 44 U.S.C. 3504 note.

■ 22. In § 32.3, add two sentences at the end of the paragraph to read as follows:

§ 32.3 Maintenance of records.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 34—LICENSES FOR INDUSTRIAL RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS

■ 23. The authority citation for part 34 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 81, 161, 181, 182, 183, 223, 234, 274 (42 U.S.C. 2111, 2201, 2231, 2232, 2233, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); 44 U.S.C. 3504 note.

■ 24. In § 34.5, add two sentences at the end of the paragraph to read as follows:

§ 34.5 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

■ 25. In § 34.87, add two sentences at the end of the paragraph to read as follows:

§ 34.87 Form of records.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

■ 26. In § 34.111 add two sentences at the end of the paragraph to read as follows:

§ 34.111 Applications for exemptions.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 35—MEDICAL USE OF BYPRODUCT MATERIAL

■ 27. The authority citation for part 35 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 81, 161, 181, 182, 183, 223, 234, 274 (42 U.S.C. 2111, 2201, 2231, 2232, 2233, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); 44 U.S.C. 3504 note.

■ 28. In § 35.5, add two sentences at the end of the paragraph to read as follows:

§ 35.5 Maintenance of records.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

■ 29. In § 35.19, add two sentences at the end of the paragraph to read as follows:

§ 35.19 Specific exemptions.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 36—LICENSES AND RADIATION SAFETY REQUIREMENTS FOR IRRADIATORS

■ 30. The authority citation for part 36 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 81, 161, 181, 182, 183, 223, 234, 274 (42 U.S.C. 2111, 2112, 2201, 2231, 2233, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); 44 U.S.C. 3504 note.

■ 31. In § 36.5, add two sentences at the end of the paragraph to read as follows:

§ 36.5 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

■ 32. In § 36.17, add two sentences at the end of paragraph (a) to read as follows:

§ 36.17 Applications for exemptions.

(a) * * * This paragraph (a) shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this paragraph (a) and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this paragraph (a) accordingly.

* * * * *

PART 37—PHYSICAL PROTECTION OF CATEGORY 1 AND CATEGORY QUANTITIES OF RADIOACTIVE MATERIAL

■ 33. The authority citation for part 37 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 53, 81, 103, 104, 147, 148, 149, 161, 182, 183, 223, 234, 274 (42 U.S.C. 2014, 2073, 2111, 2133, 2134, 2167, 2168, 2169, 2201, 2232, 2233, 2273, 2282, 2021); Energy

Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); 44 U.S.C. 3504 note.

■ 34. In § 37.9, add two sentences at the end of the paragraph to read as follows:

§ 37.9 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 39—LICENSE AND RADIATION SAFETY REQUIREMENTS FOR WELL LOGGING

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

Authority: Atomic Energy Act of 1954, secs. 53, 57, 62, 63, 65, 69, 81, 161, 181, 182, 183, 223, 234 (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2112, 2201, 2232, 2233, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); 44 U.S.C. 3504 note.

■ 36. In § 39.5, add two sentences at the end of the paragraph to read as follows:

§ 39.5 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

■ 37. In § 39.91, add two sentences at the end of the paragraph to read as follows:

§ 39.91 Applications for exemptions.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

■ 38. The authority citation for part 40 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 62, 63, 64, 65, 69, 81, 83, 84, 122, 161, 181, 182, 183, 184, 186, 187, 193, 223, 234, 274, 275 (42 U.S.C. 2092, 2093, 2094, 2095, 2099, 2111, 2113, 2114, 2152, 2201, 2231, 2232, 2233, 2234, 2236, 2237, 2243, 2273, 2282, 2021, 2022); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Uranium Mill Tailings Radiation Control Act of 1978, sec. 104 (42 U.S.C. 7914); 44 U.S.C. 3504 note.

■ 39. In § 40.6, add two sentences at the end of the paragraph to read as follows:

§ 40.6 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

■ 40. The authority citation for part 50 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 101, 102, 103, 104, 105, 108, 122, 147, 149, 161, 181, 182, 183, 184, 185, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2131, 2132, 2133, 2134, 2135, 2138, 2152, 2167, 2169, 2201, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note; Sec. 109, Pub. L. 96–295, 94 Stat. 783.

■ 41. In § 50.3, add two sentences at the end of the paragraph to read as follows:

§ 50.3 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

■ 42. In § 50.150, add paragraph (d) to read as follows:

§ 50.150 Aircraft impact assessment.

* * * * *

(d) *Sunsetting provisions.* This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

■ 43. In appendix Q to part 50, add section 8 to read as follows:

Appendix Q to Part 50—Pre-Application Early Review of Site Suitability Issues.

* * * * *

8. This appendix shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this appendix and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this appendix accordingly.

PART 51—ENVIRONMENTAL PROTECTION REGULATIONS FOR DOMESTIC LICENSING AND RELATED REGULATORY FUNCTIONS

■ 44. The authority citation for part 51 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 161, 193 (42 U.S.C. 2201, 2243); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); National Environmental Policy Act of 1969 (42 U.S.C. 4332, 4334, 4335); Nuclear Waste Policy Act of 1982, secs. 144(f), 121, 135, 141, 148 (42 U.S.C. 10134(f), 10141, 10155, 10161, 10168); 44 U.S.C. 3504 note.

Sections 51.20, 51.30, 51.60, 51.80, and 51.97 also issued under Nuclear Waste Policy Act secs. 135, 141, 148 (42 U.S.C. 10155, 10161, 10168).

Section 51.22 also issued under Atomic Energy Act sec. 274 (42 U.S.C. 2021) and under Nuclear Waste Policy Act sec. 121 (42 U.S.C. 10141).

Sections 51.43, 51.67, and 51.109 also issued under Nuclear Waste Policy Act sec. 114(f) (42 U.S.C. 10134(f)).

■ 45. In § 51.5, add two sentences at the end of the paragraph to read as follows:

§ 51.5 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date

not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

■ 46. In § 51.124, add two sentences at the end of the paragraph to read as follows:

§ 51.124 Commission duty to comment.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 52—LICENSES, CERTIFICATIONS, AND APPROVALS FOR NUCLEAR POWER PLANTS

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

Authority: Atomic Energy Act of 1954, secs. 103, 104, 147, 149, 161, 181, 182, 183, 185, 186, 189, 223, 234 (42 U.S.C. 2133, 2134, 2167, 2169, 2201, 2231, 2232, 2233, 2235, 2236, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); 44 U.S.C. 3504 note.

■ 48. In § 52.2, add two sentences at the end of the paragraph to read as follows:

§ 52.2 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 54—REQUIREMENTS FOR RENEWAL OF OPERATING LICENSES FOR NUCLEAR POWER PLANTS

■ 49. The authority citation for part 54 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 102, 103, 104, 161, 181, 182, 183, 186, 189, 223, 234 (42 U.S.C. 2132, 2133, 2134, 2136, 2137, 2201, 2231, 2232, 2233, 2236, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206 (42 U.S.C. 5841, 5842, 5846); 44 U.S.C. 3504 note.

Section 54.17 also issued under E.O. 12829, 58 FR 3479, 3 CFR, 1993 Comp., p. 570; E.O. 13526, 75 FR 707, 3 CFR, 2009 Comp., p. 298; E.O. 12968, 60 FR 40245, 3 CFR, 1995 Comp., p. 391.

■ 50. In § 54.5, add two sentences at the end of the paragraph to read as follows:

§ 54.5 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 55—OPERATORS' LICENSES

■ 51. The authority citation for part 55 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 107, 161, 181, 182, 183, 186, 187, 223, 234 (42 U.S.C. 2137, 2201, 2231, 2232, 2233, 2236, 2237, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); 44 U.S.C. 3504 note.

■ 52. In § 55.6, add two sentences at the end of the paragraph to read as follows:

§ 55.6 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 60—DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES

■ 53. The authority citation for part 60 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 62, 63, 65, 81, 161, 182, 183, 223, 234 (42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); 42 U.S.C. 2021a; National Environmental Policy Act of 1969 (42 U.S.C. 4332); Nuclear Waste Policy Act of 1982, secs. 114, 117, 121 (42 U.S.C. 10134, 10137, 10141), 44 U.S.C. 3504 note.

■ 54. In § 60.5, add two sentences at the end of the paragraph to read as follows:

§ 60.5 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 61—LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

■ 55. The authority citation for part 61 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 53, 57, 62, 63, 65, 81, 161, 181, 182, 183, 223, 234 (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2231, 2232, 2233, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 206, 211 (42 U.S.C. 5841, 5846, 5851); Low-Level Radioactive Waste Policy Amendments Act of 1985, sec. 2 (42 U.S.C. 2021b); 44 U.S.C. 3504 note.

■ 56. In § 61.5, add two sentences at the end of the paragraph to read as follows:

§ 61.5 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 62—CRITERIA AND PROCEDURES FOR EMERGENCY ACCESS TO NON-FEDERAL AND REGIONAL LOW-LEVEL WASTE DISPOSAL FACILITIES

■ 57. The authority citation for part 62 continues to read as follows:

Authority: Atomic Energy Act of 1954, sec. 161 (42 U.S.C. 2201); Energy Reorganization Act of 1974, secs. 201 (42 U.S.C. 5841); Low-Level Radioactive Waste Policy Amendments Act of 1985, secs. 2, 6 (42 U.S.C. 2021b, 2021f); 44 U.S.C. 3504 note.

■ 58. In § 62.4, add two sentences at the end of the paragraph to read as follows:

§ 62.4 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 63—DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN A GEOLOGIC REPOSITORY AT YUCCA MOUNTAIN, NEVADA

■ 59. The authority citation for part 63 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 62, 63, 65, 81, 161, 182, 183, 223, 234 (42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); 42 U.S.C. 2021a; National Environmental Policy Act of 1969 (42 U.S.C. 4332); Nuclear Waste Policy Act of 1982, secs. 114, 117, 121 (42 U.S.C. 10134, 10137, 10141); 44 U.S.C. 3504 note.

■ 60. In § 63.5, add two sentences at the end of the paragraph to read as follows:

§ 63.5 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

■ 61. The authority citation for part 70 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 57(d), 108, 122, 161, 182, 183, 184, 186, 187, 193, 223, 234, 274, 1701 (42 U.S.C. 2071, 2073, 2077(d), 2138, 2152, 2201, 2232, 2233, 2234, 2236, 2237, 2243, 2273, 2282, 2021, 2297f); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, secs. 135, 141 (42 U.S.C. 10155, 10161); 44 U.S.C. 3504 note.

Sections 70.1(c) and 70.20a(b) also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161).

Section 70.21(g) also issued under Atomic Energy Act sec. 122 (42 U.S.C. 2152).

Section 70.31 also issued under Atomic Energy Act sec. 57(d) (42 U.S.C. 2077(d)).

Sections 70.36 and 70.44 also issued under Atomic Energy Act sec. 184 (42 U.S.C. 2234).

Section 70.81 also issued under Atomic Energy Act secs. 186, 187 (42 U.S.C. 2236, 2237).

Section 70.82 also issued under Atomic Energy Act sec. 108 (42 U.S.C. 2138).

■ 62. In § 70.6, add two sentences at the end of the paragraph to read as follows:

§ 70.6 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 71—PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

■ 63. The authority citation for part 71 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 53, 57, 62, 63, 81, 161, 182, 183, 223, 234, 1701 (42 U.S.C. 2073, 2077, 2092, 2093, 2111, 2201, 2232, 2233, 2273, 2282, 2297f); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 180 (42 U.S.C. 10175); 44 U.S.C. 3504 note.

Section 71.97 also issued under Sec. 301, Pub. L. 96–295, 94 Stat. 789 (42 U.S.C. 5841 note).

■ 64. In § 71.2, add two sentences at the end of the paragraph to read as follows:

§ 71.2 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

■ 65. The authority citation for part 72 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 223, 234, 274 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2210e, 2232, 2233, 2234, 2236, 2237, 2238, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act of 1969 (42 U.S.C. 4332); Nuclear Waste Policy Act of 1982, secs. 117(a), 132, 133, 134, 135, 137, 141, 145(g), 148, 218(a) (42 U.S.C. 10137(a), 10152, 10153, 10154, 10155, 10157, 10161, 10165(g), 10168, 10198(a)); 44 U.S.C. 3504 note.

■ 66. In § 72.5, add two sentences at the end of the paragraph to read as follows:

§ 72.5 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

■ 67. The authority citation for part 73 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 53, 147, 149, 161, 161A, 170D, 170E, 170H, 170I, 223, 229, 234, 1701 (42 U.S.C. 2073, 2167, 2169, 2201, 2201a, 2210d, 2210e, 2210h, 2210i, 2273, 2278a, 2282, 2297f); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); Nuclear Waste Policy Act of 1982, secs. 135, 141 (42 U.S.C. 10155, 10161); 44 U.S.C. 3504 note.

Section 73.37(b)(2) also issued under Sec. 301, Public Law 96–295, 94 Stat. 789 (42 U.S.C. 5841 note).

■ 68. In § 73.3, add two sentences at the end of the paragraph to read as follows:

§ 73.3 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits

of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 74—MATERIAL CONTROL AND ACCOUNTING OF SPECIAL NUCLEAR MATERIAL

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

Authority: Atomic Energy Act of 1954, secs. 53, 57, 161, 182, 223, 234, 1701 (42 U.S.C. 2073, 2077, 2201, 2232, 2273, 2282, 2297f); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); 44 U.S.C. 3504 note.

■ 70. In § 74.5, add two sentences at the end of the paragraph to read as follows:

§ 74.5 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 75—SAFEGUARDS ON NUCLEAR MATERIAL—IMPLEMENTATION OF SAFEGUARDS AGREEMENTS BETWEEN THE UNITED STATES AND THE INTERNATIONAL ATOMIC ENERGY AGENCY

■ 71. The authority citation for part 75 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 53, 63, 103, 104, 122, 161, 223, 234, 1701 (42 U.S.C. 2073, 2093, 2133, 2134, 2152, 2201, 2273, 2282, 2297f); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); Nuclear Waste Policy Act of 1982, secs. 135, 141 (42 U.S.C. 10155, 10161); 44 U.S.C. 3504 note.

Section 75.4 also issued under Nuclear Waste Policy Act secs. 135 (42 U.S.C. 10155, 10161).

■ 72. In § 75.5, add two sentences at the end of the paragraph to read as follows:

§ 75.5 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 76—CERTIFICATION OF GASEOUS DIFFUSION PLANTS

■ 73. The authority citation for part 76 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 122, 161, 193(f), 223, 234, 1701 (42 U.S.C. 2152, 2201, 2243(f), 2273, 2282, 2297f); Energy Reorganization Act of 1974, secs. 201, 206, 211 (42 U.S.C. 5841, 5846, 5851); 44 U.S.C. 3504 note.

Section 76.22 is also issued under Atomic Energy Act sec. 193(f) (42 U.S.C. 2243(f)).

Section 76.35(j) also issued under Atomic Energy Act sec. 122 (42 U.S.C. 2152).

■ 74. In § 76.1, add paragraph (c) to read as follows:

§ 76.1 Purpose.

* * * * *

(c) The regulations contained in this part shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this part and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this part accordingly.

PART 81—STANDARD SPECIFICATIONS FOR THE GRANTING OF PATENT LICENSES

■ 75. The authority citation for part 81 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 156, 161 (42 U.S.C. 2186, 2201); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 44 U.S.C. 3504 note.

■ 76. In § 81.4, add two sentences at the end of the paragraph to read as follows:

§ 81.4 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 95—FACILITY SECURITY CLEARANCE AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION AND RESTRICTED DATA

■ 77. The authority citation for part 95 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 145, 161, 223, 234 (42 U.S.C. 2165, 2201, 2273, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 44 U.S.C. 3504 note; E.O. 10865, as amended, 25 FR 1583, 3 CFR, 1959–1963 Comp., p. 398; E.O. 12829, 58 FR 3479, 3 CFR, 1993 Comp., p. 570; E.O. 12968, 60 FR 40245, 3 CFR, 1995 Comp., p. 391; E.O. 13526, 75 FR 707, 3 CFR, 2009 Comp., p. 298.

■ 78. In § 95.7, add two sentences at the end of the paragraph to read as follows:

§ 95.7 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 110—EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

■ 79. The authority citation for part 110 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 51, 53, 54, 57, 62, 63, 64, 65, 81, 82, 103, 104, 109, 111, 121, 122, 123, 124, 126, 127, 128, 129, 133, 134, 161, 170H, 181, 182, 183, 184, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2071, 2073, 2074, 2077, 2092, 2093, 2094, 2095, 2111, 2112, 2133, 2134, 2139, 2141, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2160c, 2160d, 2201, 2210h, 2231, 2232, 2233, 2234, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); Administrative Procedure Act (5 U.S.C. 552, 553); 42 U.S.C. 2139a, 2155a; 44 U.S.C. 3504 note.

Section 110.1(b) also issued under 22 U.S.C. 2403; 22 U.S.C. 2778a; 50 App. U.S.C. 2401 *et seq.*

■ 80. In § 110.3, add two sentences at the end of the paragraph to read as follows:

§ 110.3 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to

provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

■ 81. The authority citation for part 140 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 161, 170, 223, 234 (42 U.S.C. 2201, 2210, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); 44 U.S.C. 3504 note.

■ 82. In § 140.4, add two sentences at the end of the paragraph to read as follows:

§ 140.4 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274

■ 83. The authority citation for part 150 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 53, 81, 83, 84, 122, 161, 181, 223, 234, 274 (42 U.S.C. 2014, 2201, 2231, 2273, 2282, 2021); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); Nuclear Waste Policy Act of 1982, secs. 135, 141 (42 U.S.C. 10155, 10161); 44 U.S.C. 3504 note.

Sections 150.3, 150.15, 150.15a, 150.31, 150.32 also issued under Atomic Energy Act secs. 11e(2), 81, 83, 84 (42 U.S.C. 2014e(2), 2111, 2113, 2114).

Section 150.14 also issued under Atomic Energy Act sec. 53 (42 U.S.C. 2073).

Section 150.15 also issued under Nuclear Waste Policy Act sec. 135 (42 U.S.C. 10155, 10161).

Section 150.17a also issued under Atomic Energy Act sec. 122 (42 U.S.C. 2152).

Section 150.30 also issued under Atomic Energy Act sec. 234 (42 U.S.C. 2282).

■ 84. In § 150.5, add two sentences at the end of the paragraph to read as follows:

§ 150.5 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 160—TRESPASSING ON COMMISSION PROPERTY

■ 85. The authority citation for part 160 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 161, 223, 229, 234 (42 U.S.C. 2201, 2273, 2278a, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841).

■ 86. In § 160.1, add two sentences at the end of the paragraph to read as follows:

§ 160.1 Purpose.

* * * The regulations in this part shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this part and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this part accordingly.

PART 170—FEES FOR FACILITIES, MATERIALS, IMPORT AND EXPORT LICENSES, AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

■ 87. The authority citation for part 170 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 161(w) (42 U.S.C. 2014, 2201(w)); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 42 U.S.C. 2215; 31 U.S.C. 901, 902, 9701; 44 U.S.C. 3504 note.

■ 88. In § 170.4, add two sentences at the end of the paragraph to read as follows:

§ 170.4 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

PART 171—ANNUAL FEES FOR REACTOR LICENSES AND FUEL CYCLE LICENSES AND MATERIAL LICENSES, INCLUDING HOLDERS OF CERTIFICATES OF COMPLIANCE, REGISTRATIONS, AND QUALITY ASSURANCE PROGRAM APPROVALS AND GOVERNMENT AGENCIES LICENSED BY THE NRC

■ 89. The authority citation for part 171 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 161(w), 223, 234 (42 U.S.C. 2014, 2201(w), 2273, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 42 U.S.C. 2215; 44 U.S.C. 3504 note.

■ 90. In § 171.7, add two sentences at the end of the paragraph to read as follows:

§ 171.7 Interpretations.

* * * This section shall cease to have effect on January 8, 2027, unless the NRC determines that the cessation deadline should be extended to a date not more than 5 years in the future after offering the public an opportunity to provide input on the costs and benefits of this section and considering that input. The NRC will publish a document in the **Federal Register** announcing its determination and revising or removing this section accordingly.

Dated: November 13, 2025.

For the Nuclear Regulatory Commission.

Michael King,

Acting Executive Director for Operations.

[FR Doc. 2025–21784 Filed 12–2–25; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–2562; Airspace Docket No. 24–AWP–121]

RIN 2120–AA66

Establishment of Class E Airspace; Buckeye, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Buckeye, AZ. This action

supports new instrument procedures and to support instrument flight rule (IFR) operations.

DATES: Effective 0901 UTC, March 19, 2026. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: A copy of the Notice of Proposed Rulemaking (NPRM), all comments received, this final rule, and all background material may be viewed online at *www.regulations.gov* using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year.

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, 800 Independence Avenue SW, Washington, DC 20591; 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 establishes Class E airspace extending upward from 700 feet above the surface Buckeye Municipal Airport, Buckeye, AZ, to support IFR operations at this airport.

History

The FAA published an NPRM for Docket No. FAA–2024–2562 in the **Federal Register** (89 FR 96619; December 5, 2024) proposing to establish Class E airspace at Buckeye, AZ. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Incorporation by Reference

Class E airspace designations are 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 amends the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These amendments will be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Rule

This amendment to 14 CFR part 71 establishes Class E airspace extending upward from 700 feet above the surface to within a 6.5-mile radius Buckeye Municipal Airport, Buckeye, AZ; and within 1.2 miles each side of the 182° bearing from the airport extending from the 6.5-mile radius of the airport to 7.3-miles south of the airport.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f); 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.

* * * * *

AWP AZ E5 Buckeye, AZ [Establish]

Buckeye Municipal Airport, AZ
(Lat. 33°25′21″ N, long. 112°41′10″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Buckeye Municipal Airport; and within 1.2 miles each side of the 182° bearing from the airport extending from the 6.5-mile radius of the airport to 7.3 miles south of the airport.

* * * * *

Issued in Fort Worth, Texas, on December 1, 2025.

Jerry J. Creecy,

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

[FR Doc. 2025–21812 Filed 12–2–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–2232; Airspace Docket No. 25–ACE–3]

RIN 2120–AA66

Amendment of Class D and Class E Airspace, Establishment of Class E Airspace, and Revocation of Class E; Wichita, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class D and Class E airspace, establishes Class E airspace, and revokes Class E airspace at Wichita, KS. The name of Wichita Dwight D. Eisenhower National Airport, Wichita, KS; the geographic coordinates of Augusta Municipal Airport, Augusta, KS; and the name and geographic coordinates of the McConnell AFB, Wichita, KS, and the Wichita Dwight D. Eisenhower NTL: RWY 01R–LOC are also being updated to coincide with the FAA's aeronautical database. These actions accommodate a U.S. Air Force request to change the McConnell AFB Class D airspace from full-time to part-time and to establish part-time Class E surface airspace, and the associated airspace reviews conducted to accommodate this request. It also brings the airspace into compliance with FAA orders and supports instrument flight rule (IFR) procedures and operations.

DATES: Effective 0901 UTC, March 19, 2026. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FAA Order JO 7400.11K, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/.* You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; 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 amends, establishes, or removes Class D and Class E airspace at the affected airport to support IFR operations.

History

The FAA published an NPRM for Docket No. FAA–2025–2232 in the **Federal Register** (90 FR 38615; August 11, 2025) proposing to amend the Class D and Class E airspace, establish Class E airspace, and revoke Class E airspace at Wichita, KS. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. Three (3) comments were received. The three commenters agreed with each other. The commenters supported the proposed amendment to the northern boundary of the Beech Factory Airport Class D airspace. However, one commenter, with the two other commenters in concurrence, suggested changes to the Beech Factory Airport Class D airspace and McConnell AFB Class D airspace. Specifically, the commenter suggested changes to the proposed eastern, western, and southern boundaries of the Beech Factory Airport Class D airspace. The commenter also recommended removing the one-mile exclusion zone and instead using his proposed boundaries for Beech Factory Airport Class D airspace as the exclusion zone. In addition, the commenter suggested reducing the radius to 4.4 miles for McConnell AFB Class D airspace so that a medical center and elementary school would be outside of the airspace. The commenter believed these facilities should be outside the airspace due to a high number of medevac helicopter flights and a popular hot air balloon launch site located in the vicinity. Lastly, the commenter proposed that the McConnell AFB Class D airspace not include his suggested Beech Class D airspace. The following responses are provided.

The Class D airspace proposed by Mr. Condon—and concurred with by Mr. Rogers and Mr. Pitt—for Beech Factory Airport, Wichita, KS, is not feasible as it does not comply with the airspace requirements for Class D airspace outlined in FAA Order JO 7400.2R, Procedures for Handling Airspace Matters. While Beech Factory Airport air traffic control may not be utilizing the western portion of the current airspace, FAA Order JO 7400.2R requires that airspace to allow for diverse departures. This is the same reason that the proposed western boundary is not feasible. And the proposed southern boundary exceeds that necessary for operations out of Beech Factory Airport. Additionally, the proposed 1-mile cutout increases the operational area around Beech Factory Airport beyond the current airspace allocation.

The current airspace orientation was agreed upon by Beech Factory Airport and Colonel James Jabara Airport when the Beech Factory Airport Class D and E airspace were established in 2019. The Beech Factory Airport air traffic manager and Colonel James Jabara Airport management were given an opportunity to review the proposed airspace. Neither provided any feedback nor requested any changes to the current airspace or the airspace as proposed.

As for the commenters' concerns regarding hot air balloon operations at Andover Central Park and Tanglewood, hot air balloon operations are regulated by 14 CFR part 101, which includes operating in Class D airspace. Those operations are assumed to be currently complying with part 101 without issue so there do not appear to be any issues with current hot air balloon operations, and the airspace changes do not change the part 101 requirements.

As for the commenters' recommendation that the McConnell AFB, Wichita, KS, Class D airspace radius not be increased to 4.6 miles but instead be decreased to 4.4 miles, this increase is required to protect diverse departures and instrument procedures as required by FAA Order JO 7400.2R, so the recommendation cannot be accommodated.

Regarding the commenters' concern that the proposed airspace would infringe on operations from Wesley

Medical Center Heliport, Wichita, KS, the heliport is already within the Beech Factory Airport Class D airspace. These changes will not change the operating procedures for the heliport, and would only possibly change which facility is communicated with. Operations can be further accommodated by a letter of agreement between Wesley Medical Center Heliport, Beech Factory Airport air traffic control, and McConnell AFB in accordance with FAA Order JO 7210.3EE, Facility Operation and Administration, if needed.

Differences From the NPRM

This NPRM had a typographic error in the Beech Factory Airport Class D airspace legal description, ''. . . but excluding 2,700 feet . . .'' should have been ''. . . and including 2,700 feet . . .'' Additionally, the ''Wichita Dwight D. Eisenhower International Airport'' should be the ''Wichita Dwight D. Eisenhower National Airport'' and the ''Wichita Dwight D. Eisenhower Intl: RWY 01R–LOC'' should be the ''Wichita Dwight D. Eisenhower NTL: RWY 01R–LOC'' in the Wichita, KS, Class E airspace extending upward from 700 feet above the surface. As these typographic errors do not change the boundaries of the airspace as they currently exist or as proposed or impose any additional requirements on users of the airspace, the FAA has determined that good cause exists for not recirculating this action for public comment, and the errors are being corrected in this action.

The NPRM described the Wichita Dwight D. Eisenhower National Airport Class E airspace extension as ''That airspace extending upward from the surface within 7.2 miles each side of the 126° bearing from the Wichita VORTAC extending from the airport to 7.8 miles northwest of the airport.'' A clearer legal description has been determined to be, ''That airspace extending upward from the surface within 7.2 miles each side of the 126° bearing from the Wichita VORTAC extending from the Wichita VORTAC 126° bearing at 1.3 miles southeast to the Wichita VORTAC 126° bearing at 9.2 miles.'' This modification of the airspace legal description does not change the airspace as proposed but provides a clearer, less confusing description of the airspace. As this change does not change the boundaries of the proposed airspace or impose any additional requirements on users of the airspace, the FAA has determined that good cause exists for not recirculating this action for public comment, and the change is being corrected in this action.

The NPRM listed the line separating the Beech Factory Airport Class D airspace and Class E surface airspace and the Colonel James Jabara Airport Class E surface airspace as ''. . . from lat 37°43′22″ N, long 097°18′26″ W to lat 37°43′23″ N, long 097°07′49″ W. . .'' A more accurate line has been determined to be ''. . . from lat 37°43′22″ N, long 097°18′21″ W to lat 37°43′23″ N, long 097°07′48″ W.'' As this adjustment does not change the boundaries of the airspace as proposed or impose any additional requirements on users of the airspace, the FAA has determined that good cause exists for not recirculating this action for public comment, and the change is being corrected in this action.

Incorporation by Reference

Class D and E airspace designations are published in paragraphs 5000 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 amends the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025 and effective September 15, 2025. These amendments will be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Rule

This action amends 14 CFR part 71 by modifying the Class D and E airspace in the Wichita, Kansas area as the result of a U.S. Air Force request to change the McConnell AFB, Wichita, KS, Class D airspace from full-time to part-time and to establish part-time Class E surface airspace and the associated airspace reviews affected by the request.

For the Beech Factory Airport, Wichita, KS, Class D airspace, this action: (1) expands the radius from 4.2 miles to 4.4 miles; (2) removes the name of the airport from the airspace legal description header to comply with changes to FAA Order JO 7400.2R, Procedures for Handling Airspace Matters; (3) removes the city associated with the airport in the airspace legal description to comply with changes to FAA Order JO 7400.2R; (4) adds an exclusion for the McConnell AFB, Wichita, KS, Class E surface area; and (5) changes the coordinates of the boundary line from ''lat. 37°43′07″ N, long. 97°17′51″ W to lat. 37°43′47″ N, long. 97°08′21″ W'' to ''lat 37°43′22″ N, long 097°18′21″ W to lat 37°43′23″ N, long 097°07′48″ W'' to account for the expansion of the Class D airspace and Class E surface airspace at Beech Factory Airport and Colonel James Jabara Airport, Wichita, KS.

For the McConnell AFB Class D airspace, this action: (1) expands the radius from 4.5 miles to 4.6 miles; (2) removes the name of the airport from the airspace legal description header to comply with changes to FAA Order JO 7400.2R; (3) removes the city associated with the airport from the airspace legal description to comply with changes to FAA Order JO 7400.2R; (4) adds an exclusion area within a 1-mile radius of the Beech Factory Airport; (5) updates the name of the Wichita Mid-Continent Airport, KS, Class C area to Wichita, KS, Class C area to coincide with a change to the airspace legal description; and (6) adds part-time language to the airspace legal description.

For the Beech Factory Airport Class E surface airspace, this action: (1) increases the radius from 4.2 miles to 4.4 miles; (2) removes the name of the airport from the airspace legal description header to comply with changes to FAA Order JO 7400.2R; (3) removes the city associated with the airport in the airspace legal description to comply with changes to FAA Order JO 7400.2R; (4) adds an exclusion for the McConnell AFB Class E surface area; and (5) changes the coordinates of the boundary line from ''lat. 37°43′07″ N, long. 97°17′51″ W to lat. 37°43′47″ N, long. 97°08′21″ W'' to ''lat 37°43′22″ N, long 097°18′21″ W to lat 37°43′23″ N, long 097°07′48″ W'' to account for the expansion of the Class D airspace and Class E surface airspace at Beech Factory Airport and Colonel James Jabara Airport.

For the Colonel James Jabara Airport Class E surface airspace, this action: (1) increases the radius from 4 miles to 4.3 miles; (2) removes the name of the airport from the airspace legal description header to comply with changes to FAA Order JO 7400.2R; (3) removes the city associated with the airport from the airspace legal description to comply with changes to FAA Order JO 7400.2R; (4) adds an exclusion area south of a line from lat 37°43′22″ N, long 097°18′21″ W to lat 37°43′23″ N, long 097°07′48″ W; and (5) removes the exclusion to the McConnell AFB Class D airspace as it is no longer required.

This action establishes a part-time Class E surface area at McConnell AFB within a 4.6-mile radius of the airport excluding that airspace within a 1-mile radius of Beech Factory Airport and within the Wichita, KS, Class C airspace area.

This action establishes a Class E airspace area designated as an extension to Class C airspace at Wichita Dwight D.

Eisenhower National Airport, Wichita, KS, within 7.2 miles each side of the 126° bearing from the Wichita VORTAC extending from the Wichita VORTAC 126° bearing at 1.3 miles southeast to the Wichita VORTAC 126° bearing at 9.2 miles.

This action removes the Class E airspace area designated as an extension to a Class D surface area at McConnell AFB as it is no longer required.

For the Wichita, KS, Class E airspace extending upward from 700 feet above the surface, this action: (1) increases the radius from 7.2 miles to 7.9 miles at Wichita Dwight D. Eisenhower National Airport; (2) modifies the extension to within 1.1 miles (reduced from 4 miles west east) each side of the 126°/306° bearings of the Wichita VORTAC (previously the Mid-Continent Airport ILS localizer course to runway 1L) extending from the 7.9-mile radius (previously airport) of the Wichita Dwight D. Eisenhower National Airport to 9.5 miles (reduced from 13 miles) northwest (previously south) of the Wichita Dwight D. Eisenhower National Airport (previously airport to 7.4 miles north of the airport); (3) adds an extension within 4 miles each side of the 200° bearing from the Wichita Dwight D. Eisenhower NTL: RWY 01R–LOC extending from the 7.9-mile radius of Wichita Dwight D. Eisenhower National Airport to 12.3 miles south of Wichita Dwight D. Eisenhower National Airport; (4) updates the name and geographic coordinates of the Wichita Dwight D. Eisenhower NTL: RWY 01R–LOC (previously Wichita Mid-Continent Localizer Runway 1L) and McConnell AFB (previously McConnell Air Force Base) to coincide with the FAA's aeronautical database; (5) updates the name of Wichita Dwight D. Eisenhower National Airport (previously Wichita Mid-Continent Airport) to coincide with the FAA's aeronautical database; (6) increases the radius from 7 miles to 7.1 miles at McConnell AFB; (7) removes the Wichita McConnell Air Force Base, KS, listing associated with the localizer and the associated extension south of the McConnell AFB from the airspace legal description as they are no longer required; (8) removes the cities associated with McConnell AFB and Colonel James Jabara Airport to comply with changes to FAA Order JO 7400.2R; (9) increases the radius from 6.4 miles to 6.8 miles at Augusta Municipal Airport; (10) updates the geographic coordinates of Augusta Municipal Airport to coincide with the FAA's aeronautical database; (11) increases the radius from 6.5 miles to 6.8 miles of Colonel James Jabara Airport; (12) removes the AUBRA Waypoint and the associated extension from the airspace legal description as they are no longer required; and (13) removes the name of Wichita Mid-Continent Airport from the airspace legal description header to comply with changes to FAA Order JO 7400.2R.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1G, ''FAA National Environmental Policy Act Implementing Procedures.'' This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ACE KS D Wichita, KS [Amended]

Beech Factory Airport, KS
(Lat 37°41′38″ N, long 097°12′54″ W)

That airspace extending upward from the surface to and including 2,700 feet MSL within a 4.4-mile radius of Beech Factory Airport excluding that airspace within the McConnell AFB, KS, Class D airspace area and Class E surface area and excluding that portion north of a line from lat 37°43′22″ N, long 097°18′21″ W to lat 37°43′23″ N, long 097°07′48″ W. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

ACE KS D Wichita, KS [Amended]

McConnell AFB, KS
(Lat 37°37′23″ N, long 097°16′03″ W)
Beech Factory Airport, KS
(Lat 37°41′38″ N, long 097°12′54″ W)

That airspace extending upward from the surface to and including 3,900 feet MSL within a 4.6-mile radius of McConnell AFB excluding that airspace within a 1-mile radius of Beech Factory Airport and excluding that portion within the Wichita, KS, Class C airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a 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.

* * * * *

ACE KS E2 Wichita, KS [Amended]

Beech Factory Airport, KS
(Lat 37°41′38″ N, long 097°12′54″ W)

That airspace extending upward from the surface within a 4.4-mile radius of Beech Factory Airport excluding that airspace within the McConnell AFB, KS, Class D airspace and Class E surface airspace areas and excluding that portion north of a line from lat 37°43′22″ N, long 097°18′21″ W to lat 37°43′23″ N, long 097°07′48″ W. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

ACE KS E2 Wichita, KS [Amended]

Colonel James Jabara Airport, KS
(Lat 37°44′51″ N, long 097°13′16″ W)

That airspace extending upward from the surface within a 4.3-mile radius of Colonel James Jabara Airport excluding that airspace south of the line from lat 37°43′22″ N, long 097°18′21″ W to lat 37°43′23″ N, long 097°07′48″ W and excluding that portion within the Wichita, KS, Class C airspace area.

ACE KS E2 Wichita, KS [Establish]

McConnell AFB, KS
(Lat 37°37′23″ N, long 097°16′03″ W)
Beech Factory Airport, KS
(Lat 37°41′38″ N, long 097°12′54″ W)

That airspace extending upward from the surface within a 4.6-mile radius of McConnell AFB excluding that airspace within a 1-mile radius of Beech Factory Airport and excluding that portion within the Wichita, KS, Class C airspace area. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

* * * * *

6003 Class E Airspace Areas Designated as an Extension.

* * * * *

ACE KS E3 Wichita, KS [Establish]

Wichita Dwight D. Eisenhower National Airport, KS
(Lat 37°39′00″ N, long 097°25′59″ W)
Wichita VORTAC
(Lat 37°44′43″ N, long 097°35′02″ W)

That airspace extending upward from the surface within 7.2 miles each side of the 126° bearing from the Wichita VORTAC extending from the Wichita VORTAC 126° bearing at 1.3 miles southeast to the Wichita VORTAC 126° bearing at 9.2 miles.

* * * * *

6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

ACE KS E4 Wichita, McConnell AFB, KS [Remove]

* * * * *

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

* * * * *

ACE KS E5 Wichita, KS [Amended]

Wichita Dwight D. Eisenhower National Airport, KS
(Lat 37°39′00″ N, long 097°25′59″ W)
Wichita VORTAC
(Lat 37°44′43″ N, long 097°35′02″ W)
Wichita Dwight D. Eisenhower NTL: RWY 01R–LOC
(Lat 37°39′52″ N, long 097°24′59″ W)
McConnell AFB, KS
(Lat 37°37′23″ N, long 097°16′03″ W)
Augusta Municipal Airport, KS
(Lat 37°40′11″ N, long. 097°04′41″ W)
Colonel James Jabara Airport, KS
(Lat 37°44′51″ N, long. 097°13′16″ W)

The airspace extending upward from 700 feet above the surface within a 7.9-mile radius of Wichita Dwight D. Eisenhower National Airport; and within 1.1 miles each side of the 126°/306° bearings from the Wichita VORTAC extending from the 7.9-mile radius of Wichita Dwight D. Eisenhower National Airport to 9.5 miles northwest of the Wichita Dwight D. Eisenhower National Airport; and within 4 miles each side of the 200° bearing from the Wichita Dwight D. Eisenhower NTL: RWY 01R–LOC extending from the 7.9-mile radius of Wichita Dwight D. Eisenhower National Airport to 12.3 miles south of Wichita Dwight D. Eisenhower National Airport; and within a 7.1-mile radius of McConnell AFB; and within a 6.8-mile radius of the Augusta Municipal Airport; and within a 6.8-mile radius of the Colonel James Jabara Airport.

* * * * *

Issued in Fort Worth, Texas, on December 1, 2025.

Jerry J. Creecy,

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

[FR Doc. 2025–21803 Filed 12–2–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–2245; Airspace Docket No. 25–ASW–8]

RIN 2120–AA66

Amendment of Class D and Class E Airspace; Burns Flat, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class D and Class E airspace at Burns Flat, OK, and updates the name of the Clinton/Sherman Airport, Burns Flat, OK, to coincide with the FAA's aeronautical database. This action is the result of an airspace review conducted due to the decommissioning of the Burns Flat localizer outer marker (LOM) and outer marker (OM). It also brings the airspace into compliance with FAA orders and supports instrument flight rule (IFR) procedures and operations.

DATES: Effective 0901 UTC, March 19, 2026. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FAA Order JO 7400.11K, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/.* You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; 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 amends the Class D and Class E airspace at the affected airport to support IFR operations.

History

The FAA published an NPRM for Docket No. FAA–2025–2245 in the **Federal Register** (90 FR 38421; August 8, 2025) proposing to amend the Class D and Class E airspace at Burns Flat, OK. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Incorporation by Reference

Class D and E airspace designations are published in paragraphs 5000 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 amends the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These amendments will be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly

available as listed in the **ADDRESSES** section of this document.

The Rule

This action amends 14 CFR part 71 by modifying the Class D and E airspace at Burns Flat, Oklahoma due to an airspace review conducted as part of the decommissioning of the Burns Flat LOM and OM.

For the Clinton/Sherman Airport, Burns Flat, OK, Class D airspace, this action: (1) increases the radius from 4.7 miles to 5.2 miles from the airport; (2) reduces the vertical limit of the airspace from 4,500 feet MSL to 4,400 feet MSL to comply with FAA Order JO 7400.2R, Procedures for Handling Airspace Matters; and (3) updates the name of the airport from Clinton-Sherman Airport to Clinton/Sherman Airport to coincide with the FAA's aeronautical database;

For the Clinton/Sherman Airport Class E airspace extending upward from 700 ft above the surface, this action: (1) increases the radius from 7.2 miles to 7.7 miles from the airport; and (2) updates the name of the airport to from Clinton-Sherman Airport to Clinton/Sherman Airport to coincide with the FAA's aeronautical database.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1G, ''FAA National Environmental Policy Act Implementing Procedures.'' This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ASW OK D Burns Flat, OK [Amended]

Clinton/Sherman Airport, OK
(Lat 35°20′23″ N, long 099°12′02″ W)

That airspace extending upward from the surface to and including 4,400 feet MSL within a 5.2-mile radius of Clinton/Sherman Airport. This Class D airspace area is effective during the specific dates and times established in advance by a 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.

* * * * *

ASW OK E5 Burns Flat, OK [Amended]

Clinton/Sherman Airport, OK
(Lat 35°20′23″ N, long 099°12′02″ W)

That airspace extending upward from 700 feet above the surface within a 7.7-mile radius of Clinton/Sherman Airport.

* * * * *

Issued in Fort Worth, Texas, on December 1, 2025.

Jerry J. Creecy,

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

[FR Doc. 2025–21804 Filed 12–2–25; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–2255; Airspace Docket No. 25–ASW–9]

RIN 2120–AA66

Amendment of Class E Airspace; George West, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace at George West, TX. This action is 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. It also brings the airspace into compliance with FAA orders and supports instrument flight rule (IFR) procedures and operations.

DATES: Effective 0901 UTC, March 19, 2026. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FAA Order JO 7400.11K, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/*. You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; 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 amends the Class E airspace at the affected airport to support IFR operations.

History

The FAA published an NPRM for Docket No. FAA–2025–2255 in the **Federal Register** (90 FR 38618; August 11, 2025) proposing to amend the Class E airspace at George West, TX. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One (1) comment was received. The following response is provided.

The comment supported the proposed action and suggested that the FAA should evaluate whether the change would increase air traffic or noise to the surrounding area before finalizing.

Class E airspace extending upward from 700 feet above the surface primary serves to transition aircraft from the terminal to enroute environment and protect the instrument procedures at the airport for which the airspace is designated. Air traffic counts are not part of the evaluation process for this type of airspace. This action is not being taken to accommodate increased air traffic operations but to contain the instrument procedures.

Noise screening is part of the environmental review process all airspace actions must complete.

Incorporation by Reference

Class E airspace designations are 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 amends the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These amendments will be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Rule

This action amends 14 CFR part 71 by modifying the Class E airspace at George West, 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 Live Oak County Airport, George West, TX, Class E airspace extending upward from 700 ft above the surface, this action: (1) increases the radius from 6.4 miles to 7.7 miles of the airport; (2) removes the Three Rivers VORTAC and the associated extension from the airspace legal description; and (3) removes the city associated with the airport from the airspace legal description to comply with changes to FAA Order JO 7400.2R, Procedures for Handling Airspace Matters.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1G, ''FAA National Environmental Policy Act Implementing Procedures,'' Paragraph B–2.5(a). This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

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

* * * * *

ASW TX E5 George West, TX [Amended]

Live Oak County Airport, TX
(Lat. 28°21′46″ N, long. 098°06′59″ W)

That airspace extending upward from 700 feet above the surface within a 7.7-mile radius of Live Oak County Airport.

* * * * *

Issued in Fort Worth, Texas, on December 1, 2025.

Jerry J. Creecy,

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

[FR Doc. 2025–21810 Filed 12–2–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–2304; Airspace Docket No. 25–ASW–10]

RIN 2120–AA66

Revocation of Class E Airspace; Oakwood, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes the Class E airspace at Oakwood, TX. This action is due to the cancellation of the instrument procedures at Carter Ranch Airport, Oakwood, TX.

DATES: Effective 0901 UTC, January 22, 2026. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FAA Order JO 7400.11K, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/*. You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; 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 revokes the Class E airspace at the affected airport as it is no longer justified as a result of the cancellation of instrument flight procedures at the airport.

History

The FAA published an NPRM for Docket No. FAA–2025–2304 in the **Federal Register** (90 FR 40539; August 20, 2025) proposing to revoke the Class E airspace at Oakwood, TX. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. Three (3) comments were received. Two (2) comments support the action, and one (1) comment is substantively unrelated to the action proposed. No responses are provided.

Incorporation by Reference

Class E airspace designations are 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 amends the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These amendments will be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Rule

This action amends 14 CFR part 71 by removing the Class E airspace extending upward from 700 ft above the surface at Carter Ranch Airport, Oakwood, Texas, due to the instrument procedures being cancelled and the controlled airspace no longer being justified.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1G, ''FAA National Environmental Policy Act Implementing Procedures,'' Paragraph B–2.5(a). This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

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

* * * * *

ASW TX E5 Oakwood, TX [Remove]

* * * * *

Issued in Fort Worth, Texas, on December 1, 2025.

Jerry J. Creecy,

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

[FR Doc. 2025–21811 Filed 12–2–25; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 10 and 11

RIN 3038–AF44

Amendments to CFTC Rules of Practice and Rules Relating to Investigations

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission (''CFTC'' or ''Commission'') is amending its Rules of Practice and its Rules Relating to Investigations. The revised Rules of Practice enhance the transparency of the Commission's enforcement proceedings, specifying that the Commission can accept an offer of settlement by order of the Commission and establishing requirements for the form and content of recommendation memos provided by the Division of Enforcement to the Commission when recommending an offer of settlement. The revised Rules

Relating to Investigations revise the applicable procedures when the Division of Enforcement notifies persons who may be named in an enforcement action, including that the notification or confirmation of the notice be in writing.

DATES: This rule is effective on December 3, 2025.

FOR FURTHER INFORMATION CONTACT: James G. Wheaton, Special Counsel to the Director of Enforcement, Division of Enforcement, at (646) 746–9752 or *jwheaton@cftc.gov,* Commodity Futures Trading Commission, 290 Broadway 6th Floor, New York, NY 10007.

SUPPLEMENTARY INFORMATION: The Commodity Futures Trading Commission is amending its rules of practice and its rules relating to investigations. The Commission is authorized to promulgate this rule under section 2(a)(12) of the Commodity Exchange Act (''the Act'').[1]

The revisions fall into five categories: (1) revisions in part 10 to clarify the definition of adjudicatory proceedings to include an order by the Commission instituting proceedings pursuant to the Act, making findings, and imposing remedial sanctions; (2) revisions to part 10 removing references to regulations that are no longer effective or to communications by facsimile machine; (3) revisions to part 10 to clarify that the Commission can accept an offer of settlement by an order; (4) revisions to part 10 establishing certain requirements for the form of the recommendation memorandum that the Division of Enforcement (''Division'') provides to the Commission when recommending that the Commission accept an offer of settlement; and (5) revisions to appendix A to part 11 detailing the procedures to be used when the Division chooses to inform persons who may be named in a proposed enforcement proceeding of the nature of the allegations pertaining to them as well as the procedure to be followed by such persons in submitting a written response to the Division.

I. Revisions to Part 10 Rules of Practice

The Commission is revising part 10, Rules of Practice, in four ways.

First, the Commission is revising the definition of adjudicatory proceedings in § 10.2(b) to clarify that adjudicatory proceedings under the Rules of Practice include the issuance of an order by the Commission instituting proceedings pursuant to the Act, making findings, and imposing remedial sanctions.

Second, the Commission is revising § 10.1(i) to remove a reference to no longer effective provisions of part 13 of the Commission's regulations.

Third, the Commission is removing references to communications by fax from §§ 10.4 and 10.12.

Fourth, the Commission is revising § 10.108(d) to clarify that in lieu of adjudicatory proceedings under subpart B of part 10, the Commission may accept an offer of settlement by order instituting proceedings pursuant to the Act, and making findings and imposing remedial sanctions, and that the Commission can determine to accept an offer of settlement in lieu of an adjudicatory proceeding either by Commission meeting or by the Commission's seriatim process. To ensure that the Commission has the information necessary to evaluate a matter, the revisions require the Division to include certain information with its recommendation that the Commission accept an offer of settlement. In particular, the revisions require the Division must provide an objective memorandum that adheres to the applicable rules of professional conduct, provides a comprehensive explanation of the factual and legal foundation for the recommendation, and distinguishes unfavorable facts or legal precedents. In addition, to ensure a complete and accurate administrative record, the Division's recommendation memorandum must be supported by citations to evidence in the investigative record or to stipulations by the parties, and legal arguments must be supported by points and authorities.

II. Revisions to Part 11 Rules Relating to Investigation

Appendix A to Part 11—Informal Procedure Relating to the Recommendation of Enforcement Proceedings

The Commission is making several revisions to this procedure, which applies to when the Division, in its discretion, chooses to inform persons who may be named in a proposed enforcement proceeding of the nature of the allegations pertaining to them. While the Division can decide whether it will provide such notice, the revised procedure details the requirements for such notice if given. Under the revised appendix A, the notice should be provided in writing when possible, and, if given orally, is to be followed by written confirmation. The revisions promote transparency to entities or individuals who may be named in a proposed enforcement proceeding by requiring that the written notice or confirmation of oral notice identifies the specific charges that the Division has made preliminary determinations to recommend to the Commission. The revisions also state that the Division may provide information regarding the facts and circumstances that form the basis for the recommendation by referring to specific evidence. Establishing that the Division can choose to disclose specific evidence learned during the investigation promotes transparency and enhances the Division's ability to have productive dialogues with the entity or individual who may be named.

While the Division still maintains the discretion to advise entities or individuals who may be named that they may submit a written statement prior to consideration of a staff recommendation, the revised appendix A modifies the procedures surrounding such a response. The revised appendix A provides that a potential respondent shall have at least 30 days to submit a response, rather than having to submit within 14 days as required by the prior version of appendix A. The amended procedures only permit the Division to require a submission be made in a shorter period if there is both good cause and the approval of specified senior attorneys, a change from the prior version which did not explicitly require good cause. This revision is designed to ensure that respondents have adequate time to respond. The revised appendix A also states that a person submitting a written statement may request that the statement be provided to the Commission ''promptly,'' a requirement that may expedite consideration of the matter in some cases and, when used, may inform the Commission about the pending matter at an earlier stage than the previous Appendix A, which contemplated providing respondent responses to the Commission when the Division made its recommendation to the Commission rather than when the response was initially received. Finally, the Revision states that all written statements will be forwarded to the Commission, a change from the previous version which only required that written submissions be forwarded to the Commission upon request of the submitter. This provision helps to ensure that the Commission has an accurate and complete record on which to base decisions if the Division ultimately does recommend the commencement of an enforcement action.

[1] Section 2a(11), 7 U.S.C. 2a(12), authorizes the Commission to promulgate such rules and regulations as it deems necessary to govern the operating procedures and conduct of the business of the Commission.

III. Related Matters

A. Notice Requirement

The Administrative Procedure Act (''APA'') [2] requires federal agencies to publish a notice of proposed rulemaking and provide an opportunity for public comment before issuing a new rule. Rules are exempt from notice and comment if they are interpretive rules, general statements of policy, or rules of agency organization, procedure, or practice.[3] The Commission has determined that this exception applies. These amendments apply to agency procedure and practice, as they pertain to the procedures by which the Commission settles adjudicatory proceedings, the Division of Enforcement makes settlement recommendations to the Commission, and the Division of Enforcement, in its discretion, makes persons aware of potential allegations against them. Furthermore, an agency may also issue a new rule without a pre-publication public comment period when it for ''good cause'' finds that prior notice and comment is ''impracticable, unnecessary, or contrary to the public interest.'' [4] If made effective immediately, these amendments to parts 10 and 11 will promote efficiency and facilitate the Commission's core mission without imposing any new burden on market participants or the public.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act [5] requires the Commission to consider whether the regulations it adopts will have a significant economic impact on a substantial number of small entities. The Commission is obligated to conduct a regulatory flexibility analysis for any rule for which the agency publishes a general notice of proposed rulemaking pursuant to section 553(b) of the Administrative Procedure Act or any other law.[6] This rulemaking is excepted from the public rulemaking provisions of the Administrative Procedure Act.[7] Accordingly, the Commission is not required to conduct a regulatory flexibility analysis for this rulemaking.

C. Paperwork Reduction Act

The Paperwork Reduction Act (''PRA'') [8] imposes certain requirements on federal agencies in connection with their conducting or sponsoring any collection of information. This proposed rule does not contain any new collection of information requirements within the meaning of the PRA. Accordingly, the requirements imposed by the PRA are not applicable to this rule.

D. Cost-Benefit Considerations

Section 15(a) of the CEA [9] requires the Commission to consider the costs and benefits of its actions before promulgating a regulation under the CEA or issuing certain orders. Section 15(a) further specifies that the costs and benefits shall be evaluated considering five broad areas of market and public concern: (1) Protection of market participants and the public; (2) efficiency, competitiveness, and financial integrity of the futures markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations. The Commission considers the costs and benefits resulting from its discretionary determinations with respect to the section 15(a) factors.

The Commission may, in its discretion, give greater weight to any of the five enumerated areas of concern, and may, in its discretion, determine that, notwithstanding its costs, a particular rule is necessary or appropriate to protect the public interest, or to effectuate any of the provisions, or to accomplish any of the purposes, of the CEA. The Commission considers the costs and benefits resulting from its discretionary determinations with respect to the section 15(a) factors.

The Commission identifies and considers the benefits and costs of the final rule relative to the baseline of those generated by the current statutory and regulatory framework applicable to the issues addressed by this final rule, *i.e.,* the current status quo. The baseline is the current rules of practice in part 10 with regards to adjudicatory proceedings and appendix A to part 11 detailing the procedures to be used when the Division chooses to inform entities or individuals who may be named in a proposed enforcement proceeding and the procedures surrounding the submission of a response prior to consideration of a staff recommendation.

As discussed above, the Commission is revising part 10 to: (1) clarify the definition of adjudicatory proceedings to include in that definition an order by the Commission instituting proceedings pursuant to the Act, making findings, and imposing remedial sanctions; (2) remove references to regulations that are no longer effective or to communications by facsimile machine; (3) clarify that the Commission can accept an offer of settlement by an order; (4) establish certain requirements for the form of the recommendation memorandum that the Division provides to the Commission when recommending that the Commission accept an offer of settlement. In addition, the Commission is revising appendix A to part 11 detailing the procedures to be used when the Division chooses to inform persons who may be named in a proposed enforcement proceeding of the nature of the allegations pertaining to them as well as the procedure to be followed by such persons in submitting a written response to the Division.

The proposed amendments to parts 10 and 11 relate solely to agency organization, procedure and practice. The clarification of § 10.2(b) should reduce any burdens on market participants caused by any confusion interpreting the current definition. The amendment to § 10.108 is procedural regarding internal Commission procedures and does not impose any new burdens on outside entities. The amendment to the part 11 appendix reduces burdens by providing more time for potential respondents to submit responses, and by providing more clarity regarding potential charges and evidence. Taken collectively, these amendments will have no cost to the market or the public, and there is only a *de minimis* cost for Commission staff to provide documents already within the Division of Enforcement's control or produce a recommendation memorandum in a particular format. The Commission has considered the costs and benefits of this amendment and has concluded that, with regard to the public interest consideration, the rule is fully consistent with the public interest and with the requirements and prohibitions of the Commodity Exchange Act.

E. Antitrust Considerations

Section 15(b) of the CEA requires the Commission to take into consideration the public interest to be protected by the antitrust laws and endeavor to take the least anticompetitive means of achieving the objectives of the CEA in issuing any order or adopting any Commission rule or regulation.[10] The Commission does not anticipate that the proposed amendments to parts 10 and 11 will result in anticompetitive behavior because the Commission would simply be updating certain internal procedures and in some cases

[2] 5 U.S.C. 553 *et seq.*
[3] 5 U.S.C. 553(b)(3)(A).
[4] 5 U.S.C. 553(b)(3)(B).
[5] 5 U.S.C. 601 *et seq.*
[6] 5 U.S.C. 601(2).
[7] *See* supra notes 3 and 4.
[8] 5 U.S.C. 3501 *et seq.*
[9] 7 U.S.C. 19(a).
[10] 7 U.S.C. 19(b).

providing potential respondents to enforcement action with additional clarity (and potentially additional time) to respond to a request from the Division of Enforcement. Accordingly, the Commission has determined that the amendments are not anticompetitive and have no anticompetitive effects. Because the Commission has made this determination, the Commission has not identified any less anticompetitive means of achieving the purposes of the CEA.

List of Subjects

17 CFR Part 10

Administrative practice and procedure, Commodity futures.

17 CFR Part 11

Administrative practice and procedure, Commodity futures, Investigations, Rules relating to investigations.

For the reasons set forth in the preamble, and pursuant to the authority contained in sections 2a and 8a of the Commodity Exchange Act, 7 U.S.C. 2(a) and 8a, the Commodity Futures Trading Commission amends 17 CFR chapter I as follows:

PART 10—RULES OF PRACTICE

■ 1. The authority citation for part 10 continues to read as follows:

Authority: Pub. L. 93–463, sec. 101(a)(11), 88 Stat. 1391; 7 U.S.C. 2(a)(12).

■ 2. In § 10.1, revise paragraph (i) to read as follows:

§ 10.1 Scope and applicability of rules of practice.

* * * * *

(i) Public rulemaking, except as specifically made applicable by the Rules Relating to Public Rulemaking Procedures.

* * * * *

■ 3. In § 10.2, revise paragraph (b) to read as follows:

§ 10.2 Definitions.

* * * * *

(b) *Adjudicatory proceeding* means a judicial-type proceeding leading to the formulation of a final order, including an order by the Commission instituting proceedings pursuant to the Act, making findings, and imposing remedial sanctions;

* * * * *

■ 4. Revise § 10.4 to read as follows:

§ 10.4 Business address; hours.

The Office of Proceedings is located at the Commission's Washington, DC headquarters. Emails must be sent to *PROC__filings@cftc.gov.* The office is open from 8:15 a.m. to 4:45 p.m., Eastern Time, Monday through Friday, except on federal holidays.

■ 5. In § 10.12, revise paragraph (d)(1) to read as follows:

§ 10.12 Service and filing of documents; form and execution.

* * * * *

(d) * * *

(1) All documents which are required to be served upon a party shall be filed concurrently with the Proceedings Clerk. A document shall be filed by delivering it in person or by first-class mail or a more expeditious form of United States mail or by overnight or similar commercial delivery service to Proceedings Clerk, Office of Proceedings at the Commission's Washington, DC headquarters; or emailing it to *PROC__Filings@cftc.gov* in accordance with the conditions set forth in paragraph (a)(2) of this section.

* * * * *

■ 6. In § 10.108, revise paragraph (d) to read as follows:

§ 10.108 Settlements.

* * * * *

(d) *Acceptance of offer by the Commission.* The Commission will accept an offer of settlement only by issuing its opinion and order based on the offer. Upon issuance of the opinion and order, the proceeding shall be terminated as to the respondent involved and so noted on the docket by the Proceedings Clerk. In lieu of the procedure to institute adjudicatory proceedings set forth in subpart B of this part, the Commission may determine to accept an offer of settlement by order instituting proceedings pursuant to the Act, making findings, and imposing remedial sanctions, whether by Commission meeting or by disposition of business by seriatim Commission consideration as set forth in § 140.12 of this chapter. The Division's recommendation to accept an offer of settlement shall be set forth in an objective memorandum to the Commission that adheres to the applicable rules of professional conduct and provides a comprehensive explanation of the recommendation's factual and legal foundation and distinguishes unfavorable facts or legal precedent. To ensure an accurate and complete administrative record, the statement of facts must be supported by citations to evidence in the investigative record or stipulations by the parties, and the legal argument must be supported by points and authorities.

* * * * *

PART 11—RULES RELATING TO INVESTIGATIONS

■ 7. The authority citation for part 11 continues to read as follows:

Authority: 7 U.S.C. 4a(j), 9, 12, 12a(5) and 15.

■ 8. Revise appendix A to part 11 to read as follows:

Appendix A to Part 11—Informal Procedure Relating to the Recommendation of Enforcement Proceedings

The Division of Enforcement (''Division''), in its discretion, may inform persons who may be named in a proposed enforcement proceeding of the nature of the allegations pertaining to them. Such notice should be in writing when possible, and if given orally, it should be followed promptly by a written confirmation. The written notice or written confirmation of an oral notice should identify the specific charges the Division has made a preliminary determination to recommend to the Commission. The Division may also refer to specific evidence regarding the facts and circumstances that form the basis for the Division's recommendation. The Division, in its discretion, may advise such persons that they may submit a written statement prior to the consideration by the Commission of any staff recommendation for the commencement of such proceeding. Unless for good cause, and otherwise provided for by either the Director or a Deputy Director of the Division, such written statements shall have at least 30 days for submission after persons are informed by the Division of Enforcement of the nature of the proposed allegations pertaining to them and shall be no more than 20 pages, double spaced on 8½ by 11 inch paper, setting forth their views of factual, legal or policy matters relevant to the commencement of an enforcement proceeding. Any statement of fact included in the submission must be sworn to by a person with personal knowledge of such fact. Statements shall be forwarded to the Director, Division of Enforcement, at the Commission's Washington, DC headquarters, with copies to the staff conducting the investigation, shall clearly identify the specific investigation, and, if desired, may request that the statement be forwarded to the Commission promptly. Similarly, persons who become involved in an investigation, and submit a written statement on their initiative, should follow the relevant procedures described in this appendix. In the event the Division recommends the commencement of an enforcement proceeding to the Commission, the Division shall forward any such written statement to the Commission promptly. The Commission may, in its discretion, consider all, any portion or none of the submission when it considers the staff recommendation to commence an enforcement proceeding.

Issued in Washington, DC, on December 1, 2025, by the Commission.

Christopher Kirkpatrick,

Secretary of the Commission.

Note: The following appendix will not appear in the Code of Federal Regulations.

Appendix to Amendments to CFTC Rules of Practice and Rules Relating to Investigations—Commission Voting Summary

On this matter, Acting Chairman Pham voted in the affirmative. No Commissioner voted in the negative.

[FR Doc. 2025–21888 Filed 12–2–25; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 630

[Docket No. FHWA–2025–0011]

RIN 2125–AG18

Rescinding Requirements Regarding Bridges on Federal Dams

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

ACTION: Final rule.

SUMMARY: FHWA is rescinding the unnecessary regulations on Bridges on Federal Dams, which were issued on October 10, 1974, because they are duplicative of other existing legal requirements.

DATES: This final rule is effective January 2, 2026.

FOR FURTHER INFORMATION CONTACT: Ms. Samantha Pratt, Office of Infrastructure, (737) 389–1048, *samantha.pratt@dot.gov,* Federal Highway Administration, 300 East 8th Street, Room 826, Austin, TX 78701; or Mr. Michael Harkins, Office of the Chief Counsel, (202) 366–1523, *Michael.Harkins@dot.gov,* Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30 p.m., E.T., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

This document, as well as the notice of proposed rulemaking (NPRM), and all comments received may be viewed online through the Federal eRulemaking portal at *www.regulations.gov.* The website is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded by accessing the Office of the Federal Register's website at: *www.federalregister.gov* and the U.S. Government Publishing Office's website at: *www.GovInfo.gov.*

Background

Under section 320(a) of title 23 of the United State Code (U.S.C.), State departments of transportation (State DOT), jointly with the Secretary of Transportation, may determine and certify to a Federal Agency with jurisdiction over and custody of a dam constructed or to be constructed and owned by or for the United States, that a public highway bridge upon and across such dam is economically desirable and needed as a link in the State or Federal-aid highway systems. The Federal Agency may then use funds available to design and construct the dam in such a manner that will serve as a suitable and adequate foundation for a public highway bridge and to design and construct a public highway bridge upon and across the dam. In accordance with 23 U.S.C. 320(b), construction of any bridge upon and across any dam pursuant to 23 U.S.C. 320 may not start until the State in which the bridge is to be located, or the appropriate subdivision of such State, enters into an agreement with the Federal Agency and the Secretary of Transportation to construct the approach roads necessary to connect such bridge with existing public highways. While a portion of the bridge may be financed wholly with Federal funds, any approach roads ''shall be financed by the State or its appropriate subdivision with or without the aid of Federal funds.'' *See* 23 U.S.C. 320(d). Finally, 23 U.S.C. 320(f) makes clear that 23 U.S.C. 320 does not affect any bridge, approach structure, or highway constructed or to be constructed by a Federal Agency to satisfy a legal obligation incurred independently of 23 U.S.C. 320.

On October 10, 1974, FHWA amended part 630 of title 23 of the Code of Federal Regulations (CFR) by adding a new subpart H. *See* 39 FR 36474. This rule required that a proposed bridge over a dam constructed and owned by or for the United States, together with the approach roads to connect the bridge with existing public highways, must be eligible for inclusion in the Federal-aid highway system. *See* 23 CFR 630.802. The regulation also required that a State's application to qualify a project under the new subpart to include a certification that the bridge is economically desirable and needed as a link in the Federal-aid highway system, a statement showing the source and availability of funds to be used in construction of the roadway approaches, and a statement of any obligation on the part of the Federal Agency constructing the dam to provide such bridge or approach roads to satisfy a legal liability incurred independently of the subpart. *See* 23 CFR 630.803. This subpart has not been amended since its issuance in 1974.

On May 30, 2025, at 90 FR 22874, FHWA published an NPRM proposing to rescind the rule issued on October 10, 1974, Bridges on Federal Dams, via 39 FR 36474, amending 23 CFR part 630, subpart H. FHWA proposed to rescind 23 CFR part 630, subpart H in full and sought comment on all aspects of that proposal. FHWA received one comment on its NPRM expressing general disagreement with deregulation but no substantive comment on the proposal. As such, FHWA now adopts the proposal in this final rule without change.

FHWA finds that 23 U.S.C. 320 is clear on its face and, therefore, the regulations found in 23 CFR part 630, subpart H are not necessary. FHWA believes the regulations are merely duplicative of statutory language and, thus, unnecessary and may be rescinded.

Further, as a practical matter, no additional funding for the construction of bridges on Federal dams has been authorized since the Federal-aid Highway Act of 1978 (Pub. L. 95–599). In fiscal year 1994, Congress rescinded the balance of funds that were made available for bridges on Federal dams pursuant to 23 U.S.C. 320, leaving no funds currently available for the work contemplated by 23 CFR part 630, subpart H. *See* Public Law 103–211, Title III, Chapter 10. Were Congress to provide additional funds, the requirements in 23 U.S.C. 320 would apply, and they are sufficiently clear.

Rulemaking Analyses and Notices

A. Executive Orders 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures

This final rule does not meet the criteria of a ''significant regulatory action'' under Executive Order (E.O.) 12866, as amended by E.O. 14215 and 13563. Therefore, the Office of Management and Budget (OMB) has not reviewed this rule under those orders.

This rule removes duplicative regulations applicable to projects that are not currently funded. FHWA does not believe there are any costs to this rulemaking. While FHWA believes there

are deregulatory benefits to this rule, FHWA believes any monetary benefits or costs to this rule would be minimal. FHWA anticipates some unquantified cost-savings associated with removal of unnecessary provisions from the CFR. To the extent that the public needs to understand the requirements applicable to bridges on Federal dams, those requirements will now be available in one convenient place, 23 U.S.C. 320. FHWA expects that the public would realize some unquantifiable cost-savings by only needing to read and understand 23 U.S.C. 320, rather than both the statute and the duplicative regulations rescinded in this final rule.

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

B. Executive Order 14192 (Unleashing Prosperity Through Deregulation)

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

C. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601–612) (as amended by the Small Business Regulatory Enforcement Fairness Act of 1996; 5 U.S.C. 601 *et seq.*), Federal Agencies must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.,* small businesses, small organizations, and small government jurisdictions). No regulatory flexibility analysis is required, however, if the head of a Federal Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. FHWA has concluded and hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities; therefore, an analysis is not included. This rescission removes requirements regarding procedures for the construction and financing of public highway bridges over dams constructed and owned by or for the United States that are not otherwise required by statute.

D. Unfunded Mandates Reform Act

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

E. Executive Order 13132 (Federalism Assessment)

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

F. Paperwork Reduction Act

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

G. National Environmental Policy Act

FHWA has analyzed this rule pursuant to the National Environmental Policy Act (NEPA) and has determined that it is categorically excluded under 23 CFR 771.117(c)(20), which applies to the promulgation of rules, regulations, and directives. Categorically excluded actions meet the criteria for categorical exclusions under 23 CFR 771.117(a) and normally do not require any further NEPA approvals by FHWA. This rule would rescind regulations regarding procedures for the construction and financing of public highway bridges over dams constructed and owned by or for the United States. FHWA does not anticipate any adverse environmental impacts from this rule, and no unusual circumstances are present under 23 CFR 771.117(b).

H. Executive Order 13175 (Tribal Consultation)

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

I. Regulation Identifier Number

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

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

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

List of Subjects in 23 CFR Part 630

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

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

Sean McMaster,

Administrator, Federal Highway Administration.

For the reasons stated in the preamble, FHWA revises title 23, Code of Federal Regulations, part 630, as set forth below:

PART 630—PRECONSTRUCTION PROCEDURES

■ 1. The authority citation for part 630 is revised to read as follows:

23 U.S.C. 106, 109, 112, 115, 315, and 402(a); sec. 1110, 1501, and 1503, Pub. L. 109–59, 119 Stat. 1144; Pub. L. 105–178, 112 Stat. 193; Pub. L. 104–59, 109 Stat. 582; Pub. L. 97–424, 96 Stat. 2106; Pub. L. 90–495, 82 Stat. 828; Pub. L. 85–767, 72 Stat. 896; Pub. L. 84–627, 70 Stat. 380; sections 1303 and 1405, Pub. L. 112–141, 126 Stat. 405; and 23 CFR 1.32 and 49 CFR 1.81 and 1.85.

Subpart H—[Removed and Reserved]

■ 2. Remove and reserve subpart H, consisting of §§ 630.801 through 630.803.

[FR Doc. 2025–21779 Filed 12–2–25; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 633

[Docket No. FHWA–2025–0013]

RIN 2125–AG11

Rescinding Requirements Regarding Federal-Aid Contracts for Appalachian Contracts

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

ACTION: Final rule.

SUMMARY: FHWA rescinds the regulations related to Federal-Aid Contracts (Appalachian Contracts), issued on September 30, 1974 because they are unnecessary, outdated, and duplicative of other statutory and regulatory requirements.

DATES: This final rule is effective January 2, 2026.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony DeSimone, Office of Infrastructure, (317) 226–5307, *anthony.desimone@dot.gov;* or Mr. Michael Harkins, Office of Chief Counsel, (202) 366–1523, *Michael.harkins@dot.gov,* Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8 a.m. to 4:30 p.m., E.T., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

This document, as well as the notice of proposed rulemaking (NPRM), and all comments received, may be viewed online through the Federal eRulemaking portal at *www.regulations.gov.* The website is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded by accessing the Office of the Federal Register's home page at: *www.federalregister.gov* and the U.S. Government Publishing Office's website at *www.GovInfo.gov.*

Background

FHWA is rescinding the rule issued on September 30, 1974, Federal-Aid Contracts (Appalachian Contracts), at 39 FR 35146, as amended on October 21, 1975, by 40 FR 49084 and on March 1, 1976, by 41 FR 8769, amending 23 CFR part 633, subpart B. The rule being rescinded provided policies and procedures for administering projects and funds for the Appalachian Development Highway System (ADHS) and Appalachian local access roads. 23 CFR 633.201. FHWA rescinds the entire subpart B of part 633.

This subpart concerns projects for the ADHS and Appalachian local access roads. Under section 14501 of title 40 of the United States Code (U.S.C.), the Secretary of Transportation may assist in the construction of the ADHS and local access roads serving the Appalachian region, and Congress has appropriated funds for this purpose. While such Appalachian projects have been, are being, and likely will continue to be constructed, FHWA does not find it necessary to maintain the current regulations to administer such construction. This subpart is being rescinded because it is substantially outdated and duplicative of other statutory and regulatory sections.

Further, the rescission of this rule does not affect the application of the use of special preference to materials and products indigenous to the region, or the use of coal derivatives as provided in 40 U.S.C. 14501(d), implementation of Executive Order (E.O.) 14261 (April 8, 2025), ''Reinvigorating America's Beautiful Clean Coal Industry and Amending E.O. 14241,'' and applicable wage rates as required under 40 U.S.C. 14701.

On May 30, 2025, at 90 FR 22878, FHWA published an NPRM proposing to rescind 23 CFR part 633, subpart B, and sought comments on all aspects of that proposal. FHWA received one comment on its NPRM expressing general disagreement with deregulation but no substantive comment on the proposal. As such, FHWA now adopts the proposal without change.

Rulemaking Analyses and Notices

A. Executive Orders 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures

This final rule does not meet the criteria of a ''significant regulatory action'' under E.O. 12866, as amended by E.O. 14215 and 13563. Therefore, the Office of Management and Budget (OMB) has not reviewed this rulemaking under those orders.

This rescission removes regulations that FHWA believes are outdated, duplicative, and unnecessary. FHWA believes there may be some cost savings from this rescission, such as cost savings from not having to include unnecessary contract provisions. FHWA, however, does not have data on the extent of those savings. FHWA sought comments on any impacts that could result from removing the provisions identified in this final rule but did not receive any additional information.

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

B. Executive Order 14192 (Unleashing Prosperity Through Deregulation)

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

C. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601–612) (as amended by the Small Business Regulatory Enforcement Fairness Act of 1996; 5 U.S.C. 601 *et seq.*), Federal Agencies must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rulemaking on small entities (*i.e.,* small businesses, small organizations, and small government jurisdictions). No regulatory flexibility analysis is required, however, if the head of a Federal Agency or an appropriate designee certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities. FHWA has concluded and hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities; therefore, an analysis is not included. This rescission would only remove requirements that FHWA believes are outdated and unnecessary.

D. Unfunded Mandates Reform Act

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

E. Executive Order 13132 (Federalism Assessment)

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

discharge traditional State governmental functions.

F. Paperwork Reduction Act

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

G. National Environmental Policy Act

FHWA has analyzed this rule pursuant to the National Environmental Policy Act (NEPA) and has determined that it is categorically excluded under 23 CFR 771.117(c)(2), which applies to the promulgation of rules, regulations, and directives. Categorically excluded actions meet the criteria for categorical exclusions under 23 CFR 771.117(a) and normally do not require any further NEPA approvals by FHWA. This rule rescinds an outdated regulation and does not require any new Federal actions or procedures. FHWA does not anticipate any adverse environmental impacts from this rule, and no unusual circumstances are present under 23 CFR 771.117(b).

H. Executive Order 13175 (Tribal Consultation)

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

I. Regulation Identifier Number

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

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

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

List of Subjects in 23 CFR Part 633

Appalachia contracts bidding and implementation, Construction labor and materials, Maintenance, Project agreements, Project funding allocation and obligation.

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

Sean McMaster,

Administrator, Federal Highway Administration.

For the reasons stated in the preamble, under the authority of 23 U.S.C. 315, 49 CFR 1.81, and 1.85, FHWA amends 23 CFR part 633 as set forth below:

PART 633—REQUIRED CONTRACT PROVISIONS

■ 1. Add an authority citation for part 633 to read as follows:

Authority: 23 U.S.C. 114 and 315; 49 CFR 1.48.

Subpart B—[Removed and Reserved]

■ 2. Remove and reserve subpart B, consisting of §§ 633.201 through 633.211 and appendices A through D.

[FR Doc. 2025–21780 Filed 12–2–25; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 948

[SATS No. WV–124–FOR; Docket No. OSM–2016–0012; S1D1S SS08011000 SX064A000 232S180110; S2D2S SS08011000 SX064A000 23XS501520]

West Virginia Regulatory Program

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

ACTION: Final rule; partial approval of amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), approve in part an amendment to the West Virginia regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). This amendment makes changes to the West Virginia Code of State Rules (CSR), authorized under the West Virginia Surface Coal Mining and Reclamation Act (WVSCMRA), relating to bonding requirements for operations seeking permit renewals, topsoil, inactive status, and contemporaneous reclamation.

DATES: Effective January 2, 2026.

FOR FURTHER INFORMATION CONTACT: Mr. Justin Adams, Field Office Director, Charleston Field Office, Telephone: (304) 347–7158. Email: *osm-chfo@osmre.gov.*

SUPPLEMENTARY INFORMATION:

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

I. Background on the West Virginia Program

Subject to OSMRE's oversight, section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its State program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with the Act and consistent with the Federal regulations. 30 U.S.C. 1253(a)(1) and (7). Based on these criteria, the Secretary of the Interior conditionally approved the West Virginia program on January 21, 1981. You can find additional background information on the West Virginia program, including the Secretary's findings, the disposition of comments, and conditions of approval of the West Virginia program in the January 21, 1981, **Federal Register** (46 FR 5915). You can also find later actions concerning West Virginia's program and program amendments at 30 CFR 948.10, 948.12, 948.13, 948.15, and 948.16.

II. Submission of the Amendment

By letter dated June 14, 2016, and received by OSMRE on June 21, 2016 (Administrative Record No. WV–1606), the West Virginia Department of Environmental Protection (WVDEP) submitted to us an amendment regarding its approved regulatory program under West Virginia's Surface Mining Reclamation Regulations at CSR title 38, series 2. This amendment includes regulatory revisions to CSR title 38, series 2 with the passage of Committee Substitute for House Bill 117 (H.B. 117) of 2016 (Administrative Record No. WV–1606). *See* 2016 W. Va. Acts ch. 5 (1st Extraordinary Session). The bill includes revisions related to contemporaneous reclamation, inactive

status, topsoil, bonding requirements for permit renewals, and incremental bonding for permit renewals.

We announced receipt of the proposed amendment in the April 3, 2019, **Federal Register** (84 FR 12984). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the amendment. We did not hold a public hearing or meeting because none was requested. The public comment period ended on May 3, 2019.

III. OSMRE's Findings

We are partially approving the revisions proposed as described below. We made the following findings concerning West Virginia's amendment under SMCRA and the Federal regulations at 30 CFR 730.5, 732.15 and 732.17. Any revisions that we do not specifically discuss below concerning non-substantive wording or editorial changes can be found in the full text of the program amendment available at *Regulations.gov*.

The following describes the substantive regulatory revisions that West Virginia submitted to OSMRE for approval on June 14, 2016 (Administrative Record No. WV–1606) (WV–124).

West Virginia seeks to amend several administrative regulations at CSR 38–2–3.27 (Permit Renewals), CSR 38–2–7.6 (Forest land), CSR 38–2–7.7 (Wildlife), CSR 38–2–11.4.a.2 (Incremental Bonding), CSR 38–2–14.3 (Topsoil), CSR 38–2–14.11 (Inactive Status), CSR 38–2–14.15 (Contemporaneous Reclamation, Backfilling and Grading, Excess Spoil Disposal, Variance), and CSR 38–2–22.3(t)(4) (Coal Refuse—Abandonment Plan).

1. CSR 38–2–3.27 (Permit Renewals) and CSR 38–2–11.4.a.2 (Incremental Bonding)

West Virginia has proposed to add language to these provisions to exempt operations that have received a waiver of the permit renewal requirement under CSR 38–2–3.27 from the restriction at CSR 38–2–11.4.a.2, which prohibits operators from changing between full permit bonding and incremental bonding after their initial choice to proceed under either system. The proposed addition also provides a process for changing the bonding system by allowing the operation to submit a bonding revision to the Secretary for approval.

OSMRE Finding: Subsequent to West Virginia's submission of this amendment, West Virginia submitted an amendment that included West Virginia Senate Bill 163 of 2018 (S.B. 163), 2018 W. Va. Acts ch. 141, by letter dated May 2, 2018 (Administrative Record No. WV–1613–A), which we docketed as WV–126–FOR. S.B. 163 contained various revisions to the West Virginia CSR, including significant revisions to section CSR 38–2–11.4 (Incremental Bonding). Among those revisions, West Virginia deleted the restriction at CSR 38–2–11.4.a.2, which stated ''[o]nce the operator has chosen to proceed with bonding either the entire permit area or with incremental bonding, he shall continue bonding in that manner for the term of the permit.'' We approved those revisions because they made the regulation substantively identical to the Federal counterpart provision at 30 CFR 800.11. *See* 89 FR 19266 (Mar. 18, 2024). West Virginia's revision to CSR 38–2–11.4.a.2 under S.B. 163 of 2018, and our subsequent approval in WV–126–FOR on March 18, 2024 (89 FR 19262), supersedes the revision addressed in this amendment and renders it moot because it was meant to exempt certain surface mining operations from a restriction that no longer exists.

Regarding the proposed language at CSR 38–2–3.27, neither S.B. 163 nor any subsequent amendment by West Virginia has altered this proposed language, but it now provides an exemption to a restriction in CSR 38–2–11.4.a.2 that no longer exists there. However, the restriction at CSR 38–2–11.4.a.2 comes almost verbatim from section 11 of WVSCMRA, W. Va. Code 22–3–11(a), which has not been amended and still exists. When we approved that statutory provision, we noted that Federal law does not specifically require that the operator's initial choice to bond the entire permit area or increments thereof be continued for the entire term of the permit, but also that West Virginia's proposal would not conflict with any Federal requirement. *See* 60 FR 51900, 51905–06 (Oct. 4, 1995). Therefore, an exemption from this restriction would also not conflict with Federal law.

While this vestigial reference to CSR 38–2–11.4.a.2 would not make the West Virginia program less stringent than SMCRA or less effective than the Federal regulations, we are not making a determination on the revision to CSR 38–2–3.27 at this time because it is unclear whether West Virginia intends the exemption to apply to W. Va. Code 22–3–11(a) or intends to remove it in concert with its revision to CSR 38–2–11.4.a.2. If West Virginia wants us to approve this amendment in the future, it should correct the reference and submit new language for our review.

2. CSR 38–2–14.3 (Topsoil), CSR 38–2–7.6.c. (Forest Land), and CSR 38–2–7.7.c. (Wildlife)

West Virginia seeks to revise its requirements for the postmining land uses of forest land and wildlife, the use of topsoil relating to soil placement, and the use of soil substitute material in sections CSR 38–2–7.6 (Forest Land), CSR 38–2–7.7 (Wildlife), and CSR 38–2–14.3 (Topsoil).

West Virginia has proposed to amend CSR 38–2–7.6.c. 7.6.d.1, 7.7.c, 7.7.d.1, 14.3.a, and 14.3.c to address conflicting uses of the terms ''topsoil,'' ''topsoil substitute,'' ''soil,'' and ''soil substitute'' that West Virginia has asserted were apparent in their review of a Petition made to OSMRE dated June 24, 2013 pursuant to 30 CFR part 733.

Among other issues, the Petitioner alleged that WVDEP failed to enforce the SMCRA requirement at 30 U.S.C. 1265(b)(6) that operators ''[r]estore the topsoil or best available subsoil which is best able to support vegetation . . . .''; however, they made no allegations of specific on-the-ground violations. To adequately evaluate the Petition, OSMRE requested information from WVDEP. In its response to OSMRE, WVDEP explained that the topsoil in portions of West Virginia is very thin and that WVDEP sometimes uses its discretion to allow the use of topsoil substitutes when an applicant has demonstrated the volume of topsoil on the permit is insufficient to meet the mandatory depth requirements for topsoil. *See, e.g.,* CSR 38–2–7.6.c.3. WVDEP also explained that a soil substitute must not only be capable of supporting tree growth but must also provide ground cover needed to control erosion and sedimentation leaving the site. Finally, WVDEP showed that its topsoil replacement regulations, regulations granting variances, and postmining land use regulations all complied with the requirements of the approved State program in its approval of soil media in reclamation. In our response, we found that Petitioner did not appear to present any allegations in this section and, thus, determined Petitioners' allegation would not be evaluated.

West Virginia has proposed three minor revisions to CSR 38–2–14.3, including the insertion of an explicit reference to the definition of ''topsoil'' at CSR 38–2–2.128 to CSR 38–2–14.3.a (which definition is already part of the approved State program), replacing ''Top Soil Substitutes'' with ''Substitute material'' in the title to CSR 38–2–14.3.c, and replacing ''resulting soil medium'' with ''resulting substitute

material'' in CSR 38–2–14.3.c.2. West Virginia has also proposed two more substantive changes. The existing first sentence of CSR 38–2–14.3.a requires that, before disturbance of an area, topsoil will be removed in a separate layer and either immediately redistributed or segregated and stockpiled in a separate stable location as specified in the preplan. West Virginia has proposed to insert, as the next sentence, ''[p]rovided, however, if topsoil is less than 6 inches thick, the permittee may remove the topsoil and the unconsolidated materials immediately below the topsoil and treat the mixture as topsoil.'' West Virginia has also proposed to begin CSR 38–2–14.3.c with a similar, related provision: ''[w]here the topsoil is of insufficient quantity or poor quality for supporting and maintaining the approved postmining land use substitute material may be approved by the Secretary.''

West Virginia has also proposed to change CSR 38–2–7.6.c.2–3 and CSR 38–2–7.7.c.2–3 to replace instances of the word ''topsoil'' with ''soil'' and to provide for the use of soil substitutes. Even as amended, CSR 38–2–7.6.c.2 and CSR 38–2–7.7.c.2 explicitly cross-cite to the extensive requirements for soil substitutes at CSR 38–2–7.6.c.1 and CSR 38–2–14.3.c. West Virginia has also proposed to remove the word ''soil'' at various places at CSR 38–2–7.6.d.l and CSR 38–2–7.7.d.1, addressing liming and fertilizing when the soil pH is below 5.0. One instance of the word ''soil'' remains in each provision, and taken altogether, the regulation makes it clear that liming is required if the soil or substitute material pH is less than 5.0.

Even with these changes, the soil or soil substitute is required to be capable of supporting and maintaining the approved postmining land use, its capability for such must be based on the results of appropriate chemical and physical analysis of overburden and topsoil, and the nutrients and soil amendments must be applied to redistributed surface soil to support the approved postmining land use and meet revegetation requirements.

OSMRE Finding: Neither SMCRA nor the Federal implementing regulations define the term ''soil'' by itself. The Federal regulations instead define ''soil horizons'' as four contrasting layers of soil that are differentiated on the basis of field characteristics and laboratory data. 30 CFR 701.5. The four master soil horizons, in descending order of depth, are the A, E, B, and C horizons. Both the Federal regulations and West Virginia's CSR define ''Topsoil'' as the A and E soil horizon layers, while the Federal regulations add that the B horizon is ''often called the subsoil.'' 30 CFR 701.5; CSR 38–2–2.126. Because ''topsoil'' and ''subsoil'' are placed in specific soil horizons, any use of the word ''soil'', without other descriptors, could include any of the four soil horizons, singularly or in combination.

SMCRA and its implementing regulations permit the use of topsoil substitutes in certain circumstances. *See, e.g.,* 30 U.S.C. 1265(b)(6) (''or best available subsoil''); 30 CFR 816.22. The revisions that West Virginia proposes to add to its program bring CSR 38–2–14.3 closer in line with the Federal regulations at 30 CFR 816.22. Like West Virginia's proposed addition to CSR 38–2–14.3.a, 30 CFR 816.22(a)(2) provides ''[i]f topsoil is less than 6 inches thick, the operator may remove the topsoil and the unconsolidated materials immediately below the topsoil and treat the mixture as topsoil.'' West Virginia's proposed addition to CSR 38–2–14.3.c. reflects 30 CFR 816.22(a)(ii) and (b), which together allow the regulatory authority to approve the use of select overburden materials as a substitute for, or supplement to, existing topsoil where the topsoil is of insufficient quantity or poor quality for sustaining vegetation. While West Virginia's proposed addition is written to ensure supporting and maintaining the approved postmining land use, 30 CFR 816.22 refers to sustaining vegetation. West Virginia's regulations include paragraphs CSR 38–2–14.3.c.1 and CSR 38–2–14.3.c.2, which require that the substitute material be equally suitable for sustaining vegetation as the existing topsoil and that the material is the best reasonably available in the permit area to support vegetation. 30 CFR 816.22(b); CSR 38–2–14.3.c.1–2. We concluded before that these provisions are ''substantively identical to the Federal requirements.'' S*ee* 55 FR 21304, 21326 (May 23, 1990). Nothing in West Virginia's proposed additions change that conclusion. Because they are in accordance with SMCRA and consistent with the Federal regulations, we approve these amendments.

3. CSR 38–2–14.11—Inactive Status

West Virginia seeks to amend CSR 38–2–14.11 (Procedures to Obtain Inactive Status) in several areas. CSR 38–2–14.11.a.1–9 provides a list of requirements that must be satisfied before the Secretary allows a permittee to cease mining and reclamation operations for a period of thirty days or more. West Virginia has proposed to change one of these requirements at CSR 38–2–14.11.a.6, which required the permittee to make a detailed showing ''that the cessation is necessary because of temporary market conditions which are likely to change in the period for which the temporarily inactive status is sought.'' West Virginia has proposed to amend this requirement to remove references to temporary or changing market conditions, and simply state that the permittee must show that ''cessation is necessary due to market conditions.''

West Virginia has proposed to delete CSR 38–2–14.11.c, which provided for a notice and public comment period for inactive status requests. West Virginia has also proposed to amend CSR 38–2–14.11.d to remove a reference to the deleted public review process, delete a provision limiting the total time granted for inactive status to three (3) years, and delete a provision requiring the applicant to demonstrate the need for extension due to of litigation, labor strike, or if equipment is kept on the permit during the inactive period. With West Virginia's revision, an extension could be granted if an applicant shows that the extensions are necessary and that all provisions of CSR 38–2–14.11.a are satisfied.

West Virginia also has proposed to amend CSR 38–2–14.11.e and CSR 38–2–14.11.f to change the period within which inactive preparation plants, load-out facilities, and underground mining operation must be capable of resuming operations from sixty days to 180 days. Furthermore, West Virginia has proposed to delete the provision at CSR 38–2–14.11.h (related to duration of inactive status for preparation plants, load-out facilities, underground mining operations, and coal refuse sites) that required a permittee to maintain full-cost bonding in effect for the life of the operation, allowing instead that such bonding will remain in effect until the permittee requests termination of inactive status and requests a recalculation of the bond in accordance with W. Va. Code 22–3–11, W. Va. Code 22–3–12, and CSR 38–2–11 (Insurance and Bonding).

OSMRE Finding: Regarding the proposed change to the market conditions showing, the Federal regulations at 30 CFR 816.131 and 817.131 require that a permittee who is seeking inactive status must submit to the regulatory authority a notice of its intention to cease or abandon mining and reclamation operations, include a statement of the exact number of acres that will have been affected in the permit area, the extent and kind of reclamation of those areas that will have been accomplished, and identify the backfilling, regrading, revegetation, environmental monitoring, and water treatment activities that will continue

during the temporary cessation. The Federal regulations do not require any finding from the regulatory authority that the cessation is necessary due to market conditions, labor strike, litigation, or upon a showing that the permittee will keep operable equipment onsite.

Regarding the proposed removal of the public notice and comment period for inactive status applications and extension requests, while the Federal regulations do require public review for permit applications, significant revisions to a permit, or renewals of a permit, they do not require public review for permittee applications for temporary cessation of operations. 30 CFR 773.6, 816.131, and 817.131.

Regarding the proposed changes to procedures and time limits for obtaining inactive status, the Federal regulations addressing applications for temporary cessation of operations only require a permittee to submit to the regulatory authority a notice that includes a statement of the exact number of acres that will have been affected in the permit area before such temporary cessation, the extent and kind of reclamation of those areas which will have been accomplished, and identification of the backfilling, regrading, revegetation, environmental monitoring, and water treatment activities that will continue during the temporary cessation. 30 CFR 816.131(b) and 817.131(b). West Virginia's regulations, even as amended, contain safeguard provisions before a permittee may obtain inactive status. These include that the site must remain in full compliance with all standards of the program and permit, including but not limited to contemporaneous reclamation; no outstanding violations or penalties are allowed to exist; significant coal reserves for the mine must remain; all disturbed acreage is bonded; and all required and necessary backfilling, regrading, revegetation, environmental monitoring, and water treatment activities will continue on the mine site. *See* CSR 38–2–14.11.a.1–9. The proposed amendments do not alter the force or effect of those West Virginia provisions that fulfill the minimum Federal requirements.

Accordingly, we approve of the proposed revisions because they are no less stringent than SMCRA and are as effective as Federal regulations at 30 CFR 816.131 and 817.131. We also note that, while no renumbering is apparent on the face of West Virginia's submission, subsequent corrective renumbering to these provisions may occur without our approval.

4. CSR 38–2–14.15—Contemporaneous Reclamation, Backfilling and Grading, Excess Spoil Disposal, Variance

i. Time and Distance Provisions

West Virginia has proposed to revise many provisions that placed time and distance limits on different types of mining operations. West Virginia proposed to amend CSR 38–2–14.15.b.1, which prohibits more than thirty-five acres of disturbed and unreclaimed acreage on an operation consisting only of a single seam contour mining operation, without augering, on steep or non-steep slopes. West Virginia has proposed to strike the thirty-five acre limit. Furthermore, CSR 38–2–14.15.b.1 continued to require that grading and backfilling shall follow the mineral removal by a period not to exceed sixty days or a distance of 1,500 linear feet. West Virginia has proposed to add, ''[p]roviding the provisions of 14.15.d are satisfied'', incorporating by reference the requirements for excess spoil disposal fills.

CSR 38–2–14.15.b.2 provides that for single seam contour mining and augering or highwall mechanical mining operations on steep or non-steep slopes, grading and backfilling must be completed within a certain time limit. West Virginia seeks to extend the time limit from thirty days to 180 days. West Virginia has also proposed to revise CSR 38–2–14.15.b.3, which formerly provided that, for augering or highwall mechanical mining operations only on steep or non-steep slopes, the grading and backfilling must follow the augering or highwall mechanical mining by a period not to exceed thirty days or a distance of not more than 1,000 linear feet. West Virginia has proposed to increase the time limit and highwall length to sixty days and 1,500 linear feet respectively.

West Virginia has proposed to revise CSR 38–2–14.15.b.4 to strike a provision that applied to all area mining operations, limiting the maximum open pit size to 3,000 linear feet and requiring that backfilling and grading occur within 180 days of mineral removal. West Virginia has proposed to replace these general provisions with new language specifying time and distance limits for single seam mining operation as opposed to multiple seam operations. In the proposed language, single seam area operations retain the former time and distance limits. The proposed language would add that multiple seam operations are limited to 3,000 feet for the initial pit with subsequent cuts of the next underlying seam occurring within 180 days, while backfilling and grading would be required within 180 days of mineral removal from the lowest seam to be mined. West Virginia has also proposed to implement these time and distance rules that distinguish between single seam and multiple seam operations at CSR 38–2–14.15.b.5, CSR 38–2–14.15.b.6.A, and CSR 38–2–14.15.b.6.B.2.

West Virginia has proposed to strike certain exceptions to time and distance requirements at CSR 38–2–14.15.b.6.B.1 relating to pre-stripping or benching on entire coal seam removal operations that use draglines with a bucket capacity of greater than forty-five cubic yards. CSR 38–2–14.15.b.6.B.1 prohibits pre-stripping or benching operations from exceeding 400 acres for any single permit, and that such cannot precede dragline operations more than twenty-four months unless otherwise approved by the Secretary, or as necessary to satisfy AOC+ requirements, specific postmining land use requirements, or special materials handling facilities requirements. The proposed changes would leave exceptions simply at the discretion of the Secretary, striking the list of additional exceptions beginning ''or as necessary to satisfy. . . .'' West Virginia has also proposed to strike the final sentence of CSR 38–2–14.15.b.6.B.1, which required that all fill construction must occur during the pre-stripping or benching phase of the operation and be conducted in accordance with CSR 38–2–14.15.d.

Similar to the proposed changes to CSR 38–2–14.15.b.6.B.1, West Virginia has proposed to strike the additional enumerated exceptions to the time requirement at CSR 38–2–14.15.d.1 for the construction of excess spoil disposal fills, which required that spoil fills cannot have a period of inactivity exceeding 180 days unless otherwise approved by the Secretary or certain other conditions exist. The proposed amendment would leave such exceptions to the discretion of the Secretary. West Virginia has also proposed to strike CSR 38–2–14.15.d.3 in its entirety. This provision required that operations that propose excess spoil disposal fills designed with erosion protection zones must bond the proposed fill areas based upon the maximum amount per acre specified in W. Va. Code 22–3–12(b)(1). This would allow the amount of bond required to be posted for such operations to be between $1,000 and $5,000 per acre, rather than requiring bond to be set at the maximum of $5,000 per acre.

OSMRE Finding: The Federal regulations formerly provided schedules for backfilling and grading time and distance requirements for several types of mining operations at 30 CFR 816.101,

but these have been suspended indefinitely. *See* 57 FR 33875 (July 31, 1992). The only remaining Federal guidance on timing is at 30 CFR 816.100 and 817.100, which state that contemporaneous reclamation efforts, including backfilling, grading, topsoil replacement, and revegetation must occur as contemporaneously as practicable. As a result, neither SMCRA nor the Federal regulations provide specific time and distance requirements for backfilling and grading, and there is no Federal counterpart to the time and distance limits which West Virginia has proposed to amend at CSR 38–2–14.15.b.1–4 and CSR 38–2–14.15.b.6.B.1. Furthermore, neither SMCRA nor the Federal regulations provide time requirements for the construction of excess spoil fills or an inactivity period that match those at CSR 38–2–14.15.d.1 which West Virginia has proposed to amend. As we noted in our prior approval of CSR 38–2–14.15.d.3, which required that operations that propose excess spoil disposal fills that are designed with erosion protection zones must bond the proposed fill areas at a set amount, no direct Federal counterpart of this provision exists. *See* 85 FR 27139 (May 7, 2020).

Because the proposed changes and deletions at CSR 38–2–14.15.b and CSR 38–2–14.15.d will not make these regulations less stringent than sections 515(b)(16) and (b)(22) of SMCRA (30 U.S.C. 1265(b)(16) and (b)(22)) or less effective than the Federal regulations at 30 CFR 816.71, 816.100, and 816.102, we approve these proposed amendments.

ii. Variance

West Virginia has proposed to amend CSR 38–2–14.15.g, which specifies that when the Secretary has approved a permit variance from one or more standards related to the contemporaneous reclamation, the amount of bond will be based on the maximum amount per acre specified in W. Va. Code 22–3–12(b)(1). West Virginia has added language that such bond shall remain in effect until the permittee requests termination of variance and requests a recalculation of the bond.

OSMRE Finding: West Virginia law sets the minimum bond for a permit at $10,000 and require the per acre bond to be set between $1,000 and $5,000 dollars per acre, vesting the Secretary with substantial discretion to choose the proper amount of bond required based on a large number of site and operation parameters. W.Va. Code 22–3–11; CSR 38–2–11.5. SMCRA and the Federal regulations also set the minimum bond amount for a permit at $10,000. 30 U.S.C. 1259(a); 30 CFR 800.14(b). Neither SMCRA nor the Federal regulations provide specific per-acre bonding fees, leaving such to the discretion of the regulatory authority based on the site conditions and the nature of the mining operation. 30 U.S.C. 1259(a); 30 CFR 800.14(a). SMCRA and the Federal regulations also allow the bond amount to be adjusted upward or downward by the regulatory authority, as affected land acreages are increased or decreased or where the cost of future reclamation changes. 30 U.S.C. 1259(e); 30 CFR 800.15. We find that the proposed revision, allowing recalculation of the bond at the termination of a variance, is no less effective than the Federal provisions at 30 CFR 800.11, and no less stringent than section 509 of SMCRA (30 U.S.C. 1259). Therefore, we approve this amendment.

5. CSR 38–2–22.3.t.4—Coal Refuse—Abandonment Plan

CSR 38–2–22.3.t.4 states ''[a]t abandonment, all fine refuse in the impoundment pool shall be covered with a minimum three foot layer of coarse refuse or other fill material prior to topsoiling unless otherwise approved by the Secretary.'' West Virginia has proposed to replace the phrase ''prior to topsoiling'' with the phrase ''prior to being covered with the non-toxic and non-combustible material.'' This material is described in further detail at CSR 38–2–22.3.t.5. This revision is related to the foregoing amendments addressing terminology differences between ''topsoil'', ''soil'', and ''soil substitutes''.

OSMRE Finding: Neither SMCRA nor the Federal regulations at 30 CFR 780.25(c)–(e), 784.16(c)–(e), 816/817.81, 816/817.83, and 816/817.84, which relate to coal processing waste banks, dams, embankments, and impoundments, specify any type of soil or material that should be used for the coarse refuse layer covering fine refuse in an impoundment pool. We approve of the proposed revision regarding coal refuse disposal abandonment plans because we find that it is no less stringent than sections 515(b)(5), (11), (13), and (f) of SMCRA (30 U.S.C. 1265(b)(5), (11), (13), and (f)) and no less effective than the Federal regulations at 30 CFR 780.25(c)–(e), 784.16(c)–(e), 816.81, 817.81, 816.83, 817.83, 816.84, and 817.84.

IV. Summary and Disposition of Comments

Public Comments

We asked for public comments (Administrative Record No. 1616) on the amendment (Document ID No. OSM–2016–0012). None were submitted.

Federal Agency Comments

On April 5, 2019 (Administrative Record No. 1616), under 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA, we requested comments on the amendment from various Federal agencies with an actual or potential interest in the West Virginia program. We received comments from one agency.

By letter dated April 26, 2019 (Administrative Record No. 1625), the United States Forest Service (USFS) within the Department of Agriculture responded with a list of thirty-three (33) comments, which we have summarized, grouped, and addressed in the following 11 general comments.

Comment 1: USFS commented on CSR 38–2–7.6.c.2 as follows. The term 'topsoil' refers to a specific type of soil that has a nutrient status to support seedbed establishment. Topsoil specifically refers to soils that are higher in organic matter and often available nutrients as opposed to subsoil. Also, topsoil has a specific legal definition as defined by the USDA with regard to soil designated as Prime Farmland and other special designations such as hydric soils. It is highly recommended to not leave root balls in the soil or soil substitute. Once this organic material decomposes, it will leave a depression on the surface which on slopes could become instability concerns. It is recommended to only leave them on the soils. Leaving them on the soils will increase organic matter of the soil or soil substitute and also aid in sediment/erosion retention.

OSMRE Response: As explained in more detail in our finding in section III.2, neither SMCRA nor the Federal implementing regulations define the term ''soil'' by itself; instead, the Federal regulations instead define ''soil horizons'' as four contrasting layers of soil that are differentiated on the basis of field characteristics and laboratory data. 30 CFR 701.5.

West Virginia's proposed revisions bring CSR 38–2–14.3 closer in line with the Federal regulations at 30 CFR 816.22, which permit the use of topsoil substitutes. Like West Virginia's proposed addition to CSR 38–2–14.3.a, 30 CFR 816.22(a)(2) provides ''[i]f topsoil is less than 6 inches thick, the operator may remove the topsoil and the

unconsolidated materials immediately below the topsoil and treat the mixture as topsoil.'' West Virginia's proposed addition to CSR 38–2–14.3.c. reflects 30 CFR 816.22(a)(ii) and (b), which together allow the regulatory authority to approve the use of select overburden materials as a substitute for, or supplement to, existing topsoil where the topsoil is of insufficient quantity or poor quality for sustaining vegetation. West Virginia's regulations include subsections CSR 38–2–14.3.c.1 and CSR 38–2–14.3.c.2, which require that the substitute material be equally suitable for sustaining vegetation as the existing topsoil, and that the material is the best reasonably available in the permit area to support vegetation. 30 CFR 816.22(b); CSR 38–2–14.3.c.1–2.

Substitute materials usually have adequate nutritional value but lack organic matter and a seed pool. The topsoil/soil substitute process under CSR 38–2–14.3.c requires comparing the chemical and physical analysis of proposed substitute materials to the existing soil. Substitutes are selected based on nutrient analyses and the ability to meet the proposed postmining land use. Also, by allowing the removal of subsoil with the topsoil under the proposed changes to CSR 38–2–14.3.a, most of the seed pool and organic matter will be captured and redistributed. Incorporating root balls in and on the surface adds organic matter, helps salvage the seed pool, and creates perches for birds to further distribute seeds.

Regarding USFS's comment that root balls left in the soil could decompose and cause instability issues on slopes, we have discovered that salvaging and redistributing the organic matter, including root balls, the topsoil, and the subsoil, all in one process is more efficient to the operator than salvaging and redistributing these materials in separate steps. It also helps minimize the compaction of the growth medium by reducing the number of times the operator must pass over the growth medium with heavy equipment to redistribute these materials. West Virginia has salvaged and redistributed organic matter, including root balls during the reclamation process for the last 15 years, and no stability issues have resulted from this practice. When the root balls buried in the growth medium decompose, it could also create an undulating feature to the surface, which would mimic a more natural condition.

While we appreciate the explanation and concerns raised by the USFS, as explained above, the amendment as proposed is in accordance with SMCRA and consistent with the Federal regulations. Thus, as explained above, we are approving the amendment.

Comment 2: USFS commented on CSR 38–2–7.6.d, stating that, if the desired postmining land use is tree establishment or grass/herbaceous cover, soil medium, whether that be native topsoil/subsoil or alternative soil-like material, ''soil'' instead of crushed rock will be necessary for the success of revegetation. It is suggested to leave the word ''soil'' or include ''soil or soil substitute pH.'' It is also recommended that soil tests be taken and sent to a lab for fertilizer/lime recommendations.

OSMRE Response: Topsoil substitutes have been used for decades in West Virginia for forestland, wildlife habitat, and other postmining land uses that require the establishment of trees with good results. The resulting growth medium is more than just crushed rock. Furthermore, the proposed changes to CSR 38–2–7.6.c.2 require that ''the use of soil substitutes may be approved by the Secretary providing the applicant demonstrates: the volume of soil on the permit area is insufficient to meet the depth requirements of 7.6.c.l, the substitute material consists of at least 75% sandstone, has a composite paste pH between 5.0 and 7.5, has a soluble salt level of less than 1.0 mmhos/cm, and is in accordance with 14.3.c.'' The requirements at CSR 38–2–14.3.c provide many requirements for the quality of substitute material, including that such must be capable of supporting and maintaining the approved postmining land use, that this determination be based on the results of appropriate chemical and physical analysis of overburden and topsoil, that such analyses include at a minimum depth, thickness, and areal extent of the substitute structure or soil horizon, pH, texture class, percent coarse fragments and nutrient content, and that there is a certification of this analysis made by a qualified laboratory.

The growth medium is described by the plan preparer, a registered professional forester for permits with a forestland postmining land use or a biologist employed by the West Virginia Division of Natural Resources for permits with a wildlife postmining land use. The resulting growth medium is usually a mixture of substitute material (crushed rock), pre-mining native soil (subsoil and as much topsoil as possible), and organic material. Standards for success under CSR 38–2–7.6.f for forestland, and CSR 38–2–7.7.f for wildlife, also mandate the number of live trees per acre and percent of ground cover for bond release.

With the requirements of the planting plan preparer under CSR 38–2–7.6.b.1.A and CSR 38–2–7.7.b.1.A, the soil substitutes requirements of CSR 38–2–7.6.c and CSR 38–2–7.7.c, the standards of success of CSR 38–2–7.6.f and CSR 38–2–7.7.f, and the certification process under CSR 38–2–14.3.c, the resulting growth medium should never be just crushed rock.

We can infer that the pH is referring to the soil or soil substitutes in CSR 38–2–7.6.d.l and in CSR 38–2–7.7.d.1 from context. The term soil appears to have been removed to clarify its application to substitutes in addition to topsoil or subsoil.

Soil testing for lime and fertilizer is required at CSR 38–2–14.3.d: ''[n]utrients and soil amendments in the amounts determined by soil tests shall be applied to the redistributed surface soil layer so that it supports the approved postmining land use and meets the revegetation requirements of section 9 of this rule. These tests shall include nutrient analysis and lime requirement tests. Results of these tests shall be submitted to the Secretary with the final planting report as required by this rule.'' These soil tests are usually taken by the operator before hydroseeding the lime, fertilizer, and seed all in one process. The substitute process also requires testing of the soil and the proposed substitutes. Acid-base accounting is also required on all rock layers in the mineral removal area. Also, the planting plan at CSR 38–2–9.2.g.2 requires that ''[t]he proposed treatment to neutralize acidity'' be applied, and at CSR 38–2–9.2.g.4 ''[t]he application rates and analysis of fertilization'' be noted.

We appreciate the comment, but we do not agree that retaining the word ''soil'' or replacing it with ''soil or soil substitute pH'' is necessary for this portion of West Virginia's program to be in accordance with SMCRA and consistent with the Federal regulations. As proposed, West Virginia's proposal complies with both 30 CFR 816.22 and CSR 38–2–14.3. We also do not agree that soil tests be taken and sent to a lab for fertilizer/lime recommendations in this amendment because the requirement for soil tests to be taken and sent to a lab for fertilizer/lime recommendations is already addressed under 30 CFR 816.22, CSR 38–2–14.3, and CSR 38–2–9.2.i.1, and this amendment does not change that requirement.

Comment 3: USFS commented on CSR 38–2–7.7.d.2, suggesting that this language become the primary requirement instead of providing the

minimum/maximum rates and then providing this as the secondary option.

OSMRE Response: We value USFS's suggestion, but, in approving program amendments, we can only consider the submissions of the State, and West Virginia did not submit any proposed changes to CSR 38–2–7.7.d.2. Thus, we are not making any changes as a result of this comment.

Comment 4: USFS suggested the addition of this language: ''Fertilizer and lime rates will be based on soil testing performed by State certified laboratories.''

OSMRE Response: Under West Virginia's program at CSR 38–2–14.3.d, soil tests, including nutrient analysis and lime requirement tests, must be performed and submitted to the State. Likewise, under CSR 38–2–9.2.g.2, the planting plan must contain a statement on how to treat to neutralize acidity. CSR 38–2–7.6.d.1 requires specific liming requirements for a postmining land use of forestland. This standard must be clearly stated in the permit application (planting plan) and is based on past performance. Alternate rates are available, if stated in the planting plan and based on the revegetation species. While we appreciate USFS's suggestion, because this portion of the West Virginia program, as amended, is in accordance with SMCRA and consistent with the Federal regulations, we are not making any changes.

Comment 5: USFS commented on CSR 38–7.7.e, regarding revegetation and seeding methods that provide initial seeding, which includes a mixture of erosion control species and natives, and then a subsequent seeding with the desired native species.

OSMRE Response: While we applaud the use of native species, we are concerned with requiring native species in the temporary seed mixtures, permanent seed mixtures, and tree and shrub mixtures. The provision at CSR 38–2–7.7.e.l requires that ''cover shall consist of a combination of native and domesticated non-competitive and non-invasive cool and warm species grasses and other herbaceous vine or shrub species including legume species and shrubs.'' Most ground covers are established by hydroseeding seed, lime, and fertilizer all in one process. Surface mining permits can cover a very large area, so it is important to complete this process as efficiently as possible. Rarely will the entire mine area be hydroseeded more than once, so the erosion control species should be included with the desired native ground covers. The cost and availability of native seed must also be considered, especially on this scale. Flexibility must be allowed in the species mix to match the site-specific conditions over the entire State. Therefore, we are not making any changes to our decision as a result of this comment.

Comment 6: USFS commented on CSR 38–2–14.3.a stating that it recommends changing the provision to read as follows:

> Provided, however, if the topsoil is less than 6 inches thick, the permittee may remove a general 6 inches of the surface material to stockpile separately and then remove the remaining subsoil material to stockpile separately. During redistribution, the ''subsoil'' stockpile will be redistributed first, followed by the ''topsoil'' stockpile. Stockpiled topsoil and subsoil shall remain in place until . . .

USFS added that it is not recommended to allow topsoil to be mixed with full subsoil plus unconsolidated rock material because it will make nutrients, organic material, and microbes that are beneficial for the planting medium unavailable for plant uptake during reclamation. Even though ''topsoil'' may be less than 6 inches, the benefits of topsoil, (organic matter, microbiological component, available plant nutrients, etc.) even if the horizon is 1–2 inches, are important and necessary for successful reclamation. USFS recommended that CSR 38–2–14.3 specifies a depth of material that may be removed and included below the topsoil.

OSMRE Response: We agree with the USFS that topsoil is extremely important for reforestation purposes. However, it is extremely difficult to salvage and redistribute a thin layer of topsoil on the steep slopes of southern West Virginia for reforestation purposes. Stripping and redistributing this material along with the subsoil and/or weathered sandstone just below the topsoil has proven very effective. Stripping and redistributing this material in one step are also more efficient for the operator and reduce the number of times the operator must pass over the growth medium, minimizing the compaction of this material. Stockpiling of topsoil can also be detrimental to the biota. We encourage stripping of this material and immediately redistributing the material in the contemporaneous reclamation.

The West Virginia State program is consistent with this practice and that espoused in the Forestry Reclamation Approach (FRA) as advocated by the Appalachian Regional Reforestation Initiative (ARRI), which recommends a four-foot-thick growth medium comprised of topsoil, soil, or the best available material. The FRA provides that mixing these materials provides an excellent growth medium for reforestation purposes. Topsoil provides organic material, biota, and a seed pool. Subsoil provides fines for moisture retention. Substitute materials such as weathered and unweathered sandstone provides pore space, which allows for aeration, root penetration, and infiltration of water, and mimics a more natural soil surface for reforestation purposes than using just soil. Mixing these materials has proven very effective for mine land reforestation plan to avoid stockpiling.

Likewise, the West Virginia program at CSR 38–2–7.6.c.1 and 7.7.c.1, states that ''[e]xcept for valley fill faces, soil or soil substitutes shall be redistributed in a uniform thickness of at least four feet across the mine area.'' Thus, the West Virginia State program ensures that enough soil and soil substitutes will be stripped and redistributed to meet the requirements of SMCRA. Therefore, we are making no changes to our approval of this portion of the program amendment as a result of this comment.

Comment 7: USFS commented on CSR 38–2–14.3.c. that the term ''topsoil'' should be replaced with the term ''Soil Substitute Material''.

OSMRE Response: While we recognize that West Virginia's program could have been clearer, we note that the proposed title of subsection c of CSR 38–2–14.3, ''Substitutes material,'' appears within section CSR 38–2–14.3, which is entitled ''Topsoil.'' This structure provides some clarity for a reader to understand that this section refers to soil substitutes in general. Thus, whatever potential ambiguity that there may be, we do not find it rises to the level for us to deny this portion of the program amendment proposed by West Virginia.

Comment 8: USFS commented on subsection 14.3.c. to recommend that West Virginia use the suggested language: ''This determination of capability shall be based on the results of appropriate chemical and physical analysis of overburden and topsoil material. An analysis of overburden material shall include at a minimum depth, thickness, pH, geochemical analysis, and areal extent of the material wanting to be used as substitute. An analysis of substitute topsoil material shall include at a minimum pH, texture, structure, percent coarse fragments, and nutrient content. A certification for all analyses for desired substitute material shall be made by a qualified laboratory stating such.''

OSMRE Response: Although we believe the process contained in West Virginia's program as part of the soil analyses required in the pre-mining

native soil inventory at CSR 38–2–7.6.b.1.A.1 and in the substitute process under CSR 38–2–14.3.c captures the geochemical analyses recommended in the USDA comment, we recommend that West Virginia consider the USFS comment if it makes future revisions to this aspect of its State program. However, this comment does not indicate that the current West Virginia program is not in accordance with SMCRA or inconsistent with the Federal regulations; thus, we still approving this portion of the amendment as proposed by West Virginia.

Comment 9: The USFS recommended that West Virginia change the language of CSR 38–2–14.3.c.l. The USDA also stated that if the permittee is proposing substitute material due to insufficient quantity, but acceptable quality, the proposed substitute material should be of equal or greater suitability for sustaining vegetation and existing topsoil. If the permittee is proposing substitute material due to sufficient quantity, but poor quality, the proposed substitute material should be suitable for sustaining vegetation and the intended postmining land use designation;''

OSMRE Response: CSR 38–2–14.3.c.l requires that the proposed substitute material is equally suitable for sustaining vegetation as the existing topsoil. We recognize that the language that USFS is proposing could be a good alternative, but, as proposed by West Virginia, this program amendment is consistent with 30 CFR 816.22; therefore, we are approving this part of West Virginia's program as proposed.

Comment 10: USFS suggested that the following statement be added to CSR 38–2–14.3.c.3: ''The analyses were conducted using standard testing procedures. These methodologies along with the QA/QC will be included in a final report along with the results of the analyses.''

OSMRE Response: While we understand the point USFS is making with this proposed addition, such a requirement is not necessary for the amendment to be in accordance with SMCRA and consistent with the Federal regulation.

Comment 11: USFS commented on CSR 38–2–22.3.t.4, suggesting that changing the term ''top soiling'' to ''being covered with the non-toxic and non-combustible material'' is overly inclusive of potential material. The USFS recommends consistency with the rewording used previously in the document for topsoiling, such as ''soil or suitable soil substitute.''

OSMRE Response: While we understand the concern of the USFS, West Virginia's proposal is in accordance with SMCRA and consistent with the Federal regulations and we are approving this part of West Virginia's as proposed. We also note that, at abandonment, all fine refuse in the impoundment pool must be covered with a minimum three-foot layer of coarse refuse or other fill material before being covered with the non-toxic and non-combustible material unless otherwise approved by the Secretary. Replacing the term ''topsoil'' with the phrase ''being covered with the non-toxic and non-combustible material'' will make the language more consistent with other provisions of the rule. This cover is intended as a growth medium but concerns over the chemistry and combustibility of this material are paramount.

Environmental Protection Agency (EPA) Concurrence and Comments

Under 30 CFR 732.17(h)(11)(ii), we are required to get a written concurrence from EPA for those provisions of the program amendment that relate to air or water quality standards issued under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). OSMRE determined that none of the proposed State revisions pertain to air or water quality standards. Therefore, we did not ask EPA to concur on the amendment. However, on April 5, 2019, under 30 CFR 732.17(h)(11)(i), we requested comments from the EPA on the amendment (Administrative Record No. 1616). The EPA did not respond to our request.

State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Under 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On April 5, 2019, we requested comments on West Virginia's amendment (Administrative Record No. 1616). We did not receive comments from the SHPO or ACHP.

V. OSMRE's Decision

Based on the above findings, we are approving in part the amendment (WV–124) that West Virginia submitted on June 14, 2016 (Administrative Record WV–1606). In particular, we are approving the proposed amendments to CSR 38–2–7.6.c–d (Forest land), CSR 38–2–7.7.c–d (Wildlife), CSR 38–2–14.3 (Topsoil), CSR 38–2–14.11 (Inactive Status), CSR 38–2–14.15.b.1 through CSR 38–2–14.15.b.6.B.2 (Contemporaneous Reclamation, Backfilling and Grading), CSR 38–2–14.15.d.1–3 (Excess Spoil Disposal), CSR 38–2–14.15.g (Variance), and CSR 38–2–22.3(t)(4) (Coal Refuse—Abandonment Plan). We are making no determination about CSR 38–2–3.27 (Permit Renewals) because it is moot. We are also making no determination about CSR 38–2–11.4.a.2 (Incremental Bonding) because the proposed amendment contains an apparent reference to an obsolete provision that must be corrected or clarified before we can review.

To implement this decision, we are amending the Federal regulations, at 30 CFR part 948, which codify decisions concerning the West Virginia program. In accordance with the Administrative Procedure Act (5 U.S.C. 533), this rule will take effect 30 days after the date of publication. Section 503(a) of SMCRA (30 U.S.C. 1253(a)) requires that the State's program demonstrate that the State has the capability of carrying out the provisions of the Act and meeting its purposes. SMCRA requires consistency of State and Federal standards.

VI. Statutory and Executive Order Reviews

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

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

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

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

Executive Order 12988—Civil Justice Reform

The Department of the Interior has reviewed this rule as required by section 3 of Executive Order 12988. The Department determined that this **Federal Register** document meets the criteria of section 3 of Executive Order

12988, which is intended to ensure that the agency review its legislation and proposed regulations to eliminate drafting errors and ambiguity; that the agency write its legislation and regulations to minimize litigation; and that the agency's legislation and regulations provide a clear legal standard for affected conduct rather than a general standard, and promote simplification and burden reduction.

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

Executive Order 13132—Federalism

This rule has potential Federalism implications as defined under section 1(a) of Executive Order 13132. Executive Order 13132 directs agencies to ''grant the States the maximum administrative discretion possible'' with respect to Federal statutes and regulations administered by the States. West Virginia, through its approved regulatory program, implements and administers SMCRA and its implementing regulations at the State level. This rule approves most of an amendment to the West Virginia program submitted and drafted by the State except for certain provisions that we deem to be moot as explained in our finding at section III.1 above. Thus, our approval of this rule is consistent with the direction to provide maximum administrative discretion to States.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

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

The basis for this determination is that our decision on the West Virginia program does not include Indian lands as defined by SMCRA or other Tribal lands, and it does not affect the regulation of activities on Indian lands or other Tribal lands. Indian lands under SMCRA are regulated independently under the applicable Federal Indian program. The Department's consultation policy also acknowledges that our rules may have Tribal implications where the State proposing the amendment encompasses ancestral lands in areas with mineable coal. We are currently working to identify and engage appropriate Tribal stakeholders to devise a constructive approach for consulting on these amendments.

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

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

Executive Order 14192—Unleashing Prosperity Through Deregulation

State program amendments are not regulatory actions under Executive Order 14192 because they are exempt from review under Executive Order 12866 (OMB Memo M–94–3).

National Environmental Policy Act

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

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

Congressional Review Act

This rule is not a major rule under 5 U.S.C. 804(2). This rule: (a) does not have an annual effect on the economy of $100 million; (b) will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based on an analysis of the corresponding Federal regulations, which were determined not to constitute a major rule.

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or Tribal governments, or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal governments or the private sector. This determination is based on an analysis of the corresponding Federal regulations, which were determined not to impose an unfunded mandate. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

List of Subjects in 30 CFR Part 948

Intergovernmental relations, Surface mining, Underground mining.

Ben H. Owens,

Acting Regional Director, North Atlantic—Appalachian Region.

For the reasons set out in the preamble, 30 CFR part 948 is amended as set forth below:

PART 948—WEST VIRGINIA

■ 1. The authority citation for part 948 continues to read as follows:

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

■ 2. In § 948.15 amended the table by adding a new entry in chronological

order by ''Date of final publication'' to read as follows:

§ 948.15 Approval of West Virginia regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
*	* *	* * * *
June 14, 2016	December 3, 2025	CSR 38–2–3.27 (no determination); CSR 38–2–11.4.a.2 (moot, no determination); CSR 38–2–7.6.c.2–3 (approved); CSR 38–2–7.6.d.1 (approved); CSR 38–2–7.7.c.2–3 (approved); CSR 38–2–7.7.d.1 (approved); CSR 38–2–14.3 (approved); CSR 38–2–14.11 (approved); CSR 38–2–14.15.b.1 through CSR 38–2–14.15.b.6.b.2 (approved); CSR 38–2–14.15.d.1–3 (approved); CSR 38–2–14.15.g (approved); CSR 38–2–22.3(t)(4) (approved).

[FR Doc. 2025–21791 Filed 12–2–25; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 948

[WV–116–FOR; OSM–2009–0008; S1D1S SS08011000 SX064A000 245S180110; S2D2S SS08011000 SX064A000 24XS501520]

West Virginia Regulatory Program

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

ACTION: Final rule; partial approval of amendment with 12 approved provisions, 5 provisions receiving qualified approval, and 1 not approved provision.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), approve in part amendments to the West Virginia regulatory program (the West Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). These amendments make changes to the West Virginia Coal Mining and Reclamation Act (WVSCMRA), the Code of West Virginia (W.Va. Code), and the West Virginia Code of State Rules (CSR). We approve 12 provisions, approving with understanding 5 provisions, and not approving 1 provision.

DATES: This rule is effective January 2, 2026.

FOR FURTHER INFORMATION CONTACT: Mr. Justin Adams, Director, Charleston Field Office, Telephone: (304) 977–7450. Email: *osm-chfo@osmre.gov.*

SUPPLEMENTARY INFORMATION:

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

I. Background on the West Virginia Program

Subject to OSMRE's oversight, section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its State program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with the Act and consistent with the Federal regulations. 30 U.S.C. 1253(a)(1); 30 U.S.C. 1253(a)(7). Based on these criteria, the Secretary of the Interior conditionally approved the West Virginia program on January 21, 1981. You can find additional background information on the West Virginia program, including the Secretary's findings, the disposition of comments, and conditions of approval of the West Virginia program in the January 21, 1981, **Federal Register** (46 FR 5915). You can also find later actions concerning West Virginia's program and program amendments at 30 CFR 948.10, 948.12, 948.13, 948.15, and 948.16.

II. Submission of the Amendment

West Virginia revised its Code of State Regulations (CSR) and the West Virginia Code (W.Va. Code), as reflected in four bills enacted by the legislature in 2009: Senate Bill (SB) 153, SB 436, SB 600, and SB 1011. The amendment approved by this final rule covers a variety of topics, including continuing oversight by the Secretary of the West Virginia Department of Environmental Protection (WVDEP) of ''approved persons'' who prepare, sign, or certify mining permit applications and related materials; incidental boundary revisions (IBRs) to existing permits; deletion of the Coal Bonding Calculations Tables; changing the term ''Bio-oil'' to ''Bio-fuel''; clarifying standards at CSR 38–2–9.3.f that pertain to West Virginia's regulatory program for revegetation success standards for areas developed for hayland or pasture use; and adjusting the per-ton coal tax.

By letter dated May 11, 2009 (Administrative Record No. WV 1522), WVDEP submitted one of several amendments regarding its approved regulatory program under West Virginia's Surface Mining Reclamation Regulations at CSR title 38, series 2. This amendment includes regulatory revisions implemented by the passage of SB 153, which was adopted by the West Virginia Legislature on April 8, 2009, and signed into law by the Governor on April 30, 2009.

SB 153 included provisions for the continued oversight of ''approved persons'' who prepare, sign, or certify mining permit applications and related materials. The bill also included provisions modifying IBR requirements for existing permits by clarifying that certain types of collateral activities are deemed parts of the primary mining operations and, therefore, subject to the same acreage limitations while providing additional criteria for the WVDEP Secretary to consider in evaluating an application for revision. The bill deletes the requirement that the Secretary must advertise all IBR applications and provide a 10-day public comment period and would instead allow IBRs deemed ''insignificant'' to be approved without public notice. In addition, the bill deleted the Coal Bonding Calculations Tables without changing the regulatory criteria the tables represented, changed the term ''Bio-oil'' to ''Bio-fuel,'' and clarified revegetation standards for hayland and pasture use. We initially determined that the change from ''Bio-oil'' to ''Bio-fuel'' was non-substantive and that soliciting public comment was unnecessary, but we later sought further clarification from WVDEP about the use of those terms, as further discussed below.

By letter dated May 22, 2009 (Administrative Record No. WV 1521), WVDEP submitted two additional

legislative enactments, SB 436 and Committee Substitute SB 600. SB 436 was adopted by the West Virginia Legislature on April 3, 2009, and was signed into law by the Governor on April 11, 2009. SB 600, which authorized changes to West Virginia's alternative bonding system, was passed by the Legislature on April 10, 2009, and was signed into law by the Governor on May 4, 2009, with an effective date of July 1, 2009.

SB 436 amended W.Va. Code 22–3–8. In addition to non-substantive textual changes, SB 436 replaced references to certain defunct agencies at W.Va. Code 22–3–8(6)(A) by substituting their modern analogs. The May 22, 2009, letter advised that West Virginia considers the revisions authorized by SB 436 to be non-substantive changes and requested that they not be included in the proposed rule. Given the nature of the changes, we concurred with West Virginia's assessment and found them to be non-substantive changes. Therefore, we did not solicit public comment on these revisions in the October 21, 2009, proposed rule. Further, because the revisions amended a statutory provision of West Virginia's approved program, we are approving them without specific findings.

SB 600, also transmitted by the May 22, 2009, letter, amended W.Va. Code 22–3–11. As stated in West Virginia's May 22, 2009, letter transmitting the amendment for approval on an interim basis, SB 600 amended Section 22–3–11 ''to implement actuarial recommendations relating to the continuing fiscal viability of the Special Reclamation Fund.'' The letter explained that the ''legislation consolidates what has been known as 'the 7-and-7.4 tax' (the 7.4 [cents per ton] portion of which is currently subject to annual renewal) into a 14.4 cent tax per ton of clean coal mined, reviewable every 2 years by the Legislature.'' We approved the revision on an interim basis and solicited public comment in the **Federal Register** on July 22, 2009 (74 FR 36113) (Administrative Record No. WV 1528). The public comment period on the interim rule closed on August 21, 2009.

By letter dated July 6, 2009 (Administrative Record No. WV 1523), WVDEP also submitted a copy of SB 1011. SB 1011 amended the West Virginia Code at 22–3–10, 5B–2A–3, 5B–2A–5, 5B–2A–6, and 5B–2A–9. The amendments require surface mine reclamation plans to comport with approved master land use plans, as defined at CSR 145–8–2.11, and authorize surface mine reclamation plans to contain alternative postmining land uses. SB 1011 was passed by the West Virginia Legislature on June 2, 2009, and was signed into law by the Governor on June 17, 2009.

In sum, West Virginia submitted a total of three letters relevant to this final rule (May 11, 2009, May 22, 2009, and July 9, 2009), transmitting four legislative enactments (SB 153, SB 436, SB 600, and SB 1011). As noted above, the changes enacted in SB 600 were adopted in an interim rule published on July 22, 2009 (74 FR 36113), and public comment was solicited. The changes reflected in SB 153, SB 436, and SB 1011 were announced in a notice of proposed rulemaking published in the **Federal Register** on October 21, 2009 (74 FR 53972). In the October 21 notice, we opened the public comment period on the proposed rule and provided an opportunity for a public hearing or meeting on the adequacy of the proposed amendments (Administrative Record No. WV 1533). We did not hold a hearing or a meeting because none were requested. The public comment period closed on November 20, 2009.

Additional administrative events in connection with WVDEP's 2009 submissions followed in 2010 and 2011. While responding to a request we submitted by email on July 26, 2010 (Administrative Record No. WV 1544), we asked WVDEP to provide a definition of ''Bio-oil'' and ''Bio-fuel'' and an explanation of the differences between them. WVDEP explained that bio-fuels ''are a wide range of fuels which are derived from biomass.'' WVDEP noted that the term bio-fuel ''covers solid biomass, liquid fuels, and various biogases while bio-oil was limited to biodiesel.'' Given WVDEP's explanation, we reopened the 15-day comment period on February 7, 2011 (76 FR 6589) in order to afford the public the opportunity to comment on the proposed amendment to change an allowed type of cropland postmining land use from ''bio-oil'' to ''bio-fuel.'' We did not hold a hearing or a meeting because none were requested. The public comment period closed on February 22, 2011.

In a November 9, 2011, response to our June 7, 2011, letter (Administrative Record No. WV 1559), WVDEP submitted additional clarification on its use of cropland for bio-fuel production as a postmining land use (Administrative Record No. WV 1559). In addition, WVDEP submitted West Virginia's Noxious Weed Act Rules (title 61, series 14A) of 1976 and the Federal Noxious Weed List as of January 6, 2006 (Administrative Record No. WV 1574).

III. OSMRE's Findings

We approve in part and disapprove in part the revisions proposed by West Virginia as described below. We made the following findings about West Virginia's amendments as provided under SMCRA and the Federal regulations at 30 CFR 730.5, 732.15, and 732.17. Any revisions that we do not specifically discuss below concerning non-substantive wording or editorial changes can be found in the full text of the program amendment available at *www.regulations.gov,* searchable by the docket ID numbers referenced at the top of this notice.

1. CSR 38–2–3.15. Permit Applications: Approved Persons

West Virginia amended CSR 38–2–3.15 by changing a reference to section ''13(b)(10)'' of the Act to ''13(b)(10)(C)'' to clarify when an approved person must be a registered professional engineer or licensed land surveyor. West Virginia also amended CSR 38–2–3.15.b by adding language to require that an approved person's approval be in writing, the approval is subject to annual renewal, and that approvals and renewals be granted on the basis of the criteria set forth in subsections 3.15.b.1 through 3.15.b.2.

While there is no direct Federal counterpart to this requirement, we find that, as amended, subsections 3.15.a and 3.15.b are no less effective than the Federal requirements pertaining to professional certification and other application requirements under the provisions of 30 CFR 777.11(c) (concerning application oath requirement), 777.13(b) and 780.14(c) (imposing various professional certification requirements), and that these requirements are in accordance with sections 507(b)(14) and 515(b)(10)(B)(ii) of SMCRA, 30 U.S.C. 1257(b)(14) and 1265(b)(10)(B)(ii) (setting professional certification requirements for submission of cross-sections, maps, or plans, and for design of siltation structures). For these reasons, we approve these changes.

2. CSR 38–2–3.15.b.3. Permit Applications: Approved Persons

West Virginia has proposed to add new language at CSR 38–2–3.15.b.3 that requires an approved person, as defined in CSR 38–2–3.15.a, to use a digital signature and requires such person to maintain the capability of submitting documents bearing digital signatures to the Secretary. This provision provides that a digital signature will have the same effect as any other signature for the purposes of this subsection.

While there is no direct Federal counterpart to this requirement, we find that, as amended, subsection 3.15.b.3 is no less effective than the Federal requirements governing approved persons under the provisions of 30 CFR 777.11 (concerning applications for permits, revisions, and permit rights), 777.13, and 780.14(c) (imposing various professional certification requirements) and is in accordance with SMCRA provisions at 30 U.S.C. 1257(b)(14) and 1265(b)(10)(B)(ii) (setting professional certification requirements for submission of cross-sections, maps or plans, and for design of siltation structures). Therefore, we approve these changes.

3. CSR 38–2–3.15.e. Disciplinary Action, Procedures, Imposition of Conditions, Suspension, and Revocation of Approved Persons

West Virginia proposes to add a new provision at CSR 38–2–3.15.e that would authorize the Secretary of WVDEP to take disciplinary actions against a person approved to prepare, sign, or certify permit applications, such as suspending or revoking that person's ''approved person'' status in the event of fraud, negligence, or other enumerated behaviors.

While there is no direct Federal counterpart to these new provisions, we find that, as amended, CSR 38–2–3.15.e is no less effective than the Federal requirements governing approved persons under the provisions of 30 CFR 777.11 (concerning applications for permits, revisions, and permit rights), 777.13, and 780.14(c) (imposing various professional certification requirements) and is in accordance with SMCRA provisions at 30 U.S.C. 1257(b)(14) and 1265(b)(10)(B)(ii) (setting professional certification requirements for submission of cross-sections, maps or plans, and for design of siltation structures). Therefore, we approve this new provision.

4. CSR 38–2–3.15.f. Disciplinary Action, Procedures, Imposition of Conditions, Suspension, and Revocation of Approved Persons

West Virginia proposes to add a new provision at CSR 38–2–3.15.f, which provides that a person adversely affected by the Secretary taking one or more actions against them under CSR 38–2–3.15.e will receive notice of the action and receive the right to request a hearing to challenge the Secretary's decision.

While there is no direct Federal counterpart to these new provisions, we find that, as amended, CSR 38–2–3.15.f is no less effective than the Federal requirements governing approved persons under the provisions of 30 CFR 777.11 (concerning applications for permits, revisions, and permit rights), 777.13, and 780.14(c)(imposing various professional certification requirements) and is in accordance with SMCRA provisions at 30 U.S.C. 1257(b)(14) and 1265(b)(10)(B)(ii) (setting professional certification requirements for submission of cross-sections, maps or plans, and for design of siltation structures). Therefore, we approve this new provision.

5. CSR 38–2–3.28.b.1. Permit Revision

The prior version of CSR 38–2–28.b.1 provided that where a permit revision constitutes a significant departure from the terms and conditions of the existing permit that may result in a significant impact in certain defined areas, it will be deemed to be a significant revision and be subject to the public notice requirements of CSR 38–2–3.2.a and CSR 38–2–3.2.b. West Virginia now proposes to make such permit revisions also subject to the public notice requirements at CSR 38–2–3.2.c. and CSR 38–2–3.2.d. CSR 38–2–3.2.c requires the Secretary to provide notice to State and Federal governmental agencies of such permit revisions and CSR 38–2–3.2.d requires the Secretary to maintain a file containing public comments and other similar materials and to publish or notify certain parties when a permit or revision is issued.

Section 511 of SMCRA (30 U.S.C. 1261) and the Federal regulations at 30 CFR 774.13 set forth the Federal requirements for permit revisions. Except as discussed below, we find that West Virginia's requirements are in accordance with section 511 of SMCRA and no less effective than the Federal requirements at 30 CFR 774.13.

The Federal regulations at 30 CFR 778.21 require submission of proof of publication of an advertisement notifying the public of a permit application, significant permit revision, or permit renewal to be filed with the regulatory authority no less than 4 weeks after the last date of publication; the requirements for the advertisement must comply with the requirements of 30 CFR 773.6(a)(1). West Virginia also requires proof of publication of the advertisement for a permit action at CSR 38–2–3.2.g, once the application is deemed technically complete. However, West Virginia's proposed revisions to CSR 38–2–3.28.b.1 do not also include a reference to the proof of publication rules at CSR 38–2–3.2.g. We are nevertheless approving the West Virginia's changes to CSR 38–2–28.b.1 with the understanding that West Virginia will also require proof of publication of the advertisement for permit actions, including permit revisions, once they are deemed technically complete, as provided by CSR 38–2–3.2.g and 30 CFR 778.21. If we determine in the future that West Virginia is implementing this provision differently, we may require West Virginia to submit a program amendment to revise their program to reflect our understanding of this provision.

6. CSR 38–2–3.29.a. Incidental Boundary Revisions (IBRs)

West Virginia proposes to delete language prohibiting the use of IBRs to abate a violation where encroachment beyond the permit area is involved, unless an equal amount of acreage is deleted from the permit area.

The Federal requirements governing IBRs are set forth in section 511(a)(3) of SMCRA (30 U.S.C. 1261(a)(3)) and 30 CFR 774.13(d). The Federal requirements do not specifically address the potential use of IBRs to abate violations. However, section 511(a)(3) of SMCRA and 30 CFR 774.13(d) clearly provide that any extensions to an area covered by a permit except IBRs must be made by application for another permit. IBRs are intended to allow for limited or minor adjustments in permit boundaries to account for landslides, sinkholes, or other unanticipated events.

While there is no discussion in the preamble of the Federal regulations that mentions the use of IBRs to abate violations, we have discussed in our original approvals that the use of IBRs to abate violations would be contrary to the intent of SMCRA, especially when an operator intentionally removes coal beyond an original permit boundary. 55 FR 21316 (May 23, 1990); 61 FR 6520 (Feb. 21, 1996). We recognize that there could be a situation where a State regulatory authority would order an operator to obtain an IBR as part of its remedial measures to abate an unanticipated event that would require an operator to go outside the original permit area to abate the violation. In this type of instance, the operator has no intent to remove coal beyond the existing permit area or to mine additional acreage.

Therefore, except as discussed below, we find that the proposed deletion at CSR 38–2–3.29.a is in accordance with the Federal IBR requirements at section 511(a)(3) of SMCRA and consistent with 30 CFR 774.13(d). Furthermore, we are approving the proposed deletion of the language at CSR 38–2–3.29.a, which reads, ''or to abate a violation where encroachment beyond the permit

boundary is involved, unless an equal amount of acreage covered under the IBR for encroachment is deleted from the permitted area and transferred to the encroachment area.'' We have long maintained that an IBR cannot be used for the primary purpose of increasing the size of the area from which coal may be removed. Furthermore, only minor adjustments in the area for coal removal may occur so long as the total area permitted for coal removal is not increased.

Therefore, we are approving the deletion at CSR 38–2–3.29.a with the understanding that the primary purpose of an IBR cannot be to provide for coal removal. In a situation where coal removal is intentional and the primary purpose for operations conducted outside of the existing permit area, we expect WVDEP to require an operator to remove acreage from the permitted area and transfer it to the encroachment area. If we determine, in the future, that West Virginia is implementing this provision differently, we may require West Virginia to submit a program amendment to revise their program to reflect our understanding of this provision.

7. CSR 38–2–3.29.b.2. Incidental Boundary Revisions—Acreage Limitation

West Virginia proposes to add language that will increase its IBR acreage limitation and apply its waiver provisions for underground mining operations to other mining operations, including, but not limited to, loadout operations, coal refuse disposal operations, and coal preparation operations. The Federal regulations at 30 CFR 774.13(d), like W.Va. Code 22–3–19(b)(3) and section 511 of SMCRA (30 U.S.C. 1261(a)(3)), provide that any extensions to the area covered by a permit, except IBRs, must be made by application for a new permit. However, the term IBR is not defined in SMCRA, the Federal regulations, or applicable West Virginia law. West Virginia attempted to fill this void by defining it through its regulations.

In the May 23, 1990 **Federal Register** (55 FR 21316), we found West Virginia's original IBR requirements to be consistent with SMCRA and no less effective than the Federal regulations because the proposed State criteria recognized the distinct differences between surface and underground mining operations as required by section 516(a) of SMCRA (30 U.S.C. 1266(a)), and the criteria gave reasonable meaning to the term ''IBR'' in that such revisions would result in only minor or insignificant changes to the permit area. On February 21, 1996, we approved additional State revisions that allowed IBRs for underground mines in West Virginia to be larger than 50 acres when an applicant demonstrated the need for a larger IBR, and because no IBRs would be authorized by West Virginia where additional coal removal is the primary purpose of the IBR. 61 FR 6520.

While the term ''IBR'' is not specifically defined in the Federal regulations, the term ''incidental'' at least implies that such revisions be minor in nature, so as not to cause significant changes to the environment or to the considerations upon which permit conditions and permit approval are based. With this amendment, West Virginia is proposing to increase the IBR acreage limitation for mining operations other than coal removal, including loadouts, coal refuse disposal, and coal preparation operations.

When we approved West Virginia's IBR requirements in the May 23, 1990, **Federal Register** (55 FR 21316), the different IBR acreage limits for surface mines and underground mines were recognized. We acknowledged that surface disturbances for underground mines were generally smaller, more static, and of a longer term than for surface mines. Therefore, we found that the IBR acreage limitation for underground mining operations of 150 percent of the original permitted acreage or a maximum of 50 acres, whichever is less, throughout the life of the permit was not inconsistent with the Federal requirements. In addition, we approved West Virginia's waiver provision allowing larger IBR acreage limits for underground mining operations when the need for such facilities (for purposes of site development or for construction of air shafts, fan ways, vent holes, roads, staging areas, etc.) could be demonstrated by the operator. 61 FR 6520 (Feb. 21, 1996). Again, this provision was approved and limited to underground mining operations because of the distinct differences between surface and underground mining operations and because coal removal cannot be the primary purpose of an IBR.

Under the proposed amendment, West Virginia now wants to apply its IBR acreage limitation and its waiver provision for underground mining operations to other mining operations, including, but not limited to, loadout operations, coal refuse disposal operations, and coal preparation operations. In essence, this would allow IBRs for these types of surface mining operations to be larger than 50 acres. While these operations may be undertaken in support of underground mining activities, they are, by definition, surface mining operations.

As previously mentioned, we initially approved West Virginia's IBR acreage limitation criteria because of the distinct differences between underground and surface coal mining operations, and West Virginia's waiver provision was limited to facilities solely associated with underground mining operations. Under the proposed amendment, the distinction between surface and underground mining operations would no longer exist, and West Virginia would be free to grant waivers that could allow unlimited acreage under an IBR for various types of surface mining operations. Permit boundary extensions of this size could exceed the ''incidental'' limitations authorized by Federal law and can only be granted under a new permit or permit amendment.

We have long maintained that IBRs were not intended to add area to construct such facilities as coal preparation plants, coal mine waste disposal areas, etc. Given that IBRs can only provide for minor or insignificant shifts in a permit area, the proposed State amendment conflicts with the intent and purpose of the Federal IBR requirements. Therefore, we find that the proposed changes to CSR 38–2–3.29.b.2 are inconsistent with the Federal IBR requirements at section 511(a)(3) of SMCRA (30 U.S.C. 1261(a)(3)) and 30 CFR 774.13(d), and we are not approving these changes.

8. CSR 38–2–3.29.d. Incidental Boundary Revisions

West Virginia proposes to delete language about the findings that the Secretary must make before approving IBRs. Currently, the Secretary must make six required findings before approving an IBR. As proposed, West Virginia intends to delete four of these required findings: the requirement for the Secretary to find that approval of the IBR does not constitute a change in the postmining land use; that approval will only involve lands for which an approved probable hydrologic consequences (PHC) determination is applicable; that approval does not constitute a change in the mining method; and that approval will not result in adverse environmental impacts of a larger scope or different nature from those described in the approved permit. Due to the proposed deletion of these four IBR findings, West Virginia proposes to renumber CSR 38–2–3.29 subsections d.5 and d.6 as subsections d.1 and d.2, respectively.

The provision that West Virginia proposes to amend sets forth findings the WVDEP Secretary must make in approving an IBR. As discussed below in Finding 9, West Virginia has proposed criteria at CSR 38–2–3.29.e to clarify what constitutes significant and non-significant IBRs and the public notice requirements for each. The Federal regulations are silent regarding the difference between a significant and an insignificant IBR.

However, because West Virginia will require that significant IBRs be subject to the notice and comment procedures applicable to significant permit revisions, and because the Federal regulations provide broad discretion to the regulatory authority to establish guidelines for determining what constitutes a significant revision, we find that the resulting regulation, with West Virginia's proposed deletions, is consistent with the Federal IBR requirements in section 511(a)(3) of SMCRA (30 U.S.C. 1265(a)(3)) and is as effective as 30 CFR 774.13(d) (IBR requirements) and 30 CFR 774.13(b)(2) (permit revision requirements). Therefore, we approve these revisions.

9. CSR 38–2–3.29.e. Incidental Boundary Revisions—Criteria for ''Significant'' Classification

West Virginia proposes to add new language setting forth a standard for determining whether an IBR should be deemed significant or non-significant, to add new language about the review of IBR applications to determine if an updated PHC determination or an updated cumulative hydrologic impact assessment is required, and to delete language that gives the Secretary the authority to require IBR applications to be advertised and to provide for a 10-day public comment period.

The proposed amendment provides criteria to be used by the Secretary for determining that an IBR is ''significant.'' The criteria that West Virginia proposes to use, appearing in subsections 3.29.e.1.A through 3.29.e.1.G, duplicate some of the existing criteria in subsection 3.28.b.1, used for determining whether a permit revision is significant. The proposed amendment also provides that ''significant'' IBRs are subject to the public notice requirements at CSR 38–2–3.2.a through CSR 38–2–3.2.d. West Virginia proposes to add CSR 38–2–3.29.e.2, which would provide that where an IBR constitutes only an ''insignificant'' departure from the terms and conditions of an existing permit, it will be deemed to be non-significant, which requires no public notice.

We must caution that, in using largely the same criteria to define significant IBRs as are used in the case of significant permit revisions, there may be conflicts in West Virginia's regulations, such as the restriction on adding acreage through a permit revision. In contrast, an IBR provides for minor or insignificant shifts in permit boundaries, which could result in adding acreage. However, neither SMCRA nor the Federal regulations require public notice or a public comment period for the approval of an IBR.

West Virginia proposes to make significant IBRs subject to its public notice requirements at CSR 38–2–3.2.a through CSR 38–2–3.2.d. However, these subsections do not include the requirement for proof of publication, which appears at CSR 38–2–3.2.g. The Federal regulations at 30 CFR 778.21 require proof of publication for a significant revision of a permit.

Therefore, consistent with requirements for permit revisions, we are approving CSR 38–2–3.29.e.1 with the understanding that West Virginia will require proof of publication of the advertisement for a significant IBR as required by CSR 38–2–3.2.g and 30 CFR 778.21. If we determine, in the future, that West Virginia is implementing this provision differently, we may require West Virginia to submit a program amendment to revise their program to reflect our understanding of this provision.

10. CSR 38–2–7.8. Bio-Fuel Crop Land

In our proposed rule dated October 21, 2009, announcing receipt of and a comment period on the proposed amendment, we stated that West Virginia's proposed changes to their program, deleting ''Bio-oil'' and replacing it with ''Bio-fuel'' were non-substantive as applied to postmining land use of hayland or pasture. As explained in Section II above, WVDEP subsequently explained that ''Biofuels cover are [sic] a wide range of fuels which are derived from biomass. The term covers solid biomass, liquid fuels and various biogases while bio-oil was limited to biodiesel.'' *See* Administrative Record No. 1544. Given these definitions, we also reopened public comment.

After the public comment period closed, we sent a letter dated June 7, 2011, (Administrative Record No. WV 1559) to WVDEP seeking additional clarification of West Virginia's rule change from ''Bio-oil'' to ''Bio-fuel'' at CSR 38–2–7.8. WVDEP responded first by email on September 8, 2011, and, after we requested further clarification of the terms on November 2, 2011, WVDEP provided a final response in an email dated November 9, 2011, which provided West Virginia's procedures and rules dealing with noxious weeds (Administrative Record No. WV 1574). As part of this communication, West Virginia recognized that it cannot restrict the use of non-native plants as long as they are biofuel sources and are not considered invasive, toxic, or noxious under State or Federal law. WVDEP will not authorize biofuel as a postmining land use on sites requesting a mountaintop approximate original contour (AOC) variance unless the plans include a financial commitment to build a biofuel plant.

Given WVDEP's clarification, we find that West Virginia's change from bio-oil to bio-fuel for cropland or pasture as postmining land use on all surface mining operations neither renders West Virginia's proposed bio-fuel cropland revisions at CSR 38–2–7.8 less effective than the Federal requirements at 30 CFR 779.19, 780.18, 780.23, 783.19, 785.14, 816.111, 816.116, 816.133 and Part 824 nor inconsistent with sections 507(d), 508(a), 515(b)(2), 515(b)(19), and 515(c) of SMCRA (30 U.S.C. 1257(d), 1258(a), 1265(b)(2), 1265(b)(19), and 1265(c)). We therefore approve these changes with the understanding that West Virginia's bio-fuel cropland requirements will be implemented in the manner described above. As with bio-oil cropland, bio-fuel cropland can be approved for all mining operations with variances from approximate original contour and in accordance with revegetative success standards provided that they meet the regulatory requirements in SMCRA and the implementing Federal regulations, and that the plans include a financial commitment to build a bio-fuel plant. In the future, if we determine that West Virginia is implementing this provision differently, we may require West Virginia to submit a program amendment to revise their program to reflect our understanding of this provision.

11. CSR 38–2–9.3.f. Revegetation Success Standards

West Virginia proposes to amend its regulatory program's revegetation success standards by deleting the phrase ''Where the post mining land use requires legumes and perennial grasses,'' and replacing it with the phrase ''For areas to be developed for hayland or pasture use.'' The proposed revision would make the introductory format of CSR 38–2–9.3.f conform with the other provisions included in CSR 38–2–9.3 by providing for specific

postmining land uses instead of the types of vegetative cover to be evaluated. Legumes and grasses would still qualify as appropriate vegetative cover where the postmining land use is ''hayland or pasture use.''

Because WVDEP is only changing the nomenclature from 'legumes and perennial grasses' to 'hayland and pasture use' and is not adjusting the revegetation standards or the vegetative cover allowed, we find the proposed amendment to CSR 38–2–9.3.f (concerning success standards for evaluating vegetative cover and productivity for hayland and pasture use) as effective as the Federal revegetation success standards at 30 CFR 816.116(b)(1) and 817.116(b)(1). Therefore, we approve this amendment.

12. CSR 38–2–11. Site Specific Bonding Tables

West Virginia is proposing to delete the Coal Bonding Calculations Tables 1, 2, 3, and 4 at CSR 38–2–11.5 for surface mines, underground mines, coal preparation plants, and coal refuse sites. In addition, West Virginia is proposing to delete language at CSR 38–2–11.5.c through CSR 38–2–11.5.f referring to the Bonding Calculations Tables. Inclusion of the bonding tables in West Virginia's initial program submittal was discretionary and intended to demonstrate how the bond rates would be calculated for individual permitted sites. West Virginia now seeks to delete these tables as part of its regulatory program. The criteria for calculating bond remain the same as stated in the existing State regulations. Because removal of the tables does not alter the process of determining bond amounts or the regulations that govern the calculations at 30 CFR 800.14, this revision would make no change to substantive law. Therefore, we approve this revision.

13. W.Va. Code 5B–2A–3. Definitions

West Virginia proposes to add, at W.Va. Code 5B–2A–3(a)(3), a definition for the term ''Operator'' that cross references the existing definition for that term given at W.Va. Code 22–3–3(n). West Virginia also proposes to add the following definition for ''Renewable and alternative energy'' at W.Va. Code 5B–2A–3(a)(4):

(4) ''Renewable and alternative energy'' means energy produced or generated from natural or replenishable resources other than traditional fossil fuels or nuclear resources and includes, without limitation, solar energy, wind power, hydropower, geothermal energy, biomass energy, biologically derived fuels, energy produced with advanced coal technologies, coalbed methane, fuel produced by a coal gasification or liquefaction facility, synthetic gas, waste coal, tire-derived fuel, pumped storage hydroelectric power or similar energy sources.

We find that the proposed definition for ''operator'' is in accordance with the definition at found at section 701(13) of SMCRA (30 U.S.C. 1291(13)) and consistent with the definition for ''operator'' found at 30 CFR 701.5. While there is no direct Federal counterpart to the proposed definition for ''Renewable and alternative energy,'' we find that, as amended, these definitions added at W.Va. Code 5B–2A–3 are no less stringent than the definitions in section 701 of SMCRA (30 U.S.C. 1291) and are no less effective than the Federal requirements at 30 CFR 700.5 and 30 CFR 701.5. Therefore, these revisions are approved.

14. W.Va. Code 5B–2A–5. Powers and Duties

W.Va. Code 5B–2A–5(8) provides that the West Virginia Office of Coalfield Community Development (OCCD) may, on its own initiative or by request of a community near a mining operation, offer assistance to facilitate the development of economic or community assets. The previous version of W.Va. Code 5B–2A–5(8) continued: ''Such assistance may include the preparation of a master land use plan pursuant to the provisions of section nine of this article.'' West Virginia has proposed to amend this sentence to replace ''may,'' which is discretionary, with ''shall,'' which is ambiguous but, in this context, is intended to make the preparation of a master land use plan required.

While there is no direct Federal counterpart to this requirement, we find that, as amended, this change is no less stringent than section 508 of SMCRA (30 U.S.C. 1258) and no less effective than the Federal requirements of 30 CFR 780.23. Therefore, we approve this change.

15. W.Va. Code 5B–2A–6. Community Impact Statement

West Virginia proposes to add a new provision at W.Va. Code 5B–2A–6(9), which would require the community impact statement to include the operator's acknowledgment of recommendations and infrastructure components identified by the master land use plan. West Virginia has also proposed to move the prior provisions of W.Va. Code 5B–2A–6(d) to 5B–2A–6(e) and add a new provision at W.Va. Code 5B–2A–6(d), which would require the local, county, or regional development authorities in the vicinity of a surface mining operation to provide a written acknowledgment of receipt of the community impact statement to the OCCD. The former provisions of W.Va. Code 5B–2A–6(d), which provides the effective date of W.Va. Code 5B–2A–6, has been moved to newly created W.Va. Code 5B–2A–6(e). At W.Va. Code 5B–2A–6(e)(1), West Virginia has proposed to replace ''the effective date of this article'' with ''June 11, 1999.''

Under the proposed revisions, operators must not only develop community impact statements but also must provide an acknowledgement of the recommendations of any approved master land use plan that pertains to the land to be mined and any infrastructure components needed to accomplish the postmining land use required by the plan. While there is no direct Federal counterpart to this requirement, we find that, as amended, the new language added at W.Va. Code 5B–2A–6 is no less effective than the Federal requirements in 30 CFR 780.23, 784.15, 784.16, 816/817.133 and Part 824, and no less stringent than SMCRA sections 507, 508, and 515(b), (c), (d) and (e) (30 U.S.C. 1257, 1268, 1265(b), (c) and (e)). Therefore, we approve the revisions.

16. W.Va. Code 5B–2A–9. Securing Developable Land and Infrastructure

W.Va. Code 5B–2A–9(f) generally describes that State and local government entities are responsible for determining land and infrastructure needs in the general area of mining operations and describes the creation, revision, and review of a master land use plan. At W.Va. Code 5B–2A–9(f), West Virginia proposes to delete a provision that ''[p]articipation in a master land use plan is voluntary.'' At W.Va. Code 5B–2A–9(f)(1), which describes the target West Virginia governmental units responsible for developing a master land use plan, West Virginia proposes to replace ''State, local, county or regional development or redevelopment authorities'' with ''[t]he county commission or other governing body for each county in which there are surface mining operations that are subject to this article.'' This change would require those authorities to determine land and infrastructure needs and develop a master land use plan along certain lines; the revision also adds several examples to a non-exclusive list of postmining land uses to be considered. In addition, West Virginia proposes to add language to the end of W.Va. Code 5B–2A–9(f)(1) that would allow a county commission or other governing body of a county to designate a regional development or redevelopment authority to assist in the

development of a master land use plan and to add that such commission may adopt a master land use plan developed after July 1, 2009, only after a reasonable public comment period.

West Virginia proposes to delete the prior version of W.Va. Code 5B–2A–9(f)(2), which required OCCD to review and WVDEP to approve, any master land use plan to ensure compliance with W.Va. Code 22–3–10. West Virginia proposes to add a requirement that OCCD assists in the development of the master land use plan on request of a county or designated development or redevelopment authority. West Virginia proposes to renumber W.Va. Code 5B–2A–9(f)(3) to W.Va. Code 5B–2A–9(f)(4) and add new provisions at W.Va. Code 5B–2A–9(f)(3)(A) through W.Va. Code 5B–2A–9(f)(3)(D). These new provisions would require OCCD and WVDEP to review master land use plans existing as of July 1, 2009, to determine compliance with the amended rules and regulations, require that master land use plans be submitted to OCCD to be approved or disapproved within 3 months of submission, require OCCD to review approved master land use plans every 3 years, provide stipulations for submission and public comment of updated master land use plans, and require the county or designated development authority to submit a supplemental master land use plan if a prior plan was disapproved by OCCD.

Under these requirements, an operator must include in the surface mining permit application a master land use plan developed by the county or by the development or redevelopment authority and approved by OCCD. Infrastructure component standards must be in place before the respective county development or redevelopment authority may accept ownership of property donated pursuant to a master land use plan. As provided in the introduction to W.Va. Code 5B–2A–9(f), no provision of W.Va. Code 5B–2A–9 may be construed as modifying the requirements of WVSCMRA (W.Va. Code 22–3–1 *et seq.*). Even as modified, and even with the new requirement for a master land use plan in the permit application, the Secretary still retains oversight over permit issuance and compliance with WVSCMRA. This includes ensuring that permits satisfy reclamation plan requirements at W.Va. Code 22–3–10 and comply with the requirement to restore the approximate original contour at W.Va. Code 22–3–13.

While there are no direct Federal counterparts to these requirements about master land use plans, we find that, as amended, W.Va. Code 5B–2A–9 is not inconsistent with the Federal requirements at 30 CFR 780.23, 784.15, 784.16, 816/817.133 and Part 824 and is in accordance with SMCRA sections 507, 508, and 515(b)–(e) (30 U.S.C. 1257, 1258, 1265(b)–(e)). Therefore, we approve these changes.

17. W.Va. Code 22–3–10. Reclamation Plan Requirements

West Virginia proposes to add new language to W.Va. Code 22–3–10 providing a non-exclusive list of alternative postmining land uses, allowing the Secretary to approve postmining land uses not specified in the master land use plan under certain circumstances, allowing an operator to seek a permit revision to include a postmining land use approved in a master land use plan, and specifying the effective date of these amendments.

The revised provisions are intended to require that surface mine reclamation plans conform with master land use plans approved by OCCD or to authorize surface mine reclamation plans that include alternative, non-conforming postmining land uses under certain circumstances. Although there are no specific requirements governing compliance with master land use plans in SMCRA, we find that, except as discussed below, the proposed revisions at W.Va. Code 22–3–10(a)(3), (b), and (d) are in accordance with the provisions at SMCRA sections 507, 508, and 515(b)–(e) (30 U.S.C. 1257, 1258, 1265(b)–(e)) and consistent with the Federal regulations at 30 CFR 780.23, 784.15, 784.16, 816/817.133, and are therefore approved.

West Virginia's proposed changes to W.Va. Code 5B–2A–9(f)(2) would remove the requirement that WVDEP approve a master land use plan ensuring compliance with W.Va. Code 22–3–10. West Virginia's proposed changes also include, at W.Va. Code 22–3–10(a)(3)(A), a requirement that the postmining land use proposed in any reclamation plan must comport with the land use that is specified in the master land use plan approved by OCCD. West Virginia has proposed to add, at W.Va. Code 22–3–10(a)(3)(C), a provision stating that a postmining land use complying with a master land use plan approved in accordance with W.Va. Code 5B–2A–1 *et seq.,* satisfies the requirements for an alternative postmining land use and also satisfies the variance requirements at W.Va. Code 22–3–13, if applicable to the proposed use. This scheme could arguably allow OCCD to approve a proposed postmining land use that does not meet the applicable reclamation and postmining land use requirements set forth in W.Va. Code 22–3–10 and W.Va. Code 22–3–13. While West Virginia has added new provisions that require a master land use plan to be submitted to WVDEP and OCCD for review at W.Va. Code 5B–2A–9(f), this section does not contain any further mention of WVDEP's oversight over such plans or describe a consequence if WVDEP finds that the plan fails to comply with WVSCMRA.

However, the proposed changes have made master land use plans a required part of the reclamation plan proposed at the permit application or permit revision stage. WVDEP still retains oversight over permitting actions and must ensure that the reclamation plan, including the master land use plan, complies with WVSCMRA, including reclamation plan requirements at W.Va. Code 22–3–10 and performance standards at W.Va. Code 22–3–13. Approval of a master land use plan by OCCD does not create a safe harbor allowing a postmining land use that is inconsistent with West Virginia's reclamation plan, an alternative postmining land use, or the AOC requirements at W.Va. Code 22–3–1 *et seq.*

We are approving these changes with the understanding that WVDEP will continue to ensure compliance of the reclamation plan, including any master land use plan, with WVSCMRA. WVDEP must review any such plan to ensure they meet the requirements of the reclamation plan, the alternative postmining land use, and the AOC variance requirements of the approved program to ensure that WVSCMRA continues to accord with sections 508 and 515 of SMCRA. If we determine, in the future, that West Virginia is implementing this provision differently, we may require West Virginia to submit a program amendment to revise their program to reflect our understanding of this provision.

18. W.Va. Code 22–3–11. Bonds

The prior version of W.Va. Code 22–3–11(h)(1) contained a two-stage special reclamation tax on each ton of coal extracted. The tax was to be initially assessed at seven and four-tenths cents per ton for the first 12 months after the tax was established, increasing an additional seven cents per ton effective July 1, 2009. We approved West Virginia's alternative bonding provisions on an interim basis in the July 22, 2009, **Federal Register** (74 FR 36113), and in the same notice provided for a public comment period and an opportunity for a public hearing. We subsequently approved an increase in the tax to twenty-seven and nine-tenths cent, per actuarial recommendations, in

the July 11, 2012, **Federal Register** (77 FR 40793), and provided an opportunity for public comment. West Virginia has proposed to amend W.Va. Code 22–3–11(h)(1) by removing obsolete references to the expired, lesser rate, and reorganizing W.Va. Code 22–3–11(h)(1) for clarity. In addition, the prior language of this subsection required the additional seven cent tax to be reviewed and, if necessary, adjusted annually by the legislature on recommendation of the Special Reclamation Fund Advisory Council. West Virginia has proposed to replace this with a requirement that the legislature review the tax rate every 2 years to determine whether it should be continued. The existing requirement that the special reclamation tax cannot be reduced ''until the Special Reclamation Fund and Special Reclamation Water Trust Fund have sufficient moneys to meet the reclamation responsibilities of the state'' is left intact.

Pursuant to the Administrative Procedure Act at 5 U.S.C. 553(b)(3)(B), we found that good cause existed to approve the revisions on an interim basis, without notice and the opportunity for comment, which would have delayed collection of the increased special reclamation tax, contrary to the public interest.

In addition, as provided by W.Va. Code 22–1–17(g), the Special Reclamation Fund Advisory Council is required to submit annually to the legislature and the governor a report on the adequacy of the special reclamation tax and the fiscal condition of the special reclamation fund. The report is to include a recommendation on whether any adjustments to the special reclamation tax should be made.

Therefore, we find the proposed State revisions to W.Va. Code 22–3–11(h)(1), when read in combination with existing W.Va. Code 22–1–17(g), to be consistent with the Federal alternative bonding requirements at section 509(c) of SMCRA (30 U.S.C. 1259) and no less effective than the Federal alternative bonding requirements at 30 CFR 800.11(e). Accordingly, we approve the changes.

West Virginia's proposed alternative bonding provisions, as discussed above, are approved on a permanent basis.

IV. Summary and Disposition of Comments

Public Comments

On July 22, 2009, we published a **Federal Register** notice (74 FR 36113) announcing our approval on an interim basis of West Virginia's alternative bonding revisions enacted in SB 436 and SB 600 and submitted by letter dated May 22, 2009 (Administrative Record No. WV 1521). The July 22 notice requested public comments on the revisions (Administrative Record No. WV 1528).

On October 21, 2009, we published a **Federal Register** notice (74 FR 53972) (Administrative Record No. WV 1533) and asked for public comments on additional program amendments, as submitted by WVDEP in letters dated May 11, 2009, and July 6, 2009 (Administrative Record Nos. WV 1522 and WV 1523). Several of the revisions were enacted in SB 153 and SB 1011 and the remainder were the result of WVDEP rulemaking under existing statutory authority. On November 20, 2009, the West Virginia Highlands Conservancy (WVHC) requested an extension of the comment period (Administrative Record No. WV 1542). An extension was granted, and the comment period closed on December 18, 2009 (Administrative Record No. WV 1542).

On February 7, 2011, we published another **Federal Register** notice (76 FR 6589) concerning one of the revisions proposed in the October 21, 2009, notice, in particular, a provision authorizing postmining use of cropland for bio-fuel production. We also reopened the comment period on this one revision (Administrative Record No. WV 1554). The comment period closed on February 22, 2011.

By letter dated December 17, 2009, WVHC submitted written comments on the October 21, 2009, notice (Administrative Record No. WV 1541). No other public comments were received.

1. WVHC explained that the unchanged original language of subsection 3.29.a establishes a generally positive limitation on the use of IBRs. However, WVHC stated that the proposed deletion in subsection 3.29.a of the prohibition on use of IBRs to address unauthorized mining outside of the original permit areas is unexplained. According to WVHC, an unexplained amendment that expands the use of IBRs to circumstances where such use is now unauthorized is arbitrary and capricious. WVHC contends that West Virginia has a legal obligation to justify every expansion in the use of IBRs in lieu of permit revisions.

OSMRE Response: WVDEP proposed to delete language prohibiting the use of IBRs to abate a violation where encroachment beyond the permit area is involved, unless an equal amount of acreage is deleted from the permit area. As discussed above in Finding 6, the Federal regulations do not specifically provide for the use of IBRs to abate violations. It could be argued that the proposed deletion at subsection 3.29.a is meant to allow an operator to conduct an operation outside the permit area without obtaining a new permit or to obtain an IBR to abate a violation without requiring the acreage to be deleted from the permitted area and transferred to the encroachment area. However, there is no positive grant of any such right to conduct mining operations outside the permitted area. While the rule with its proposed deletion is still no less stringent than SMCRA and no less effective than the Federal regulations, we will continue to monitor the implementation of IBR provisions in West Virginia to ensure that WVDEP continues to require operators whose primary purpose is coal removal to delete acreage from the permitted area and transfer it to the encroachment area.

2. WVHC also stated that the authority in subsection 3.29.b.2 allowing use of IBRs to expand the permit areas of other mining operations, including but not limited to loadout operations, coal refuse disposal operations and coal preparation operations, is unexplained and, therefore, arbitrary and capricious. According to WVHC, WVDEP has a legal obligation to justify every expansion in the use of IBRs in lieu of permit revisions. In addition, WVHC commented that all the other (mining) operations are conducted primarily or exclusively on the surface and, therefore, logically should be subject to the same limitations on IBR use as surface mining operations,

OSMRE Response: As discussed above in Finding 7, WVDEP proposes to increase its IBR acreage limitation and apply its waiver provisions for underground mining operations to certain surface activities associated with underground mining operations, including, but not limited to, loadout operations, coal refuse disposal operations, and coal preparation operations. In the 1990s, we initially approved West Virginia's 50-acre limitation on IBR waivers for underground mining because of the distinct differences between underground and surface coal mining operations. West Virginia's waiver provision, allowing expansion up to 50 acres, was limited to underground mining operations. This would not be the case under the proposed amendment, which effectively ignores the distinction between surface and underground mining operations in the IBR context, and West Virginia would be free to grant waivers that could allow unlimited acreage under an IBR for

surface mining operations. Therefore, as explained in Finding 7, we are not approving the language proposed in WVDEP's revision that states ''and other mining operations including but not limited to loadout operations, coal refuse disposal operations and coal preparation operations.'' As a result, West Virginia's rationale for the proposed language need not be explained.

3. WVHC further stated that the proposed deletion of four of six required findings in subsection 3.29.d that the Secretary must make before approving an IBR is unexplained and, thus, arbitrary and capricious. According to WVHC, the removal of these required findings is inconsistent with SMCRA and the applicable Federal requirements.

OSMRE Response: As explained above in Finding 8, the language that West Virginia is proposing to delete sets forth criteria that are used by the Secretary to determine whether an IBR should be approved. In their place, West Virginia has adopted similar criteria in new subsection 3.29.e, as discussed in Finding 9. We are approving West Virginia's proposal for subsection 3.29.e, with the caution that the use of the new criteria may result in internal program inconsistency. The Federal regulations are silent about the difference between a significant and an insignificant IBR. However, because West Virginia will require that significant IBRs be subject to the notice and comment procedures applicable to significant permit revisions except as discussed above and because the Federal regulations provide wide discretion to the regulatory authority to establish guidelines for determining what constitutes a significant revision, we determined that West Virginia's proposed deletion and the remaining required findings for IBRs at subdivision 3.29.d are as stringent as the Federal IBR requirements in section 511(a)(3) of SMCRA and are no less effective than either 30 CFR 774.13(d) or the permit revision requirements at 30 CFR 774.13(b)(2). In addition, we are requiring proof of advertisement of all significant IBRs in accordance with CSR 38–2–3.2.g. and 30 CFR 778.21.

4. In addition, WVHC stated that the proposed requirement at subsection 3.29.e, which provides that the Secretary will review each IBR application to determine if an updated PHC determination or cumulative hydrologic impact assessment (CHIA) is required, is arbitrary and capricious because the proposed requirement fails to incorporate existing reasonable, science-based criteria for making the required determination; instead, according to WVHC this provision makes the determination entirely discretionary with the Secretary. WVHC also stated the proposed requirement that the Secretary determine the significance of each IBR based only on the information provided in the IBR application is also arbitrary and capricious. The WVHC commented that the use of the word ''significant'' in establishing criteria for determining the significant nature of a proposed IBR creates a circular unenforceable definition that will effectively allow the Secretary to dispense with public participation. According to WVHC, in the approval of any IBR, WVDEP must establish and apply specific, reasonable, and non-discretionary criteria for dispensing with the public participation requirements. Finally, WVHC noted that rulemaking and IBR approvals by WVDEP have increasingly allowed changes that are no longer incidental but rather substantial alterations to active permits. The latest proposal, according to the WVHC, takes that abuse one step further and should be denied.

OSMRE Response: WVHC expresses concerns with the standards imposed by the proposed amendment in two instances: (1) when the agency determines whether an IBR is significant, such that public comment is required before approving it; and (2) when the agency determines whether an IBR requires an updated PHC or CHIA. We do not agree that either concern demands a change in the proposed rule.

As to the first point (whether an IBR is significant), we agree with the WVHC that use of the term ''significant'' in the proposed amendment provides little guidance to the agency beyond applying its technical expertise and exercising sound professional judgment in assessing significance. But we believe the guidelines can be implemented successfully because the agency must construe the word ''significant'' in a manner consistent with its commonly understood meaning and in a manner that is reasonable under the factual circumstances present. Importantly, the regulation guides the agency in this task by identifying seven circumstances in which significance should be considered, as set out in subsections 3.29.e.1.A through 3.29.e.1.G. WVHC construes the proposed amendment as providing that an application is the ''only'' basis for determining significance. We do not read the regulation to provide such an exclusive limitation. It is incumbent upon the agency to use any available information to determine whether an IBR is significant instead of limiting itself solely to the information contained in the IBR application.

As to the second point (whether an updated PHC or CHIA is required), WVHC has contended that that the absence of a standard (or ''science-based criteria'') for making the first determination required in subsection 3.29.e (*i.e.,* whether an updated PHC or CHIA is required when approving an IBR) makes the proposed amendment entirely discretionary and subject to ''agency whim.'' We agree the IBR provision vests the agency with very broad discretion in making the update determination, but it establishes the same authority as is provided in the context of permit revisions. *See* CSR 38–2–3.28.b.1. That subsection states, in almost identical language, that each permit revision ''shall be reviewed . . . to determine if an [updated PHC or CHIA] is required'', and does so, like the provision in in subsection 3.29.e, without specifying any standards. WVHC does not identify any principle of law that prohibits a broad grant of discretionary authority, and we are unaware of any. We further note that statutes and regulations frequently make broad grants of authority and vest considerable discretion in administrative agencies, just as WVDEP has done in the case of permit revisions in subsection 3.28.b.1. The agency, nonetheless, is not unbounded in making its update on a PHC determination. It must apply its technical expertise and exercise sound professional judgment, reaching a conclusion that is rational, supported by the record, and based on a consideration of all relevant factors.

As discussed above in Finding 9, because of the internal program inconsistency that could result due to the change, we are approving this part of the amendment with the understanding that West Virginia's proposal that the criteria set forth in subsection 3.29.e for determining whether a permit revision is significant be used only as guidance. With this caveat, we are approving West Virginia's proposed changes at subdivision 3.29.e when determining what constitutes a significant and non-significant IBR. In addition, we are approving subsection 3.29.e with the understanding that WVDEP will require proof of publication of the advertisement for a significant IBR as required by subdivision 3.2.g.

Therefore, our partial approval of subdivision 3.29.e is contingent on our understanding as set forth in Finding 9.

5. WVHC also commented that the special reclamation tax of 14.4 cents per ton of prepared coal at 22–3–11(h)(1)

continues to be insufficient to assure the long-term viability of the Special Reclamation Fund to provide sufficient moneys for West Virginia to meet its reclamation responsibilities under the law.

OSMRE Response: As described in Finding 18 and in the interim rule as published in the July 22, 2009, **Federal Register** (74 FR 36113), West Virginia consolidated and increased its special reclamation and additional taxes, into a special reclamation tax with a rate of 14.4 cents per ton of clean coal mined, reviewable every 2 years by the Legislature, instead of annually. This statutory revision was adopted by the Legislature and approved by the Governor upon the recommendation of the Special Reclamation Fund Advisory Council (Advisory Council). Subsequently, we approved in the July 11, 2012 **Federal Register** (77 FR 40794) an increase of the rate of the special reclamation tax to twenty-seven and nine-tenths cents per ton of clean coal mined. This rate increase was based on actuarial recommendations relating to the continued fiscal viability of the Fund. The Advisory Council's purpose is ''to ensure the effective, efficient and financially stable operation of the special reclamation fund.'' *See* W.VA. Code 22–1–17. Despite this, WVHC claims that the tax rate will be ''insufficient to assure the long-term viability of the Special Reclamation Fund,'' but the commenter neither offers any basis for this statement nor offers any or data to support it, which leaves the assertion conclusory.

In addition, the law provides that the tax may not be reduced until the Special Reclamation Fund and the Special Reclamation Water Trust Fund have sufficient moneys to meet the reclamation responsibilities of West Virginia established in this section. West Virginia's 2021 actuarial report, assuming a funding rate of twenty-seven and nine-tenths cents per ton and new permits at current bond values, the Special Reclamation Fund and the Special Reclamation Water Trust Fund are projected to have sufficient revenue to last through 2039. Given that land and water reclamation costs, water treatment standards, and economic conditions are constantly changing, it is difficult to say for certain how much money these Funds will need to assure their long-term viability. Thus, it is a matter that West Virginia is obligated to closely monitor. West Virginia has made significant progress in completing land reclamation at its backlog of bond forfeiture sites, including treating pollutional discharges at those sites that needed it. Furthermore, as provided by 22–1–17(g), the Advisory Council is continuing to use its technical expertise to monitor these Funds and recommend adjustments in their revenue rates to ensure their financial solvency. We will continue to monitor the Advisory Council's progress in ensuring the long-term financial stability of these Funds.

6. WVHC indicated that the proposed changes in section 22–3–10 of the West Virginia Code lend undue weight to master land use plans that are often approved with little input from people living in small, somewhat isolated communities in hollows where most large mining operations occur. WVHC also stated that the proposed changes add ''renewable and alternative energy uses'' to the mix of acceptable postmining land uses. WVHC questioned why West Virginia defined these uses at 5B–2A–3 if they are already acceptable under State law.

OSMRE Response: As discussed in Findings 14 through 17 above, we determined that the revised provisions are intended to require that surface mine reclamation plans conform with master land use plans and to authorize surface mine reclamation plans to contain alternative, non-conforming postmining land uses under certain circumstances. Although there are no specific requirements governing master land use plans in SMCRA, we determined, except as discussed below, that the proposed revisions are no less stringent than SMCRA and no less effective than the Federal regulations.

We made this determination, in part, based on 5B–2A–9 which provides that ''no provision of this section may be construed as modifying the requirements of'' WVSCMRA. However, compliance with a master land use plan, as described in the discussion of subsection 10(a)(3)(C) above, will not necessarily ensure that the approved postmining land use will satisfy West Virginia's alternative postmining land use and AOC variance provisions. Nothing in the master land use plan can be inconsistent with or supersede any reclamation plan, alternative postmining land use, or AOC variance requirements of West Virginia's approved regulatory program.

In response to WVHC's specific comments, we agree that master land use plans should neither be given undue weight nor supersede an approved reclamation plan. The proposed changes have made master land use plans a required part of the reclamation plan proposed at the permit application or permit revision stage. WVDEP still retains oversight over permitting actions and is still required to ensure that the reclamation plan, including the master land use plan, complies with WVSCMRA, including reclamation plan requirements at W.Va. Code 22–3–10 and performance standards at W.Va. Code 22–3–13. We have approved these changes with the understanding that WVDEP will still exercise its authority to ensure compliance of the master land use plan with WVSCMRA, particularly regarding other requirements of the reclamation plan, the alternative postmining land use, and the AOC variance requirements of the approved program to ensure that WVSCMRA continues to accord with sections 508 and 515 of SMCRA.

Federal Agency Comments

On June 17, 2009, in accordance with 30 CFR 732.17.17(h)(11)(i) and 503(b) of SMCRA, we requested comments from various Federal agencies on West Virginia's proposed changes to its alternative bonding system submitted by letter dated May 22, 2009 (Administrative Record No. WV 1524).

In response, OSMRE received responses from the Natural Resources Conservation Service (NRCS), the Mine Safety and Health Administration (MSHA), the U.S. Department of Energy (DOE), and the Bureau of Land Management (BLM); each stated that they had no comments. *See* Administrative Record No. WV 1525 (NRCS), Administrative Record No. WV 1526 (MSHA), Administrative Record No. WV 1527 (DOE), and Administrative Record No. WV 1531 (BLM).

On October 27, 2009, we again wrote various State and Federal agencies with an actual or potential interest in the West Virginia program and requested comments concerning the proposed State amendments submitted by letters dated May 11, 2009, and July 6, 2009. Those amendments related to changes in West Virginia's surface mining reclamation regulations and in reclamation plan requirements (Administrative Record No. WV 1535).

NRCS, DOE, and MSHA each responded that they had no comments. *See* Administrative Record No. WV 1534 (NRCS), Administrative Record No. WV 1539 (DOE), and Administrative Record No. WV 1540 (MSHA).

On December 9, 2010, we requested comments from various State and Federal agencies on WVDEP's proposal to change the term bio-oil cropland to bio-fuel cropland (Administrative Record No. WV 1549).

On January 7, 2011, the NRCS (Administrative Record No. WV 1551) responded with concerns that WVDEP, in consultation with the West Virginia Department of Agriculture, may release the performance bond based solely upon

the performance of converting the land use to cropland for the purpose of bio-fuel production. The NRCS suggested that language should be included to allow for a postmining land use for bio-fuel cropland or grasslands that includes adequate rotations to prevent erosion, such as cover crops, permanent close-grown grasses, or vegetation, before bond release.

States are required to encourage operators to establish diverse, non-invasive native vegetative species as part of the postmining land use of a surface mining reclamation operation. While it is West Virginia's practice to do so, West Virginia cannot restrict the use of non-native plants if they are grown as a bio-fuel source as long as they are not considered invasive, toxic or noxious under State or Federal law. Under West Virginia's approved program, operators who choose biofuel as an alternative postmining land use will have to demonstrate that their reclamation plans control erosion and prevent the degradation of the soil resource and nearby water resources.

As set forth in Finding 10, West Virginia has acknowledged that WVDEP will not authorize bio-fuel as a postmining land use on sites requesting a mountaintop AOC variance unless the plans, financial commitment, and construction schedule for a plant facility to convert the cellulose, plant, or algae to bio-fuel are approved before permit issuance and reaffirmed at the time of final bond release, and the plant is located on-site or within a reasonable driving distance of the area. In addition, West Virginia will require the operator to comply with revegetation standards and use approved statistical sampling methods for assessing revegetation success prior to approving final bond release for any site that has a postmining land use of bio-fuel cropland.

On January 7, 2011, the MSHA's Office of Standards, Regulations and Variances (OSRV) (Administrative Record No. WV 1552) responded to our request for comments on the bio-oil/bio-fuel change. The OSRV responded that they disagree with WVDEP's statement: ''Biofuels cover a wide range of fuels which are derived from biomass. The term covers solid biomass while bio-oil was limited to biodiesel.'' OSRV considers bio-oil to not be limited to biodiesel because bio-oil can be upgraded to gasoline and aviation fuel. OSRV feels that the two terms are interchangeable and opines that West Virginia's change was non-substantive. In contrast, on January 14, 2011, the DOE (Administrative Record No. WV 1553) responded to our request for comments on the bio-oil/bio-fuel change. The DOE agreed with WVDEP that changing the term from ''Bio-fuel'' from ''Bio-oil'' is a useful change. According to DOE, the term bio-fuel covers a wide range of fuels derived from biomass that includes solid biomass, liquid fuels, and gaseous fuels such as synthetic natural gas, syngas, hydrogen, and various bio-gases while bio-oil is limited in scope to mostly biodiesel.

It is not necessary for us to weigh in on the proper scope of the terms ''bio-oil'' and ''bio-fuel.'' For purposes of our consideration of this proposed amendment, because West Virginia considers bio-fuel to be broader and covering a wider range of fuels than bio-oil, we have considered this change to be substantive. As a result, we solicited additional public comments.

U.S. Environmental Protection Agency (EPA) Comments

Under Federal regulations at 30 CFR 732.17(h)(11)(i) and (ii), we are required to solicit comments and get a written concurrence from EPA for those provisions of the program amendment that relate to air or water quality standards issued under the authority of the Clean Water Act (CWA) (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (CAA) (42 U.S.C. 7401 *et seq.*). As we determined that none of the proposed State revisions pertained to air or water quality standards, EPA's concurrence was not requested. However, OSMRE solicited comments from EPA, along with the other Federal agencies, on the three occasions mentioned above.

On July 28, 2009 (Administrative Record No. WV 1530), the EPA responded to our June 17, 2009, request, (Administrative Record No. WV 1524) concerning West Virginia's alternative bonding system, commonly referred to as the Special Reclamation Fund. The EPA stated that it did not have any specific comments/proposed edits at this time. In addition, EPA noted that implementation of West Virginia's regulations, including the proposed amendments, must comply with the CWA, the regulations implementing the National Pollutant Discharge Elimination System (NPDES), and other relevant environmental statutes and regulations. EPA also noted that, pursuant to 30 U.S.C. 1292, SMCRA and its implementing regulations, including WVDEP's proposed amendments, do not supersede, modify, amend or repeal the CWA and its implementing regulations. In other words, any discharges associated with surface mining operations must comply with the CWA.

On June 22, 2010 (Administrative Record No. WV 1543), in response to our letter dated October 27, 2009 (Administrative Record No. WV 1522), the EPA responded to our request for comments on proposed revisions to West Virginia's permanent surface coal mining regulatory program. The EPA stated that, whereas subsection 3.29.d.4, proposed for deletion, required a finding that an IBR ''will not result in adverse environmental impacts of a larger scope or different nature from those described in the approved permit,'' this same criterion set forth in proposed 3.29.e. would serve only as ''guidance'' in determining whether an IBR is significant. EPA also stated that approval of an IBR may ''require a major modification of the applicable NPDES permit (*see* 40 CFR 122.62(a)(1)) before an approved IBR could be implemented. In addition, an IBR may encompass activities that trigger the new source provisions of the NPDES regulations.''

In response, we note that the proposed amendment includes criteria that are to be used as guidance by WVDEP for making a determination as to whether an IBR is significant or insignificant. As noted above in Finding 9, we have cautioned that West Virginia's proposal may result in internal program inconsistency. We agree that the new IBR provisions must be implemented in accordance with all SMCRA, CWA, and regulatory provisions cited by the EPA. Finally, we agree that there may be occasions when approval of an IBR may require a major modification of the applicable NPDES permit before the IBR can be implemented, and that an IBR may encompass activities that trigger the NPDES new source regulations.

EPA also noted a concern that the changes to West Virginia's NPDES Rule for Coal Mining Facilities in SB 153, 47 CSR, series 30, could have the potential to affect water quality, citing, for instance, the adverse water quality effects associated with the placement of valley fills in streams; degraded water quality by alkaline mine drainage; and impaired aquatic life.

In response, we acknowledge that decisions on changes to West Virginia's NPDES regulations for coal mining facilities are solely within EPA's purview.

The EPA noted its concern that, if SB 1011 is implemented in its current form, it may have adverse water quality impacts because it legislates a preference for postmining land use that does not encourage consideration of environmental impacts arising from the postmining land use and may be at odds with current science that suggests a

need for revised mine design to increase postmining slopes to avoid infiltration. In addition, the bill makes no provision for any site-specific determination about the water quality impacts associated with a dual project purpose.

Noting that the list of renewable and alternative energy uses in SB 1011 is not all-encompassing, EPA points out that the list does not encourage localities to consider reforestation or returning the land to its previous natural conditions.

An operator must include a master land use plan developed by the county or by a development or redevelopment authority and approved by OCCD in the reclamation plan that accompanies a permit application. Infrastructure component standards must be in place before the county or other relevant authority can accept ownership of property donated pursuant to a master land use plan. No provision therein may be misconstrued as modifying the requirements of WVSCMRA.

Operators must not only develop community impact statements but provide an acknowledgement of the recommendations of any approved master land use plan that pertains to the land to be mined and any infrastructure components needed to accomplish the postmining land use required by the plan.

The EPA also indicated that SB 1011 encourages mining projects to create flat-top lands instead of slopes, citing a growing body of science pointing to the slope's ability to prevent infiltration and the discharge of total dissolved solids. The effort of SB 1011, according to the EPA, does not encourage slopes in connection with master land use plans or their incorporation in reclamation plans and site-specific projects, which would avoid the infiltration of the dissolved solids. The EPA recognizes that the PHC and CHIA may partially address this concern but notes that, historically, issues related to water budget have been addressed more often than not.

The amendment requires that surface mine reclamation plans conform with master land use plans and authorizes surface mine reclamation plans to contain alternative, non-conforming postmining land uses under certain circumstances. Revisions were approved with the understanding that postmining land uses involving ''renewable and alternative energy'' for mountaintop removal mining operations with variances from AOC and in accordance with revegetative success standards provided that they meet the regulatory requirements in SMCRA and Federal regulations and that the plans include a financial commitment to build a bio-fuel plant. Master land use plans and postmining land uses authorized under this section must comply with the reclamation and other postmining land use requirements of West Virginia's approved program.

In addition, any water quality impacts associated with such postmining land uses are expected to be addressed in the reclamation plans and must comply with the approved State program. However, we agree that compliance with a master land use plan may not necessarily ensure that the approved postmining land use will satisfy West Virginia's alternative postmining land use and AOC variance provisions of its approved program. Therefore, we have approved W.Va. Code 22–3–10(a)(3)(C) with the understanding that WVDEP retains the ability to ensure compliance of the master land use plan with WVSCMRA, particularly regarding other requirements of the reclamation plan, the alternative postmining land use, and the AOC variance requirements of the approved program to ensure that WVSCMRA continues to accord with sections 508 and 515 of SMCRA, as discussed above in Finding 17.

V. OSMRE's Decision

Based on the above findings, we partially approve, with exceptions, West Virginia's program amendments submitted by letters dated May 11, 2009 (Administrative Record No. WV 1522), May 22, 2009 (Administrative Record No. WV 1521), and July 6, 2009 (Administrative Record No. WV 1523).

As discussed in Finding 5, we approve West Virginia's permit revision requirements at subparagraph 3.28.b.1 with the understanding that WVDEP will require proof of publication of the advertisement for permit revisions as provided by subdivision 3.2.g and 30 CFR 778.21.

As discussed in Finding 6, we approve the proposed deletion of the IBR language regarding the abatement of a violation at subdivision 3.29.a with the understanding that the primary purpose of an IBR cannot be to provide for coal removal. In a situation where coal removal is intentional and the primary purpose for operations conducted outside of the existing permit area, we expect WVDEP to require an operator to delete acreage from the permitted area and transfer it to the encroachment area.

As discussed in Finding 7, we do not approve the proposed IBR revision at subparagraph 3.29.b.2 which reads, ''and other mining operations including but not limited to loadout operations, coal refuse disposal operations and coal preparation operations.''

As discussed in Finding 9, we approve new subsection 3.29.e with the understanding that West Virginia will require proof of publication of the advertisement for a significant IBR as required by subdivision 3.2.g.

As discussed in Finding 10, we approve West Virginia's bio-fuel cropland requirements at subsection 7.8 with the understanding that they be implemented in the manner described therein.

As discussed in Finding 17, we approve the changes to W.Va. Code 22–3–10(a)(3)(C) with the understanding that WVDEP retains the ability to ensure compliance of the master land use plan with WVSCMRA, particularly regarding other requirements of the reclamation plan, the alternative postmining land use, and AOC variance requirements of the approved program to ensure that WVSCMRA continues to accord with sections 508 and 515 of SMCRA.

To implement this decision, we amend the Federal regulations at 30 CFR part 948 that codify decisions concerning the West Virginia program. In accordance with the Administrative Procedure Act, this rule will take effect 30 days after the date of publication. Section 503(a) of SMCRA requires that West Virginia's program demonstrate that West Virginia has the capability of carrying out the provisions of the Act and meeting its purposes. SMCRA requires consistency of State and Federal standards.

VI. Statutory and Executive Order Review

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

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

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

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

OMB review under Executive Order 12866.

Executive Order 13771—Reducing Regulation and Controlling Regulatory Costs

State program amendments are not regulatory actions under Executive Order 13771 because they are exempt from review under Executive Order 12866.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has reviewed this rule as required by section 3 of Executive Order 12988. The Department determined that this **Federal Register** notice meets the criteria of section 3 of Executive Order 12988, which is intended to ensure that the agency review its legislation and proposed regulations to eliminate drafting errors and ambiguity; that the agency write its legislation and regulations to minimize litigation; and that the agency's legislation and regulations provide a clear legal standard for affected conduct rather than a general standard, and promote simplification and burden reduction. Because section 3 focuses on the quality of Federal legislation and regulations, the Department limited its review under this Executive order to the quality of this **Federal Register** document and to changes to the Federal regulations. The review under this Executive order did not extend to the language of West Virginia regulatory program or amendment that West Virginia drafted.

Executive Order 13132—Federalism

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

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

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

The basis for this determination is that our decision on the West Virginia program does not include Indian lands as defined by SMCRA or other Tribal lands, and it does not affect the regulation of activities on Indian lands or other Tribal lands. Indian lands under SMCRA are regulated independently under the applicable Federal Indian program. The Department's consultation policy also acknowledges that our rules may have Tribal implications where the State proposing the amendment encompasses ancestral lands in areas with mineable coal. We are currently working to identify and engage appropriate Tribal stakeholders to devise a constructive approach for consulting on these amendments.

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

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

Executive Order 13045—Protection of Children From Environmental Health Risks and Safety Risks

This rule is not subject to Executive Order 13045 because this is not an economically significant regulatory action as defined by Executive Order 12866; and this action does not address environmental health or safety risks disproportionately affecting children.

National Environmental Policy Act

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

National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 3701 *et seq.*) directs OSMRE to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. (OMB Circular A–119 at p. 14). This action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with SMCRA.

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

Congressional Review Act

This rule is not a major rule under 5 U.S.C. 804(2). This rule: (a) does not have an annual effect on the economy of $100 million; (b) will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based on an analysis of the corresponding Federal regulations, which were determined not to constitute a major rule.

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or Tribal governments, or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal governments or the private sector. This determination is based on an analysis of the corresponding Federal regulations, which were determined not to impose an unfunded mandate. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

List of Subjects in 30 CFR Part 948

Intergovernmental relations, Surface mining, Underground mining.

Ben H. Owens,

Acting Regional Director, North Atlantic—Appalachian Region.

For the reasons set out in the preamble, 30 CFR part 948 is amended as set forth below:

PART 948—WEST VIRGINIA

■ 1. The authority citation for part 948 continues to read as follows:

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

■ 2. Section 948.12 is amended by adding paragraph (k) to read as follows:

§ 948.12 State statutory, regulatory, and proposed program amendment provisions not approved.

* * * * *

(k) We are not approving the proposed incidental boundary revision (IBR) regulation clause at subparagraph 3.29.b.2 which reads, ''and other mining operations including but not limited to loadout operations, coal refuse disposal operations and coal preparation operations'' that was submitted in the State program amendment dated May 11, 2009.

* * * * *

■ 3. Section 948.15 is amended by adding a new entry to the table in chronological order by ''Date of publication of final rule'' to read as follows:

§ 948.15 Approval of West Virginia regulatory program amendments.

* * * * *

Original amendment submission dates	Date of publication of final rule	Citation/description
* *	* *	* * *
May 11, 2009, May 22, 2009, July 6, 2009.	December 3, 2025	CSR 38–2–3.15 (approved); 38–2–3.28.b.1 (qualified approval); 38–2–3.29.a (qualified approval); 38–2–3.29.b.2 (not approved); 38–2–3.29.d. (approved); 38–2–3.29.e. (qualified approval); 38–2–7.8. (qualified approval); 38–2–9.3.f. (approved); 38–2–11 (approved); W.Va. Code 5B–2A–3 (approved); 5B–2A–5 (approved); 5B–2A–6 (approved); 5B–2A–9 (approved); 22–3–10(a)(3) (qualified approval); 22–3–11 (approved).

[FR Doc. 2025–21782 Filed 12–2–25; 8:45 am]

BILLING CODE 4310–05–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA–HQ–OAR–2025–0162; FRL–12675–02–OAR]

RIN 2060–AW61

Oil and Natural Gas Sector Climate Review: Extension of Deadlines in Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is taking final action to respond to comments on an interim final rule (IFR) related to the new source performance standards (NSPS) and emissions guidelines (EG) for crude oil and natural gas facilities established at 40 CFR part 60, subparts OOOOb and OOOOc. Specifically, the EPA is responding to comments on the IFR published in the **Federal Register** on July 31, 2025, that extended deadlines for certain provisions related to control devices, equipment leaks, storage vessels, process controllers, and covers/closed vent systems; extended the date for future implementation of the Super Emitter Program (SEP); and extended the State plan submittal deadline in OOOOc. After carefully considering comments received and testimony provided at a public hearing, the EPA concludes that the amendments made in the IFR are warranted and is making further changes to the compliance deadlines in the IFR related to net heating value (NHV) monitoring and the initial reporting deadline.

DATES: This final rule is effective on December 3, 2025.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2025–0162. All documents in the docket are available on the *https://www.regulations.gov* website. Although listed, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only as pdf versions that can only be accessed on the EPA computers in the docket office reading room. Certain data bases and physical items cannot be downloaded from the docket but may be requested by contacting the docket office at (202) 566–1744. The docket office has up to 10 business days to respond to these requests. With the exception of such material, publicly available docket materials are available electronically in *https://www.regulations.gov* or on the EPA computers in the docket office reading room at the EPA Docket Center, WJC West Building, Room Number 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Time (ET), Monday through Friday. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Amy Hambrick, Sector Policies and

Programs Division (E143–05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, 109 T.W. Alexander Drive, P.O. Box 12055, RTP, North Carolina 27711; telephone number: (919) 541–0964; and email address: *hambrick.amy@epa.gov.* Additional questions may be directed to the following email address: *O&GMethaneRule@epa.gov.*

SUPPLEMENTARY INFORMATION:

Preamble acronyms and abbreviations. Throughout this document the use of ''we,'' ''us,'' or ''our'' is intended to refer to the EPA. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

BSER best system of emission reduction
CAA Clean Air Act
CBI Confidential Business Information
CFR Code of Federal Regulations
CRA Congressional Review Act
CVS Closed Vent System
ECD Enclosed Combustion Device(s)
EG Emission Guideline
EPA Environmental Protection Agency
FR Federal Register
GHG greenhouse gases
IFR Interim Final Rule
Low-E low-emissions
LPE Legally and Practically Enforceable
NAICS North American Industry Classification System
NIE no identifiable emissions
NHV net heating value
NSPS new source performance standards
NTTAA National Technology Transfer and Advancement
OAQPS Office of Air Quality Planning and Standards
OMB Office of Management and Budget
OGI optical gas imaging
PRA Paperwork Reduction Act
RFA Regulatory Flexibility Act
RIA regulatory impact analysis
RIN Regulatory Information Number
RTC Response to Comments
SEP Super Emitter Program
SIC standard industrial classification
TAR Tribal Authority Rule
TIP Tribal Implementation Plan
TOC Total Organic Compound
UMRA Unfunded Mandates Reform Act
U.S.C. United States Code
VE Visible Emission
VOC volatile organic compound

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D. Regulatory Flexibility Act (RFA)
E. Unfunded Mandates Reform Act (UMRA)
F. Executive Order 13132: Federalism
G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
J. National Technology Transfer and Advancement Act (NTTAA)
K. Congressional Review Act (CRA)

I. General Information

A. Does this action apply to me?

The source category that is the subject of this final action is the Crude Oil and Natural Gas source category regulated under CAA section 111, New Source Performance Standards. Table 1 summarizes the 2024 North American Industry Classification System (NAICS) codes for the source category.

TABLE 1—INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THE NSPS AND EG

Category	NAICS code	Examples of regulated entities
Industry	211120	Crude Petroleum Extraction.
	211130	Natural Gas Extraction.
	221210	Natural Gas Distribution.
	486110	Pipeline Distribution of Crude Oil.
	486210	Pipeline Transportation of Natural Gas.
Federal Government		Not affected.
State and Local Government		Affected.
Tribal Government	921150	American Indian and Alaska Native Tribal Governments.

The NAICS codes outline the type of entities that this final action likely will affect. Other types of entities not listed in the table could also be affected by this action. The NSPS codified in 40 CFR part 60, subpart OOOOb, are directly applicable to affected facilities that begin construction, reconstruction, or modification after December 6, 2022. Federal, State, local, and Tribal government entities would not be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, you should carefully examine the applicability criteria found in 40 CFR part 60, subparts OOOOb and OOOOc, and consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble, your State air pollution control agency with delegated authority for NSPS, or your EPA Regional Office.

The deadline extensions in 40 CFR part 60, subpart OOOOc do not impose binding requirements directly on existing sources. The EG codified in subpart OOOOc, applies to States in the development, submittal, and implementation of State plans to establish performance standards to reduce emissions of greenhouse gases (GHG) from designated facilities that are existing sources on or before December 6, 2022. Under the Tribal Authority Rule (TAR), eligible tribes may seek approval to implement a plan under CAA section 111(d) in a manner similar

to a state.[1] Tribes may, but are not required to, seek approval for treatment as a State for purposes of developing a Tribal Implementation Plan (TIP) implementing the EG codified in 40 CFR part 60, subpart OOOOc. The TAR authorizes tribes to develop and implement their own air quality programs, or portions thereof, under the CAA. However, it does not require tribes to develop a CAA program. Tribes may implement programs that are most relevant to their air quality needs. If a Tribe does not obtain the authority from the EPA to establish a TIP, the EPA has the authority to establish a Federal CAA section 111(d) plan for designated facilities that are located in areas of Indian country.[2] A Federal plan would apply to all designated facilities located in the areas of Indian country covered by the Federal plan unless and until the EPA approves a TIP applicable to those facilities.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this final action is available on the internet at *https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-operations/2025-interim-final-rule-extend-compliance.* In accordance with 5 U.S.C. 553(b)(4), a brief summary of this rule may be found at *www.regulations.gov,* Docket ID No. EPA–HQ–OAR–2025–0162. Following publication in the **Federal Register**, the EPA will post the **Federal Register** version of the final rule and key documents at this same website.

C. What is the statutory authority for this final action?

The same CAA provision that provided authority to issue the regulations being amended and the July 2025 IFR—CAA section 111—provides the statutory authority to issue this final action, the change the EPA is making to the NHV monitoring compliance deadline, and the change to the initial reporting deadline.[3]

D. Judicial Review and Administrative Review

Under Clean Air Act (CAA) section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit by February 2, 2026. Under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings to enforce the requirements.

Section 307(d) applies to this final rule.[4] Section 307(d)(7)(B) provides a mechanism for the EPA to convene a proceeding for reconsideration ''[i]f the person raising an objection can demonstrate to the EPA that it was impracticable to raise such objection within [the period for public comment] or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule.'' Any person seeking to make such a demonstration to us should submit a Petition for Reconsideration to the Office of the Administrator, U.S. Environmental Protection Agency, Room 3000, WJC South Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

II. Background and Summary

In this section, the EPA summarizes relevant history to provide context for this final action. For further discussion of regulatory history for this source category and issues arising after promulgation of the most recent substantive amendments to the NSPS, please see section II.A of the preamble for the July 31, 2025 interim final rule (''2025 IFR'').[5]

On March 8, 2024, the EPA published a final rule for the Crude Oil and Natural Gas source category under CAA section 111(b) and (d) (''2024 final rule'').[6] The EPA finalized NSPS OOOOb for GHG and VOC emissions from new, modified, and reconstructed sources in this source category. The EPA also finalized EG OOOOc for GHG emissions from existing sources in this source category, along with various other regulatory amendments. The 2024 final rule became effective on May 7, 2024.

After publication of the 2024 final rule, the EPA received multiple petitions for reconsideration and determined, including through ongoing and recent communications with stakeholders and review of the relevant regulatory language, that certain discrete provisions in the 2024 final rule presented immediate problems related to compliance.[7] The EPA's review of the issues raised in petitions for reconsideration and other information presented to the EPA after promulgating the 2024 final rule, as well as the EPA's experience implementing certain aspects of the 2024 final rule and review of relevant regulatory text, resulted in the EPA issuing an IFR on July 31, 2025. In the 2025 IFR, the EPA amended certain compliance deadlines and timeframes for implementation in response to information received after promulgation of the 2024 final rule to address significant concerns, raised by stakeholders and through the EPA's own review, that certain regulatory provisions in the 2024 final rule were not workable or contained problematic regulatory language that prevented compliance.

The 2024 final rule covers many different types of individual emissions sources at thousands of facilities in the Crude Oil and Natural Gas source category across the country. The 2024 final rule included several provisions that subsequent developments have shown are unworkable on the original timeframes for compliance in that final rule. The EPA did not anticipate or intend these issues to result from the 2024 final rule, and it is in the public interest and consistent with the

[1] *See* 40 CFR part 49, subpart A.

[2] See the EPA's website, *https://www.epa.gov/tribal/tribes-approved-treatment-state-tas,* for information on those Tribes that have treatment as a State for specific environmental regulatory programs, administrative functions, and grant programs.

[3] 42 U.S.C. 7411.

[4] *See* 42 U.S.C. 7607(d)(1)(C). The EPA issued the July 31, 2025 IFR pursuant to CAA section 307(d)(1), which authorizes the issuance of a rule without prior notice and comment ''in the case of any rule or circumstance referred to in subparagraphs (A) or (B) of [APA section 533(b)].'' *Id.* 7607(d)(1); *see* 90 FR 35966, 35979 n.51 (July 31, 2025). We solicited post-promulgation comment on the revised compliance deadlines in the IFR and on whether the action should be further revised. *Id.* at 35980. We also granted a request for a public hearing and held a virtual public hearing on September 2, 2025, which provided an opportunity to offer oral comments on the revisions in the IFR, and extended the deadline for public comments until October 3, 2025. 90 FR 39333 (Aug. 15, 2025); 90 FR 40975 (Aug. 22, 2025). This final rule falls under the actions specified in CAA section 307(d)(1)(C) and is therefore subject to the requirements of CAA section 307(d). For a full explanation of how the EPA complied with CAA section 307(d), see the separate Response to Comments document in the docket for this final rule.

[5] 90 FR 35969–70.

[6] *Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review,* 89 FR 16820 (Mar. 8, 2024).

[7] The petitions for reconsideration that are relevant to this action can be found in the rulemaking docket for this action (Docket ID No. EPA–HQ–OAR–2025–0162).

purposes of the CAA to provide regulated entities sufficient time to comply with the requirements of the 2024 final rule. Accordingly, in the 2025 IFR, the EPA took the following actions with regard to deadlines in the 2024 final rule:

- Extended the deadline to November 28, 2025, for continuous monitoring of the vent gas net heating value of flares and enclosed combustion control devices.
- Extended the deadline to January 22, 2027, to meet certain requirements related to control devices, equipment leaks, storage vessels, process controllers, and covers/closed vent systems.
- Extended the deadline to January 22, 2027, for States to submit to the EPA plans to address existing oil and natural gas sources pursuant to the 2024 Emission Guidelines (EG).
- Delayed the deadline for future implementation of the SEP program to January 22, 2027, and similarly extended the timing for the EPA to act on requests for approval of methane detection technology for use in the SEP.

As explained in the 2025 IFR, the EPA found that prior notice and comment was impracticable given the applicable compliance deadlines and the timeline involved in completing such procedures.[8] In the 2025 IFR, the EPA made timely, targeted changes to certain compliance and implementation dates that had created unintended compliance difficulties for regulated entities. Through ongoing communications with stakeholders and review of relevant regulatory language, the EPA determined that there were legitimate barriers to compliance and/or questions as to whether certain regulatory provisions were practically and logistically achievable as promulgated in the timeframes allowed by the 2024 final rule. The targeted changes in the 2025 IFR provided the immediate relief needed to avoid unnecessary and problematic situations of owners and operators expending time and resources attempting to comply in short amounts of time with particular regulatory provisions. Notice and comment prior to the regulatory changes would have been impracticable given the purpose of these targeted amendments, which was to immediately provide the time required to address the issues identified in the 2025 IFR, and the limited time in which the Agency had to address the issues identified through ongoing review and stakeholder engagement on the at-issue provisions.[9]

Based on information received in petitions for reconsideration and other information discussed in the 2025 IFR, and after considering public comments on the 2025 IFR, the EPA reaffirms in this final action that the targeted revisions to compliance deadlines set forth in the 2025 IFR and summarized below are necessary, appropriate, and consistent with the purposes of the 2024 final rule and the CAA.

Each conclusion and re-affirmation of the relative 2025 IFR change included in this final rule is severable from the other, and each new regulatory change in this final rule is severable from the other regulatory changes in this final rule and from the conclusions and re-affirmations of the changes in the 2025 IFR. First, each of the deadlines amended in the 2025 IFR action is functionally independent from the others—*i.e.,* may operate in practice independently of the other requirements being amended, such that the amendment of a deadline in one set of requirements does not depend on the amendment of a deadline in any other set of requirements. For example, amendments to individual compliance deadlines in NSPS OOOOb function separately from amendments to the State plan submittal deadline in EG OOOOc. Similarly, amendments to the implementation deadline for the SEP and amendments to timing for EPA action on methane detection technology for use in the SEP function separately from amendments to individual compliance deadlines to other aspects of the 2024 final rule. For similar reasons, each of the decisions to reaffirm changes in the 2025 IFR is independent from each of the other decisions to reaffirm, as well as from each of the regulatory changes made in this final rule.

After issuing the July 31, 2025 IFR, the EPA solicited comments until October 3, 2025, and held a public hearing on September 2, 2025. We received comments from regulated industry, environmental groups, State environmental agencies, community groups, Tribes, and others during the comment period. While certain comments are briefly discussed in this preamble, a summary of all public comments received on the 2025 IFR, and the EPA's responses to those comments, is available in the document, ''Oil and Natural Gas Sector Climate Review: Extension of Deadlines in Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Response to Public Comments on the July 31, 2025 Interim Final Rule'' (''Response to Public Comments document''), which is available in the rulemaking docket.[10]

In this final action, the EPA is reaffirming our decisions and revisions in the 2025 IFR that address the Crude Oil and Natural Gas NSPS and EG, is making a change to the compliance deadline for NHV monitoring, and is also providing additional time for the submission of initial annual reports. Specifically, the EPA is providing an additional 180 days from the effective date of this final rule for sources to comply with the NHV monitoring requirements and providing 360 days from the effective date of this final action for owners or operators to submit annual reports. The EPA is taking this final action after consideration of all the comments received by the close of the comment period on October 3, 2025, and is not considering comments received after this date. This final action does not reopen the substance of the 2024 final rule or address the substantive amendments requested in various petitions for reconsideration.[11] In the 2025 IFR, the EPA requested comments only on compliance deadline issues, which was the subject of that rule. Other than the deregulatory impacts of the two additional extensions, the EPA is reaffirming the analysis of the 2025 IFR and asserting that this final rule is anticipated to have minimal economic impacts relative to those of the 2025 IFR. However, because of the substantive comments provided on the 2025 IFR, the EPA has provided a memorandum titled ''Affirmation of Economic Impact Analysis for the Interim Final Rule'' that is available in the docket that reaffirms the analysis conducted to support the 2025 IFR.[12]

[8] 90 FR 35979–80.

[9] *Id.*

[10] *See* ''Oil and Natural Gas Sector Climate Review: Extension of Deadlines in Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Response to Public Comments on the July 31, 2025 Interim Final Rule,'' Docket ID No. EPA–HQ–OAR–2025–0162.

[11] On January 15, 2025, the EPA proposed (in a rulemaking action separate from the 2025 IFR) amendments to NSPS OOOOb and EG OOOOc in response to petitions for reconsideration. The January 2025 proposal includes discrete technical changes to two aspects of the 2024 final rule. The two issues addressed in the January 2025 proposal are temporary flaring provisions for associated gas in certain situations and vent gas NHV continuous monitoring requirements and alternative performance test (sampling demonstration) option for flares and ECDs. *See* 90 FR 35970 (citing 90 FR 3734 (Jan. 15, 2025)). The EPA continues to work on a final rule stemming from that January 2025 proposal.

III. What amendments did the EPA make in the 2025 interim final rule for the Crude Oil and Natural Gas NSPS and EG, and what are our final conclusions in this final rule?

The 2025 IFR extended certain compliance deadlines and timeframes for implementation of the 2024 final rule. This section describes the amendments made in the 2025 IFR and our final conclusions for each topic. We received numerous public comments on the 2025 IFR, and our responses to those comments are in the response to comment document available in the docket for this final rule. Owners and operators, industry groups, certain States, and others provided comments supporting the extensions provided in the 2025 IFR. These commenters stated that the extensions included in the 2025 IFR provided much needed relief to sources forced to comply with provisions that were unworkable on the timeline in the 2024 final rule. Some regulated industry commenters emphasized the need for collaboration amongst policy makers and industry partners to find solutions that will meaningfully drive down emissions, while allowing U.S. independent producers to meet the global demand for affordable and reliable crude oil and natural gas.[13] The EPA agrees with commenters stating ''[t]he goal is a successful and safe implementation of the Final Rule that protects both the environment and critical energy infrastructure.'' [14] Some commenters asserted that ''[a]ny loss of production not only jeopardizes the economic security of thousands of [state citizens] but also threatens the nation's energy security.'' [15] Some commenters stated ''that harnessing our nation's abundant energy resources is essential for energy security and will pay tremendous economic and geopolitical dividends.'' [16] One commenter stated that the extensions avoid ''the untenable conflict of operators having to decide between risking non-compliance, or shut-in of operations'' and applauded the EPA ''for taking action consistent with Executive Order 14192 (Unleashing Prosperity through Deregulation) and Executive Order 14154 (Unleashing American Energy).'' [17] These commenters also supported the EPA's decision to issue the extensions via an IFR.

Environmental groups, certain States, and others submitted comments opposing the 2025 IFR. Some commenters in opposition to the 2025 IFR extensions contested the EPA's use of an IFR in the first instance, with some claiming that ''[t]he good cause exception [of the Administrative Procedure Act] does not apply in these circumstances.'' [18] Other commenters criticized the asserted emissions impacts of the 2025 IFR (claiming that the forgone emissions benefits resulting from the extensions are extensive and that the EPA's reasons provided for the extensions do not justify these forgone benefits).[19] Commenters also asserted that the deadlines in the 2024 final rule were based on careful balancing of technical feasibility, cost, and public health benefits, and that the EPA's ''purported concerns'' expressed in the 2025 IFR ''are belied by the record and contradict EPA's own rationale for the 2024 Methane Standards.'' [20] Commenters also expressed concern about the impacts on communities of delayed implementation of the 2024 final rule deadlines.[21]

For the reasons stated in the 2025 IFR, the response to comment document in the docket for this action, and this preamble, we are reaffirming the extensions provided in the 2025 IFR and extending the NHV monitoring provisions by an additional 180 days from the effective date of this final rule. After reviewing and considering all adverse comments submitted in response to the 2025 IFR, the EPA finds that the extensions are still warranted. The EPA did not receive sufficient information to show that a different course of action would be appropriate, aside from the two additional changes that the EPA is making in this final rule related to NHV and the compliance reporting deadline. Further, the EPA's use of an IFR is no longer an issue because the Agency solicited public comment, held a public hearing, considered all comments, and respond to all substantive in-scope comments. The EPA is also providing additional time for the submission of initial annual reports, based on comments received. Specifically, the EPA is providing 360 days from the effective date of this final action for owners or operators to submit annual reports.

A. Revised NSPS OOOOb for Control Devices

In the 2025 IFR, the EPA extended the compliance dates related to NHV monitoring of flares and enclosed combustion device(s) (ECD) found in 40 CFR 60.5417b(d)(8)(i) through (iv) and (vi) by 120 days from publication of the 2025 IFR (until November 28, 2025) to address the supply chain, personnel, and laboratory limitations identified by stakeholders, which we reasonably determined made compliance with the requirements in the 2024 final rule infeasible. As explained below, in light of public comments received, the Agency is providing an additional 180 days from the effective date of this final rule for sources to comply with the NHV monitoring requirements in the 2024 final rule. The new compliance date for these NHV monitoring provisions will be June 1, 2026.

The EPA sought comment on the 120-day extension in the IFR and indicated that the Agency may make ''additional adjustment to the compliance timeline for the NHV requirements'' if needed.[22] We received multiple comments contending that the EPA should further extend the 2025 IFR extension for NHV monitoring of flares and ECDs.[23] Commenters identified continued supply chain barriers, logistical feasibility challenges related to necessary staffing needs, and the ongoing demand for monitoring equipment and sampling vendors as reasons for the continuing challenges with achieving compliance within the timeframe set in the IFR.[24] One commenter estimates it will take, at a minimum, an additional six months to complete all NHV testing due to the need to continue purchasing additional chromatograph equipment, build out additional trailers to house the equipment that can travel to individual sites, monitor sites for the 14-day required period, and dedicate the necessary staff to overseeing that the testing, equipment, and transportation is successfully completed.[25] Another commenter stated that by extending the compliance date by only 120 days from the date of the 2025 IFR publication, there was still not sufficient time for covered sources to avoid the various compliance-related challenges, such as the ongoing supply chain issues that commenters do not expect to be resolved in the near term.[26]

The EPA carefully considered these comments and agrees that additional

[13] EPA–HQ–OAR–2025–0162–0047.
[14] EPA–HQ–OAR–2025–0162–0184.
[15] EPA–HQ–OAR–2025–0162–0172.
[16] EPA–HQ–OAR–2025–0162–0065.
[17] EPA–HQ–OAR–2025–0162–0078.
[18] EPA–HQ–OAR–2025–0162–0081.
[19] EPA–HQ–OAR–2025–0162–0045.
[20] EPA–HQ–OAR–2025–0162–0178.
[21] EPA–HQ–OAR–2025–0162–0186.
[22] 90 FR 35971–72.
[23] EPA–HQ–OAR–2025–0162–0164, EPA–HQ–OAR–2025–0162–0162, EPA–HQ–OAR–2025–0162–0168, EPA–HQ–OAR–2025–0162–0154, EPA–HQ–OAR–2025–0162–0027.
[24] EPA–HQ–OAR–2025–0162–0078, EPA–HQ–OAR–2025–0162–0124, EPA–HQ–OAR–2025–0162–0164.
[25] EPA–HQ–OAR–2025–0162–0164.
[26] EPA–HQ–OAR–2025–0162–0170.

time is warranted for the covered sources to comply with the NHV monitoring provisions in the 2024 final rule. The same logistical and practical challenges that merited the 120-day extension in the IFR are ongoing and unlikely to be resolved soon, and therefore present a compelling need for additional time to comply. Accordingly, we are finalizing an additional extension of 180 days from the effective date of this final action to provide additional relief for the NHV monitoring compliance deadline so that owners and operators have necessary time to resolve these logistical and practical challenges. Although some commenters requested longer extensions, we believe that an additional extension of 180 days is appropriate. Based on experience implementing this NSPS and similar regulatory provisions, we believe that an additional 180-day relief period should be sufficient to resolve the supply chain and logistical issues identified by the commenter, and is also consistent with the standard 180 day time frame provided in the NSPS General Provisions to demonstrate compliance with a given testing or monitoring requirement once a rule is promulgated. The availability of necessary equipment and personnel is subject to fluctuation, but this window of time builds in an adequate opportunity for individual sources to resolve compliance challenges without a one-time rush to the market that depletes available resources. Additionally, we note that owner and operators can bring ongoing challenges to the Agency's attention should this predictive judgment prove unfounded. For example, owner and operators may request reconsideration of this final rule or otherwise engage with the Agency in advance to address continued or emerging issues. The EPA also received comments opposing the extension that claimed the EPA has provided no data to support the need for delay, has ignored its own longstanding requirements and recent rulemaking opportunities, and has left a core emissions control obligation unenforceable. The EPA disagrees with these comments. Performance testing provisions for ECDs were untenable for NSPS OOOOb control devices under the deadlines in the 2024 final rule because of the volume of ECDs that require testing, the potential number of sampling location retrofits that may need to be performed, as well as the limited number of specialized source testing firms available to perform these tests. The information and explanations supporting these extensions are included in the docket for this action.

Additionally, in the 2025 IFR, the EPA extended the requirement to conduct total organic compound (TOC) performance tests on ECDs in 40 CFR 60.5413b(b) until January 22, 2027, to provide affected facilities sufficient lead time to retrofit sources and to plan and execute the performance tests required by the 2024 final rule. The EPA notes that even though the Agency extended the deadline to complete the prescribed NHV monitoring and TOC performance testing on these source types, the visible emission (VE) observation requirements of 40 CFR 60.5417b(d)(8)(v) continue to apply for sources to demonstrate compliance with the applicable emission standards by the 2024 final rule's effective date of May 7, 2024, or 180 days after startup, whichever is later, as required in 40 CFR 60.5370b(a)(9)(ii). We received comments in support of the extension for ECDs to address credible concerns that testing devices at the vast number of source subject to the rule was not achievable on the timeline laid out in the 2024 final rule. These comments and others on the ECD testing extension can be found in the Response to Comment document, available in the docket for this action. For the reasons discussed in the 2025 IFR and after considering the public comments on those extensions, we reaffirm that the changes to the ECD provisions related to control devices in the 2025 IFR are warranted, and we conclude that no additional changes are needed to those provisions. For further discussion of this topic, please see Chapter 9 of the Response to Public Comments document, which is available in the docket for this action.

B. Revised NSPS OOOOb for Covers and Closed Vent Systems

In the 2025 IFR, the EPA extended the compliance date for the ''no identifiable emissions'' (NIE) inspection requirements until January 22, 2027. Based on information received since promulgation of the 2024 final rule, and as stated in the 2025 IFR, we have serious concerns regarding the ability of owners and operators to meet the NIE inspection requirements on the compliance schedule in the 2024 final rule. Commenters in support of the NIE inspection extension credibly asserted that leaks are inevitable due to the inherent normal wear and tear of the equipment and the system over time (*e.g.,* bolts rusting). Commenters in opposition to the extension criticized the potential emissions impacts of extending the compliance date. We disagree with the commenters that the extension will adversely impact emissions, as described below. After considering public comments on the issue, in this final rule we reaffirm our finding that it was necessary, appropriate, and in the public interest to extend the compliance deadline in the 2024 final rule given credible workability concerns. The deadline extension is reasonable, within the EPA's considerable discretion under CAA section 111, and reasonably timed to address the compliance issues identified since promulgation of the 2024 final rule.

Compliance requirements that are consistent with the substantive requirements and goals of the 2024 final rule continue to apply to affected facilities that would otherwise be subject to NIE requirements. Thus, owners and operators still must design and install a closed vent system (CVS), perform initial and ongoing inspections to ensure that the system has no leaks, and repair any leaks that are found within 30 days as required by the 2024 final rule. The only relevant compliance dates that the 2025 IFR modified, and that EPA is now reaffirming, are to conduct inspections that confirm that systems operate with NIE. We continue to believe that these requirements, which remain in place and are not being extended, achieve the emission-reduction goals of the 2024 final rule imposed pursuant to CAA section 111. The EPA did not attribute any forgone benefits to the deadline extension for covers and closed vent systems. The inspection requirement is a compliance assurance mechanism that, for the reasons identified in the 2025 IFR and in this final rule, cannot reasonably be achieved across this source category by the original deadline set in the 2024 final rule. For further discussion of this topic, please see Chapter 10 of the Response to Public Comments document, which is available in the docket for this action.

For the reasons discussed in the 2025 IFR and after considering the public comments on those extensions, we reaffirm that the changes to provisions related to covers and closed vent systems in the 2025 IFR are warranted, and we conclude that no additional changes are needed to those provisions.

C. Revised NSPS OOOOb for Equipment Leaks

As explained in the 2025 IFR, the regulatory language in 40 CFR 60.5400b(h)(2)(ii)(A) appears to require a source to repack an existing valve with low-emissions (low-E) packing. The language in that provision is unclear as to whether a source must also comply with paragraph (B) or (C), which require

that a source either replace the valve with a low-E valve or perform a drill and tap repair with a low-E injectable packing, respectively. The EPA did not intend in the 2024 final rule to require that a source repack an existing valve and then also replace that same valve during the same repair.

In addition, as we stated in the 2025 IFR, based on information received since promulgation of the 2024 final rule, the EPA determined that concerns about compliance with the 2024 final rule were credible and merited extensions of certain deadlines for equipment leaks. Specifically, the EPA found in the 2025 IFR that requiring replacement of leaking valves with low-E valves without first providing an opportunity for an attempt at repair of the existing valve is technically and economically infeasible and creates confusion. We also found assertions that the necessary equipment (low-E valves and packing) are not commercially available to be credible. In the 2025 IFR, the EPA extended the compliance date for equipment leak repair requirements in 40 CFR 60.5400b(h)(2)(ii) and 60.5401b(i)(2)(ii) until January 22, 2027, or 180 days after startup of the affected source, whichever is later.

Many commenters supported the extension for low-E valves and cited the difficulty in obtaining the necessary equipment on the timeline in the 2024 final rule. Commenters also agreed with the EPA's assessment that the regulatory text is confusing as written and appears to require sources to repair and replace equipment rather than repairing the equipment with replacement coming after repair is attempted. While some other commenters appeared to take issue with this extension, the adverse comments were vague and sometimes discuss issues unrelated to the specific extension in the 2025 IFR. For example, one commenter stated that the 2024 final rule built in repair-based options before mandating replacement, leak detection and repair has been standard practice for decades and is cost efficient, and that delays will not expand supply—they only postpone operator accountability. The EPA does not dispute the general idea that leak detection and repair programs have generally been in various federal regulations for some time, but this general idea is unrelated to the specific extensions in the 2025 IFR. The EPA points out that this extension is specifically for *each valve where a leak is detected.* The repair requirement for leaking valves requires either the existing valve be repacked with low-e packing, or replaced with a low-e valve, or perform a drill and tap repair with a low-e injectable packing. The 2025 IFR provided affected sources additional time to undertake planning to obtain needed low-e equipment given the cost and widespread need for such equipment. For further discussion of this topic, please see Chapter 11 of the Response to Public Comments document, which is available in the docket for this action. For the reasons discussed in the 2025 IFR and after considering the public comments on those extensions, we reaffirm that the changes to provisions related to equipment leaks in the 2025 IFR are warranted, and we conclude that no additional changes are needed to those provisions.

D. Revised NSPS OOOOb for Process Controllers

In the 2025 IFR, the EPA extended the second phase of the phased-in compliance deadline for the zero emission standards applicable to process controllers to January 22, 2027, to address the supply chain and logistical issues raised by petitioners. The EPA determined in the 2025 IFR that affected sources need additional compliance time to ensure that they can source, obtain, and install sufficient equipment. In the meantime, consistent with the substantive provisions and goals of the 2024 final rule, the final phase-one standard continues to apply to process controller affected facilities (*i.e.,* the same standard applicable to sites in Alaska without access to electricity).

Commenters in support of this extension asserted that the time provided by the 2025 IFR is needed to allow sources to obtain and install necessary equipment. Some commenters noted that ''if an operator is unable to complete the conversion [to zero emission controllers] due to reasons beyond its control, it will have to make a decision whether to continue operating but potentially in a non-compliant state or shut down that compressor station thereby reducing its ability to move gas during peak demand periods.'' [27] Commenters in opposition of this requirement note the potential for emissions increases that will result from delayed compliance. However, as the EPA explained in the 2025 IFR, ''[i]n the meantime, consistent with the substantive provisions and goals of the 2024 final rule, the interim standard continues to apply to process controller affected facilities (*i.e.,* the same standard applicable to sites in Alaska without access to electricity).'' [28] ''All new, reconstructed, and modified sources subject to NSPS OOOOb must comply with the interim standard, which achieves emission reductions even compared to the pre-NSPS OOOOb baseline (*i.e.,* NSPS OOOOa) due to the intermittent vent controller inspection requirement, until the deadline for the second phase of the standard.'' For further discussion of this topic, please see Chapter 12 of the Response to Public Comments document, which is available in the docket for this action. For the reasons discussed in the 2025 IFR and after considering the public comments on those extensions, we reaffirm that the changes to provisions related to process controllers in the 2025 IFR are warranted, and we conclude that no additional changes are needed to those provisions.

E. Revised NSPS OOOOb for Storage Vessels

In the 2025 IFR, the EPA extended the date for the specific provisions required for a limit to be considered legally and practicably enforceable (LPE) in 40 CFR 60.5365b(e)(2)(i)(A)–(F) until January 22, 2027, in order to ensure sufficient time for sources to work with delegated authorities to establish limits that are LPE. Additionally, the EPA extended the date upon which the throughput-based ''modification'' triggers become effective until January 22, 2027, in order to provide time for the likely large number of sources that would trigger those provisions to make needed adjustments to facility planning, equipment procurement, and process changes to comply with the requirements. Finally, the EPA extended the date by which sources must calculate potential emissions using the 30-day period of production until January 22, 2027, in order to allow facilities time to obtain additional information and make the requisite decisions related to their facilities subject to these requirements. We noted in the 2025 IFR that until the provisions that we extended become effective, provisions remain in place that establish what other activities constitute a modification (*i.e.,* sources that add an additional vessel or replace a vessel with one that has increased capacity still trigger modification). Sources are still required under the 2024 final rule to determine the potential emissions from storage vessels. The only change made to these provisions in the 2025 IFR is that, in the interim period, sources need not use the confusing 30-day period of production calculation.

[27] EPA–HQ–OAR–2025–0162–0184; *see also* EPA–HQ–OAR–2025–0162–0078 (comment making similar claim).

[28] 90 FR 35974.

Sources may establish limits on emissions that are considered LPE with or without the specific criteria included in the 2024 final rule. Any sources that trigger modification provisions will still be subject to the standards in the 2024 final rule.

Commenters that supported this extension noted the time required for States and sources to adjust to the triggers for modification. These commenters supporting the 2025 IFR extensions stated that the additional time is needed to accommodate the volume of modifications that are likely to result from the 2024 final rule. The EPA also received comments arguing against the extensions which claimed that the record demonstrates that we carefully considered and rejected arguments from reconsideration petitioners in the 2024 final rule, enforceable limits must include monitoring and reporting, that only throughput increases causing emissions above thresholds count as modifications, and that a uniform 30-day PTE calculation was necessary for consistency. This commenter claims the 2025 IFR embraces the very positions the EPA previously found unworkable and does so without citing new evidence. The EPA disagrees with this commenter's assertions. First, extending the timeline for a limit to be considered LPE will ensure there is enough time for sources to work with delegated authorities to establish limits that are LPE without foreclosing the use of LPE limits already established. Second, extending the timeline for the throughput-based modification triggers provides time for the potentially large number of sources that would trigger those provisions to make any needed adjustments to facility planning, equipment procurement, and process changes needed to comply with the requirements. Finally, extending the date by which sources must calculate potential emissions allows facilities to obtain additional information and make the requisite decisions related to their facilities. For further discussion of this topic, please see Chapter 15 of the Response to Public Comments document, which is available in the docket for this action. For the reasons discussed in the 2025 IFR and after considering the public comments on those extensions, we reaffirm that the changes to provisions related to storage vessels in the 2025 IFR are warranted, and we conclude that no additional changes are needed to those provisions.

F. Revised NSPS OOOOb for Super Emitter Program

In the 2025 IFR, the EPA extended the date for future implementation of the SEP until January 22, 2027. This extension also impacts the timing for EPA action concerning methane detection technology for use in the SEP under 40 CFR 60.5398b(d)(1)(iii). Because the EPA extended the date for future implementation of the SEP, there is no need for the EPA to act on submissions seeking approval of remote-detection technology for use in the program in the intervening period. Therefore, the EPA extended these provisions, which include conditional approval of alternative test methods for methane detection technology for use in the SEP if the EPA does not act on submissions, to January 22, 2027.

Public commenters provided input on this aspect of the 2025 IFR, which are discussed in the Response to Public Comments document, which is available in the docket for this action.[29] Many industry commenters supported the extension, and some cited the EPA's reasoning offered in the 2025 IFR: that EPA has experienced unanticipated difficulties and concerns that require additional time for effective and lawful administration of various program procedures. Other commenters did not support the extension and instead claimed that delay will lead to significant pollution than would have otherwise occurred, and that the program would have provided helpful information about large methane leaks for Tribes to appropriately respond to and report these events. Another commenter alleged that the EPA failed to provide data or analysis demonstrating that the SEP is unworkable, failed to reconcile its new position with the findings of the 2024 final rule, and relied on speculation and isolated incidents that cannot support such a sweeping change in course. The EPA disagrees with some of these commenters and concludes that none of them raise objections that would warrant additional changes to the changes made in the 2025 IFR. First, the EPA is unable to quantify the impact of the extensions related to the Super Emitter Program due to lack of data regarding the emissions events. Second, the EPA disagrees with the commenter's assertion that it was required to reconcile its reasons for the 2025 IFR with the conclusions supporting the 2024 final rule and that it has not provided a reasoned basis for the extensions in the record. The extensions in the IFR related to the SEP are informed by the evolution of the EPA's thinking after it began to implement the Program, and thus reflect consideration of the EPA's additional experience, which was not captured in the record for the 2024 final rule. The extension is based on unanticipated difficulties and concerns that the EPA experienced in implementing this novel program. Lastly, we further note that, while the SEP established a new mechanism for EPA-certified third parties to voluntarily submit certain information about particular types of emissions events to the EPA, any person can voluntarily provide information about any emission event to the EPA at any time, and the SEP did not change that. For further discussion of this topic, please see Chapter 13 of the Response to Public Comments document, which is available in the docket for this action. For the reasons discussed in the 2025 IFR and after considering the public comments on those extensions, we reaffirm that the changes to provisions related to the SEP in the 2025 IFR are warranted, and we conclude that no additional changes are needed to those provisions.

G. Revised NSPS OOOOb for Flare Pilot Flame and Alarm Requirements

In the 2025 IFR, we extended the date to January 22, 2027, by which owners and operators who utilize these flares (*e.g.,* unassisted, pressure-assisted, steam-assisted) and enclosed combustion devices must: (1) ensure that flares and ECDs operate with a continuous pilot flame, and (2) install and operate a system to send an alarm to the nearest control room when a pilot flame is unlit.

This extension does not affect the emission reduction requirements for flares and ECDs and other monitoring of such devices described in section II.B.VII of the preamble to the 2025 IFR.

Commenters in support of this extension cited the geographically remote locations of many sources and the need for time to ensure the necessary equipment can be installed. One commenter in opposition to the extension stated that while the EPA cites issues providing supplemental fuel and challenges in obtaining and installing communications equipment as reasons for delay, these protections are already in use in many states, and that the extension increases the risk of methane venting directly into the atmosphere instead of being properly combusted. In response, the EPA notes that for sources in those states that already require continuous pilot flames and alarms, those State requirements will still apply regardless of the

[29] EPA–HQ–OAR–2025–0162.

applicable date(s) specified in NSPS OOOOb. For further discussion of this topic, please see Chapter 14 of the Response to Public Comments document, which is available in the docket for this action. For the reasons discussed in the 2025 IFR and after considering the public comments on those extensions, we reaffirm that the changes to provisions related to the flare pilot flame and alarm requirements in the 2025 IFR are warranted, and we conclude that no additional changes are needed to those provisions.

H. Revised EG OOOOc for State Plan Submittal Deadlines

In the 2025 IFR, for the reasons discussed in section II.C.I of the preamble to that rule, we extended the deadline for State plan submittal until January 22, 2027.

Commenters in support of the State plan submittal deadline extension cited the large number of sources covered by the 2024 final rule and the need for additional time to allow States to respond to the numerous regulatory requirements for thousands of sources subject to the rule. Commenters opposing the extension claimed the 2025 IFR relied on reasoning already considered during the adoption of the 24-months timeline rather than raising new or unforeseen challenges, failed to adequately address the environmental and public health effects of the deadline extension, and that the extension justification is contradicted by on the ground evidence of State progress. The EPA disagrees with these comments because we have determined, through ongoing and recent communications with stakeholders and review of the relevant regulatory language, that certain discrete provisions in the final rule present immediate problems related to compliance. For further discussion of this topic, please see Chapter 8 of the Response to Public Comments document, which is available in the docket for this action. For the reasons discussed in the 2025 IFR, and after considering the public comments on those extensions, we reaffirm that the changes to provisions related to the State plan submittals in the 2025 IFR are warranted, and we conclude that no additional changes are needed to those provisions.

I. Additional Time for NSPS OOOOb Initial Annual Report

Based on comments received, the EPA now also understands that there is significant confusion with respect to the initial annual report deadline in the 2024 final rule. After carefully considering these comments, we are also providing additional time for the submission of the first round of initial annual reports and the first associated subsequent annual report (the second report). Specifically, under the final 2024 rule, if the first initial annual report was required to be submitted by August 2025, then the first subsequent annual report (the second report) was required to be submitted by August 2026. This action changes those dates, and the submittal deadline for other reports, by finalizing that no annual report is due before November 30, 2026. In other words, owners and operators have until November 30, 2026 to submit all reports that were originally due prior to this deadline. All subsequent annual reports due thereafter (due after November 30, 2026 are due no later than 90 days after the end of each annual compliance period. These changes do not alter any provisions specifying the annual compliance period.

Several commenters indicated general confusion regarding their reporting obligations and requested additional time to prepare their first round of initial annual reports that were originally required to be submitted by August 2025.[30] The EPA received over 400 letters identifying confusion and requesting extensions for the first round of initial reports.[31] In attempts to provide clarification, the EPA did address a related issue on its website. [32] As explained on the website, the July 2025 IFR extended several compliance deadlines from the 2024 final rule, however the 2025 IFR did not clearly address the impact on the annual compliance reports. As we explained on that web page, the reporting deadlines associated with these compliance deadlines were also extended as a practical matter.

The EPA acknowledges and agrees that there was confusion with respect to how the 2025 IFR impacted the annual compliance reports required by NSPS OOOOb, and confirms that confusion was not intended or desirable. The EPA recognizes that posting on this website may not have been sufficient to communicate the information to all owners and operators subject to the reporting obligation in NSPS OOOOb. The 2025 IFR impacts which data fields must be reported in the annual compliance report. The EPA acknowledges these changes to the reporting obligations were not clear in the 2025 IFR, and were not previously communicated clearly. Since, as explained in the EPA's website posting, ''[t]he reporting deadlines associated with these [IFR] compliance deadlines were also extended as a practical matter,'' owners and operators are not required to include certain information in their annual report (compared to the entire suite of reporting obligations finalized in the 2024 final rule).

Owners and operators need time to fully understand and implement this change to their reporting obligations for their annual reports under NSPS OOOOb. As such, the EPA is providing relief for additional time for the submission of annual reports. This additional time relief is needed to review and, if necessary, adjust reports to align with the EPA's clarification posted on its website. In other words, this time is needed to allow owners and operators time to remove certain information from their annual report; specifically, the data related to any relevant requirement(s) impacted by the IFR extensions. Further, the EPA's regional offices have already granted many reporting deadline extension requests for similar reasons in accordance with authority in 40 CFR 60.19. Providing the extension for all owners and operators subject to NSPS OOOOb is a more efficient and equitable approach than dealing with this issue on a one-off submission basis.

Several commenters requested, on this basis, that the initial reporting deadline be extended by 540 days. Although the EPA agrees that an extension is necessary, we do not agree that such a length of extension is appropriate based on the confusion referenced above and the deadline changes made in the 2025 IFR or this final rule. Rather, given the relevant timelines for the initial reporting requirements, we believe that relief for approximately one year from the effective date of this action is adequate

[30] EPA–HQ–OAR–2025–0162–0029, EPA–HQ–OAR–2025–0162–0035, EPA–HQ–OAR–2025–0162–0031, EPA–HQ–OAR–2025–0162–0036, EPA–HQ–OAR–2025–0162–0037, EPA–HQ–OAR–2025–0162–0041, EPA–HQ–OAR–2025–0162–0048, EPA–HQ–OAR–2025–0162–0060, EPA–HQ–OAR–2025–0162–0061, EPA–HQ–OAR–2025–0162–0059, EPA–HQ–OAR–2025–0162–0055, EPA–HQ–OAR–2025–0162–0064, EPA–HQ–OAR–2025–0162–0168, EPA–HQ–OAR–2025–0162–0162, EPA–HQ–OAR–2025–0162–0191, EPA–HQ–OAR–2025–0162–0130, EPA–HQ–OAR–2025–0162–0095, EPA–HQ–OAR–2025–0162–0078, EPA–HQ–OAR–2025–0162–0162, EPA–HQ–OAR–2025–0162–0172, EPA–HQ–OAR–2025–0162–0078, EPA–HQ–OAR–2025–0162–0168, EPA–HQ–OAR–2025–0162–0154, EPA–HQ–OAR–2025–0162–0195, EPA–HQ–OAR–2025–0162–0170, EPA–HQ–OAR–2025–0162–0172, EPA–HQ–OAR–2025–0162–0168, EPA–HQ–OAR–2025–0162–0162, EPA–HQ–OAR–2025–0162–0449, EPA–HQ–OAR–2025–0162–0170, EPA–HQ–OAR–2025–0162–0190, EPA–HQ–OAR–2025–0162–0130.

[31] Please see the docket for a sampling of these letters.

[32] See under the header ''Frequently Asked Questions'' at *https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-operations/2025-interim-final-rule-extend-compliance.*

for sources to resolve any confusion and adjust their reporting on an annual cycle. For further discussion of this topic, please see Chapter 16 of the Response to Public Comments document, which is available in the docket for this action.

The EPA believes this additional time will provide the necessary relief for owners and operators to get the clarification and certainty they need, notably to those owners and operators whose first initial annual report was required to be submitted by August 2025. This additional time finalizes that no annual report is due before November 30, 2026.

IV. Statutory and Executive Order Reviews

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

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

This action is a significant regulatory action as defined under section 3(f)(4) of Executive Order (E.O.) 12866. Accordingly, it was submitted to the Office of Management and Budget (OMB) for review. Any changes made in response to E.O. 12866 review have been documented in the docket.

This final rule reaffirms the conclusions reached in the IFR, with the exception of an additional extension of 180 days from the effective date of this final action to the compliance deadlines related to net heating value (NHV) monitoring and the provision of an additional 360 days from the effective date of this final rule for the submission of annual reports. For this final rule, the EPA prepared a memorandum titled ''Affirmation of Economic Impact Analysis for the Interim Final Rule'' that is available in the docket.[33]

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is an Executive Order 14192 deregulatory action.

C. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. On June 28, 2024, OMB approved the information collection activities for NSPS OOOOb and EG OOOOc under the PRA and assigned OMB Control No. 2060–0721.[34] OMB assigned the EPA ICR number 2523.07 to the ICR document that the EPA prepared. You can find a copy of the previously submitted ICR in EPA–HQ–OAR–2021–0317.

This action does not change the information collection requirements.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. In this final rule, we are confirming the EPA's decision to extend certain compliance and implementation dates, after considering and responding to comments received on the 2025 IFR. This action provides an additional extension for NHV monitoring. The EPA is also providing additional time for the submission of initial annual reports. This action does not change any other regulatory requirements.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any state, local or tribal governments or the private sector. In this action the EPA confirms its decision to extend certain compliance and implementation dates, after considering and responding to comments received on the 2025 IFR. This action provides an additional extension for NHV monitoring. The EPA is also providing additional time for the submission of initial annual reports. This action does not change any other regulatory requirements.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. The 2025 IFR extended the deadline for State plan submittals, which will allow additional time for states to develop plans. However, neither the 2025 IFR nor this action alter the substantive requirements related to the content of State plans.

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

This action does not have tribal implications as specified in Executive Order 13175. This action responds to comments on the July 2025 IFR and provides an extension to regulatory requirements for NHV monitoring. The EPA is also providing additional time for the submission of initial annual reports. Thus, Executive Order 13175 does not apply to this action.

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

Executive Order 13045 directs Federal agencies to include an evaluation of the health and safety effects of the planned regulation on children in Federal health and safety standards and explain why the regulation is preferable to potentially effective and reasonably feasible alternatives. This action is not subject to Executive Order 13045 because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

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

This action is not a ''significant energy action'' because it is not likely to have a significant adverse effect on the supply, distribution or use of energy. In the Regulatory Impact Analysis (RIA) accompanying the 2024 final rule, the EPA used a set of supply and demand price elasticities to estimate the impacts of the rule on the United States energy system (see section 4.1.4 of that document). The EPA estimated maximum production reductions of about 41.4 million barrels of crude oil (1.05 percent of projected baseline production) and 272.5 million Mcf (thousand cubic feet) per year (0.75 percent). This final action provides an extension to regulatory requirements for NHV monitoring, provides additional time for the submission of initial annual reports, and confirms the EPA's decision to extend certain compliance and implementation dates, after considering and responding to public comments received on the 2025 IFR.

J. National Technology Transfer and Advancement Act (NTTAA)

This action does not involve technical standards; therefore, the NTTAA does not apply.

K. Congressional Review Act (CRA)

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

[33] EPA–HQ–OAR–2025–0162.

[34] *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202405-2060-001.*

List of Subjects in 40 CFR Part 60

Environmental protection, Administrative practices and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Lee Zeldin,

Administrator.

For the reasons stated in the preamble, the Environmental Protection Agency amends part 60 of title 40, chapter I, of the Code of Federal Regulations as follows:

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

■ 1. The authority citation for part 60 continues to read as follows:

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

Subpart OOOOb—Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After December 6, 2022

■ 2. Amend § 60.5370b by revising paragraphs (a)(9)(i) and (iii) to read as follows:

§ 60.5370b When must I comply with this subpart?

(a) * * *

(9) * * *

(i) Beginning June 1, 2026, or 180 days after startup, whichever is later, you must comply with the continuous monitoring systems requirements of § 60.5417b(d)(8)(i) through (iv).

* * * * *

(iii) Beginning June 1, 2026, or 180 days after startup, whichever is later, you must comply with the continuous monitoring systems requirements of § 60.5417b(d)(8)(vi) for enclosed combustion devices or flares that are air-assisted or steam-assisted.

* * * * *

■ 3. Amend § 60.5420b by revising paragraph (b) to read as follows:

§ 60.5420b What are my notification, reporting, and recordkeeping requirements?

* * * * *

(b) *Reporting requirements.* You must submit annual reports containing the information specified in paragraphs (b)(1) through (14) of this section following the procedure specified in paragraph (b)(15) of this section. You must submit performance test reports as specified in paragraph (b)(12) or (13) of this section, if applicable. Subject to the exception in the next sentence, the initial annual report is due no later than 90 days after the end of the initial compliance period as determined according to § 60.5410b; subsequent annual reports are due no later than the same date each year as the initial annual report. Notwithstanding the preceding sentence, no annual report is due before November 30, 2026, on or before which date you must submit all annual reports that were due before November 30, 2026 per the timing specified in the preceding sentence; then subsequent annual reports thereafter are due no later than 90 days after the end of each annual compliance period. If you own or operate more than one affected facility, you may submit one report for multiple affected facilities provided the report contains all of the information required as specified in paragraphs (b)(1) through (14) of this section. Annual reports may coincide with title V reports as long as all the required elements of the annual report are included. You may arrange with the Administrator a common schedule on which reports required by this part may be submitted as long as the schedule does not extend the reporting period. You must submit the information in paragraph (b)(1)(v) of this section, as applicable, for your well affected facility which undergoes a change of ownership during the reporting period, regardless of whether reporting under paragraphs (b)(2) through (4) of this section is required for the well affected facility.

* * * * *

[FR Doc. 2025–21788 Filed 12–2–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2002–0083; FRL–5919.4–04–OAR]

National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing Facilities Technology Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) is taking final action to respond to comments on an interim final rule (IFR) related to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Integrated Iron and Steel Manufacturing Facilities (''II&S NESHAP''). Specifically, the EPA is responding to comments on the IFR published in the **Federal Register** on July 3, 2025, that revised compliance deadlines for certain provisions related to planned bleeder valve openings, unplanned bleeder valve openings, blast furnace (BF) casthouses, basic oxygen process furnace (BOPF) shops, slag processing and handling, beaching, and fenceline monitoring. After carefully considering the comments, the EPA concludes that the amendments made in the IFR are warranted and is not making any further changes to the compliance deadlines revised in the IFR.

DATES: This final rule is effective on December 3, 2025.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2002–0083. All documents in the docket are available on the *https://www.regulations.gov* website. Although listed, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The EPA does not place certain other material, such as copyrighted material, on the internet; this material is publicly available only as pdf versions and accessible only on EPA computers in the docket office reading room. The public cannot download certain data bases and physical items from the docket but may request these items by contacting the docket office at (202) 566–1744. The docket office has 10 business days to respond to such requests. Except for such material, publicly available docket materials are available electronically in *https://www.regulations.gov* or on the EPA computers in the docket office reading room at the EPA Docket Center, WJC West Building, Room Number 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Time (ET), Monday through Friday. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: For information about this action, contact U.S. EPA, Attn: Katie Boaggio, Mail Drop: D243–02, 109 T.W. Alexander Drive, P.O. Box 12055, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–2223; email address: *boaggio.katie@epa.gov.*

SUPPLEMENTARY INFORMATION:

Preamble acronyms and abbreviations. Throughout this document the use of ''we,'' ''us,'' or ''our'' refers to the EPA. We use multiple acronyms and terms in this preamble. While this list may not be

exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

BF blast furnace
BOPF basic oxygen process furnace
CAA Clean Air Act
CBI Confidential Business Information
CRA Congressional Review Act
CFR Code of Federal Regulations
EPA Environmental Protection Agency
FR Federal Register
II&S Integrated Iron and Steel
IFR interim final rule
NESHAP National Emission Standards for Hazardous Air Pollutants
NAICS North American Industry Classification System
OMB Office of Management and Budget
UFIP unmeasured fugitive and intermittent particulate
U.S.C. United States Code
UMRA Unfunded Mandates Reform Act of 1995

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I. General Information

A. Does this action apply to me?

The source category that is the subject of this action is Integrated Iron and Steel Manufacturing Facilities regulated under 40 CFR part 63, subpart FFFFF.

Table 1 summarizes the 2022 North American Industry Classification System (NAICS) codes for the source category.

TABLE 1—NESHAP AND INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS FINAL ACTION

NESHAP and source category	NAICS code
40 CFR part 63, subpart FFFFF, Integrated Iron and Steel Manufacturing Facilities	331110

The EPA does not intend table 1 of this preamble to be exhaustive. The NAICS code outlines the type of entities this final action likely will affect. To determine whether this NESHAP affects your facility, you should examine the applicability criteria in the NESHAP. If you have any questions regarding the applicability of any aspect of this NESHAP, please contact the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section of this preamble.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this action is available on the internet at *https://www.epa.gov/stationary-sources-air-pollution/integrated-iron-and-steel-manufacturing-national-emission.* Following publication in the **Federal Register**, the EPA will post the **Federal Register** version of this action at this same website. In accordance with 5 U.S. Code (U.S.C.) 553(b)(4), a summary of this action may be found at *https://www.regulations.gov*, Docket ID No. EPA–HQ–OAR–2002–0083. Following publication in the **Federal Register**, the EPA will post the **Federal Register** version of this action at this same website.

C. What is the statutory authority for this final action?

The same Clean Air Act (CAA) provision that provided authority to issue the regulations that are the subject of this final rule and the July 3, 2025, IFR—CAA section 112—provides the statutory authority to issue this final action.

D. Judicial Review and Administrative Review

Under CAA section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit by February 2, 2026. Under CAA section 307(b)(2), a party cannot challenge the requirements established by this final action separately in any civil or criminal proceedings to enforce the requirements.

CAA section 307(d) applies to this final rule.[1] CAA section 307(d)(7)(B) provides a mechanism for the EPA to convene a proceeding for reconsideration ''[i]f the person raising an objection can demonstrate to the EPA that it was impracticable to raise such objection within [the period for public comment] or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule.'' Any person seeking to make such a demonstration should submit a Petition for Reconsideration to the Office of the Administrator, U.S. Environmental Protection Agency, Room 3000, WJC South Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460, with a copy to both the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

II. Background

In this section, the EPA summarizes relevant history to provide context for this final action. For further discussion of regulatory history for this source category and issues arising after promulgation of the most recent substantive amendments to the NESHAP, please see section II.A. and II.B. of the preamble for the July 3, 2025 IFR.[2]

[1] *See* 42 U.S.C. 7607(d)(1)(C). The EPA issued the July 3, 2025 IFR pursuant to CAA section 307(d)(1), which authorizes the issuance of a rule without prior notice and comment ''in the case of any rule or circumstance referred to in subparagraphs (A) or (B) of [APA section 553(b)].'' *Id.* 7607(d)(1); *see* 90 FR 29489 n.6 We solicited post-promulgation comment on the revised compliance deadlines in the IFR. *Id.* We also granted a request for a public hearing and held that virtual public hearing on September 3, 2025, which provided an opportunity to offer oral comments on the revisions in the IFR and extended the deadline for public comments until October 3, 2025. 90 FR 39333 (Aug. 15, 2025); 90 FR 40975 (Aug. 22, 2025). This final action falls under the actions specified in CAA section 307(d)(1)(C) and is therefore subject to CAA section 307(d). For a full explanation of how the EPA effectively met all requirements of CAA section 307(d), see *Summary of Public Comments and Responses for the Integrated Iron and Steel Interim Final Rule* in the docket for this final action.

[2] 90 FR at 29487–88.

The EPA initially set maximum achievable control technology (MACT) standards for the II&S Manufacturing Facilities source category in May 2003.[3] In July 2020, pursuant to CAA sections 112(d)(6) and 112(f)(2),[4] the EPA issued a residual risk and technology review of the II&S NESHAP, codified at 40 CFR part 63, subpart FFFFF, that finalized amendments to the NESHAP.[5] In the risk review, the EPA determined that risks due to emissions of hazardous air pollutants, also known as toxic air pollutants or air toxics, from this source category were acceptable and concluded that the finalized standards provided ''an ample margin of safety to protect public health.'' [6]

In 2024, the EPA completed a second technology review for this source category under a court-ordered deadline (''2024 rule'').[7] The 2024 rule revised existing emission standards for certain air toxics, set standards for previously unregulated sources of air toxics pursuant to our interpretation of the D.C. Circuit's decision in *Louisiana Environmental Action Network* v. *EPA,* 955 F.3d 1088 (D.C. Cir. 2020), and required fenceline monitoring for the II&S source category.[8] The EPA set compliance deadlines for each standard for one, two, or three years after the 2024 rule's promulgation date based on information then available to the Agency regarding the regulated entities' ability to expeditiously comply with the standards.[9]

Following the issuance of the 2024 rule, the EPA was notified by industry parties that there were several errors in the final regulatory text and certain items that the EPA had not properly raised for comment during the proposal. The EPA also received a number of administrative petitions for reconsideration, including from regulated entities and public interest groups.[10] The regulated entities' petitions raised compliance challenges with several standards in the 2024 rule and emphasized the importance of feasible standards for reliable iron and steel production to support national infrastructure and national security needs, particularly for applications in the defense industry, homeland security, and critical infrastructure.[11] The regulated entities also identified safety concerns with attempting to comply with the 2024 rule.[12]

In August 2024, the EPA granted discretionary reconsideration of three standards: work practice standards for unmeasured fugitive and intermittent particulate (UFIP) from unplanned bleeder valve openings, work practice standards for UFIP from beaching, and a Maximum Achievable Control Technology (MACT) emission limit for hydrochloric acid point-source emissions from BF casthouses. The letter also stated the EPA's intent to issue a correction notice to do the following:

1. Clarify that the definition of an ''unplanned bleeder valve opening'' includes only those openings that are not located downstream from a control device (*i.e.,* ''dirty bleeder valve openings'');
2. Clarify the timing of planned openings and how they may affect opacity readings;
3. Clarify the definition of a ''single bleeder valve opening event;''
4. Delete from 40 CFR part 63, subpart FFFFF, table 2 the emission standard for ''windbox exhaust stream'' for BF casthouses, BF stoves, and BOPF shops because these sources do not have a windbox exhaust stream; and
5. Clarify the method that must be used to measure opacity for bell leaks.[13]

Additionally, ''[g]iven the large amount of complex data involved,'' the EPA committed to continue reviewing the petitions to determine whether the Agency should reconsider other issues.[14]

In conducting this review, and pursuant to further conversations between EPA staff and regulated entities, the EPA determined in March 2025 that four standards—work practice standards for UFIP from unplanned bleeder valve openings, opacity limits for planned bleeder valve openings, work practice standards for bell leaks, and opacity limit for slag processing and handling—warranted mandatory reconsideration under CAA section 307(d)(7)(B).[15] Considering the need for additional time for mandatory reconsideration, the EPA administratively stayed the rule's April 3, 2025 compliance deadlines until July 1, 2025.[16]

Upon further evaluation of the reconsideration issues, the parties' petitions for reconsideration, and discussions with stakeholders, the EPA determined that affected sources could not timely implement the standards in the 2024 rule with April 3, 2025 and April 3, 2026 compliance deadlines and that a correction notice could not sufficiently address these challenges. For further discussion of these compliance challenges, see section II.C. of the preamble to the July 3, 2025 IFR.[17] Recognizing that the EPA would be unable to remedy those problems through standard rulemaking procedures before the compliance deadlines and that the infeasible standards raised safety and national security concerns,[18] the EPA promulgated the IFR in July 2025, which revised the compliance deadlines for these standards to April 3, 2027 and set a corresponding compliance deadline for fenceline monitoring. For further discussion of the deadline revisions, see section II.D. and III. of the preamble to the July 3, 2025 IFR.[19]

Each conclusion and confirmation of the relative changes in the IFR included in this final action is severable from the others. As noted in the rule that established the standards at issue here and in the IFR, each set of standards rests on stand-alone scientific determinations that do not rely on judgments regarding other portions of the rule, and each set of standards can be implemented independently.[20] The same logic applies to the corresponding compliance deadlines. First, the reasoning for each regulatory revision is distinct and independent from the others. As noted in the IFR, the compliance deadlines were revised for each standard based on the unique compliance challenges presented in practice by each standard.[21] Second,

[3] 68 FR 27646 (May 20, 2003).

[4] 42 U.S.C. 7412(d)(6), (f)(2).

[5] 85 FR 42074 (July 13, 2020).

[6] *Id.*

[7] 89 FR 23294 (Apr. 3, 2024).

[8] *Id.* at 23295, 23307.

[9] *Id.* at 23314 & table 5.

[10] Docket ID Nos. EPA–HQ–OAR–2002–0083–1988, EPA–HQ–OAR–2002–0083–1989, and EPA–HQ–OAR–2002–0083–1990.

[11] *See, e.g., Cleveland Cliffs Petition for Reconsideration and Stay of the Integrated Iron and Steel NESHAP,* Docket ID No. EPA–HQ–OAR–2002–0083–1989, pages 3, 18–40.

[12] Docket ID No. EPA–HQ–OAR–2002–0083–1989, pages 3, 18–40.

[13] *Response Letter to Petitions Granting Reconsideration of Integrated Iron and Steel NESHAP,* Docket ID No. EPA–HQ–OAR–2002–0083–1991.

[14] *Id.*

[15] *Letter Identifying Additional Items for Reconsideration in Integrated Iron and Steel NESHAP,* Docket ID No. EPA–HQ–OAR–2002–0083–1992.

[16] 90 FR 14207, 14208 (Mar. 31, 2025); *see* 42 U.S.C. 7607(d)(7)(B).

[17] 90 FR at 29488.

[18] Regulated entities have emphasized the strategic importance of iron and steel on ''national security, particularly for applications in the defense industry, homeland security, and critical infrastructure'' and the need for revised standards to operate in a way that ''protect[s] the safety of employees, the community and property.'' *See Cleveland Cliffs Petition for Reconsideration and Stay of the Integrated Iron and Steel NESHAP,* Document ID No. EPA–HQ–OAR–2002–0083–1989, pages 3, 18–43.

[19] 90 FR at 29489.

[20] 89 FR at 23314.

[21] 90 FR at 29488.

each of the deadlines revised in the IFR is functionally independent from the others, *i.e.,* may operate in practice independently of the other requirements being revised, such that the revision of a deadline in one set of requirements does not turn on the revision of a deadline in any other set of requirements, aside from fenceline monitoring.[22]

The EPA issued the IFR addressing the II&S NESHAP compliance dates on July 3, 2025. We received comments from industry, environmental groups, public health groups, community groups, and others during the comment period. The EPA also granted a request for a public hearing and held that virtual public hearing on September 3, 2025, which provided an opportunity to offer oral comments on the revisions in the IFR and extended the deadline for public comments until October 3, 2025.[23] A summary of all public comments on the IFR and the EPA's responses to those comments is in the rulemaking docket.

III. What amendments did we make in the IFR, and what are our final conclusions?

The 2024 rule included several provisions that subsequent developments have shown to be untenable from a compliance perspective on the timeframes set out in the 2024 rule. The EPA did not anticipate or intend these timing issues to result from the 2024 rule, and it is in the public interest and consistent with the purposes of the CAA to provide regulated entities sufficient time to comply with the requirements in the 2024 rule. Based on information received in petitions for reconsideration, other information discussed in the IFR, and after considering public comments on the IFR, the EPA reaffirms in this final action that the targeted revisions to compliance deadlines set forth in the IFR and summarized below are necessary, appropriate, and consistent with the purposes of the 2024 rule and the CAA.

After reviewing the comments received, the EPA is reaffirming in this final rule its decision to revise the compliance deadlines for standards established in the 2024 rule for opacity limits for planned bleeder valve openings; work practice standards for bell leaks; opacity monitoring frequency for BFs; work practice standards and operational limits for unplanned bleeder valve openings; work practices for beaching; opacity limits for slag processing activities; and fenceline monitoring to April 3, 2027.[24]

Because there are no changes between the IFR and final rule, the incremental impacts between the two rules is zero. Given the comments provided on the IFR, the EPA provided a memorandum titled ''*A Note on the Impact Analysis for the Interim Final Rule*'' that is available in the docket for this action.[25]

The EPA received 28 sets of written comments and held a public hearing during the comment period. In the *Summary of Public Comments and Responses for the Integrated Iron and Steel Interim Final Rule* document, the comments were organized into three categories: compliance as expeditiously as practicable; cost, health, and community impacts from extending the compliance deadlines; and rulemaking procedures.

Commenters who supported the justification for the revision of the compliance deadlines provided additional rationale for why the EPA correctly determined that the revised deadlines provide for compliance as expeditiously as possible. Other commenters opposed the revision of the original compliance deadlines in the 2024 rule, asserting that the EPA failed to establish deadlines that provide for compliance as expeditiously as possible and had not identified anything in the reconsideration petitions or the accompanying post-comment period data that undermines its prior conclusions. The EPA disagrees with these commenters and explains our evolved understanding of the standards in this preamble and in the accompany response to comments. Comments on the justification for the revision of the compliance deadlines and rationale for it being as expeditiously as possible are summarized for each individual standard in the following sections. Commenters opposing the deadline revisions did not provide data or information justifying their assertions to undermine the EPA's findings in this action that the revised compliance deadlines are appropriate for each standard. Instead, those commentors relied on the EPA's prior findings in reaching prior conclusions. Therefore, the EPA's responses also serve to address those assertions by explaining the EPA's evolved understanding of the compliance challenges presented by the standards as originally written. For more comments and responses on compliance as expeditiously as possible, please see the *Summary of Public Comments and Responses for the Integrated Iron and Steel Interim Final Rule* in the docket for this action.

Additionally, these commenters also expressed concerns about potential health impacts from exposure to the 120 tons per year of HAP emissions that the 2024 rule estimated would be reduced by implementing the standards for which the IFR revised compliance deadlines. The EPA recognizes that air pollutants emitted at II&S facilities can potentially carry health risks but refers commenters to the residual risk review the EPA finalized in 2020, which concluded that existing NESHAP for this source category provided an ample margin of safety to protect human health or an adverse environmental impact.[26] For more comments and responses regarding the potential health impacts, please see the *Summary of Public Comments and Responses for the Integrated Iron and Steel Interim Final Rule* in the docket for this action.

Finally, some commenters asserted that the EPA did not follow the procedural requirements in CAA section 307(d) in promulgating the IFR. The EPA disagrees with commenters' claims that the IFR violated CAA section 307(d). The IFR qualified for the Administrative Procedure Act's (APA's) good cause exception for the reasons explained in the IFR.[27] For more comments and responses regarding the procedural requirements, please see the *Summary of Public Comments and Responses for the Integrated Iron and Steel Interim Final Rule* in the docket for this action.

In this section, we summarize comments specific to particular deadlines and conclusions that the deadline revisions in the IFR were appropriate, necessary, and consistent with the text and objectives of the CAA. For a full discussion of comments and responses, please see *Summary of Public Comments and Responses for the Integrated Iron and Steel Interim Final Rule* in the docket for this action.

A. Planned Bleeder Valve Openings

In the July 3, 2025 IFR, the EPA revised the compliance deadline for planned bleeder valve openings from April 3, 2025, to April 3, 2027. When promulgating the opacity standard for planned bleeder valve openings, we originally concluded based on

[22] The EPA promulgated fenceline monitoring to promote compliance with the other requirements of the NESHAP. *See* 90 FR at 29487; *see also* 89 FR at 23307. The EPA also has yet to promulgate a method to conduct fenceline monitoring, and the standard requires regulated parties to use the EPA's approved method.

[23] *See* 90 FR 39333; 90 FR 40975.

[24] 90 FR at 29488–89.

[25] Docket ID No. EPA–HQ–OAR–2002–0083.

[26] 85 FR 42074 (July 13, 2020).

[27] 90 FR 29489 (July 3, 2025).

information available at the time that affected sources could meet this standard without the need for installation of new control equipment, monitors, or measurement equipment. Therefore, we provided only one year to comply.[28] However, after the promulgation of the 2024 rule, regulated entities provided information, including monitoring data, in petitions for administrative reconsideration to the EPA indicating that facilities would likely be unable to comply with the standards as written by the April 3, 2025 deadline without clarifications, corrections, or revisions. These data demonstrated that it likely will be infeasible for most sources to comply with the 2024 rule's opacity limits for planned bleeder valve openings.

We received comments supporting the revised compliance deadlines for planned bleeder valve openings stating that the EPA incorrectly assumed in the 2024 rule that ''standards could be met without the need for installation of new control equipment, monitor, or measurement equipment.'' [29] Commenters further stated that the EPA did not fully understand the planned bleeder valve openings subject to the opacity limit in the 2024 rule, the blast furnace operations that impact the timing and duration of planned bleeder valve openings, and the effect of certain work practices on planned bleeder valve opening opacity. For the reasons discussed in the IFR, and after considering the public comments on those compliance deadline revisions, we reaffirm that the changes to compliance deadlines for planned openings in the IFR are warranted, and we conclude that these provisions need no additional changes.

B. Bell Leaks

In the July 3, 2025 IFR, the EPA revised the compliance deadline for work practice standards for bell leaks from April 3, 2025, to April 3, 2027. When promulgating the work practice standards for bell leaks, we originally concluded that affected sources could meet those standards without the need for installation of new control equipment, monitors, or measurement equipment. Therefore, we provided only one year to comply.[30] However, after promulgation of the 2024 rule, regulated entities provided information in petitions for administrative reconsideration to the EPA indicating that facilities would likely be unable to comply with the standards as written by the April 3, 2025 deadline without clarifications, corrections, or revisions.

We received comments supporting the revised compliance deadlines for bell leaks stating that the EPA incorrectly assumed in the 2024 rule that ''standards could be met without the need for installation of new control equipment, monitor, or measurement equipment.'' [31] Commenters further stated that EPA's assumption was based on misunderstandings of the intermittency of emissions generated from bell leaks, how emissions from the blast furnace top are read, the causes of visible emissions, and the impact that certain work practices have on visible emissions. For the reasons discussed in the IFR, and after considering the public comments on those compliance deadline revisions, we reaffirm that the changes to compliance deadlines for work practice standards for bell leaks in the IFR are warranted, and we conclude that these provisions need no additional changes.

C. Monitoring Frequency for BOPF/BF

In the July 3, 2025 IFR, the EPA revised the compliance deadline for monitoring frequency for BOPF/BF from April 3, 2025, to April 3, 2027. After promulgation of the 2024 rule, regulated entities provided information in petitions for administrative reconsideration to the EPA indicating that facilities likely would be unable to comply with this standard as written by the April 3, 2025, deadline without clarifications, corrections, or revisions.

We received comments supporting the revised compliance deadlines for monitoring frequency for BOPF/BF stating that the EPA incorrectly assumed ''standards could be met without the need for installation of new control equipment, monitor, or measurement equipment.'' [32] The commenters stated that the monitoring requirements in the 2024 rule present several difficulties in performing safe and accurate readings and pose substantial costs. For the reasons discussed in the IFR, and after considering the public comments on those compliance deadline revisions, we reaffirm that the changes to compliance deadlines for monitoring frequency for BOPF/BF in the IFR are warranted, and we conclude that these provisions need no additional changes.

D. Unplanned Bleeder Valve Openings

In the July 3, 2025 IFR, the EPA revised the compliance deadline for unplanned bleeder valve openings from April 3, 2026, to April 3, 2027. When promulgating the operational limit for unplanned bleeder valve openings, we originally concluded that facilities could comply with this limit in two years, *i.e.,* by April 3, 2026, based on the Agency's understanding that facilities only had to make relatively moderate changes in equipment or operations to comply with this standard. Those expected changes included installing stockline monitors to measure material flows in the BFs and/or material sizing equipment or screens to ensure that input material was properly sized, to help prevent unplanned openings.

However, based on additional information provided by regulated entities after the promulgation of the rule and after further discussions and analyses, the EPA now understands that, in certain cases, the equipment and work practices are insufficient or infeasible to meet the standards as currently written. Therefore, affected sources likely will need more than two years to comply with the standards as finalized.

Additionally, the EPA intended that the finalized standard would only apply to bleeder valve openings not routed to a control device. However, the EPA inadvertently finalized the standard such that it also applies to emissions from bleeder valve openings routed to a control device. This inadvertent error increases the number of unplanned bleeder valve openings that count towards the yearly operational limit, which makes the limit unachievable until a revision is made.

We received comments supporting the revised compliance deadlines for unplanned bleeder valve openings. Commenters stated that the limits on unplanned bleeder valve openings are based on a misunderstanding of which bleeder valves would be subject to the standards, the causes of unplanned bleeder valve openings, and the impacts of EPA's work practices on the number of bleeder valve openings and other furnace operations. For the reasons discussed in the IFR, and after considering the public comments on those compliance deadline revisions, we reaffirm that the changes to compliance deadlines for unplanned bleeder valve openings in the IFR are warranted, and we conclude that these provisions need no additional changes.

E. Slag Processing, Handling, and Storage

In the July 3, 2025 IFR, the EPA revised the compliance deadline for the opacity limit for slag processing, handling, and storage from April 3,

[28] 89 FR at 23314; Docket ID No. EPA–HQ–OAR–2002–0083–1976, pages 194–200.

[29] 90 FR at 29488.

[30] 89 FR at 23314; Docket ID No. EPA–HQ–OAR–2002–0083–1976, pages 194–200.

[31] 90 FR at 29488.

[32] 90 FR at 29488.

2026, to April 3, 2027. When promulgating the opacity limit for slag processing, handling, and storage, we originally concluded that facilities could comply with this limit in two years, *i.e.,* by April 3, 2026, based on the Agency's understanding that facilities only had to make relatively moderate changes in equipment or operations to comply with those standards. Those expected changes included installing fogging and/or water spray equipment to minimize opacity for slag processing, handling, and storage operations.

However, based on additional information provided by regulated entities after promulgation of the 2024 rule and further discussions and analyses, the EPA now understands that, in certain cases, the equipment and work practices are insufficient or infeasible to meet the standards. Therefore, some affected sources likely will need more than two years to comply with the standards as finalized. For slag processing, handling, and storage, the petitions provided new data that show higher opacity concentrations than previously known by the EPA for certain specific slag processing, handling, and storage activities.

We received comments supporting the revised compliance deadlines for the opacity limit for slag processing, handling, and storage because the EPA improperly concluded that ''facilities only had to make relatively moderate changes in equipment or operations to comply with those [slag processing] standards.'' [33] Commenters stated that EPA incorrectly assumed that fogging and/or water spray equipment to minimize opacity for slag processing operations would be effective and could be implemented in two years. For the reasons discussed in the IFR, and after considering the public comments on those compliance deadline revisions, we reaffirm that the changes to compliance deadlines for the opacity limit for slag processing, handling, and storage in the IFR are warranted, and we conclude that these provisions need no additional changes.

F. Beaching

In the July 3, 2025 IFR, the EPA revised the compliance deadline for the work practice standards for beaching from April 3, 2026, to April 3, 2027. When promulgating the work practice standards for beaching, we originally concluded that facilities could comply with this limit in two years, *i.e.,* by April 3, 2026, based on the Agency's understanding that facilities only had to make relatively moderate changes in equipment or operations to comply with those standards. Those expected changes included installing partial enclosures or carbon dioxide (CO_2) suppression to minimize fugitive emissions from beaching.

However, based on additional information provided after the promulgation of the rule and after further discussions and analyses, the EPA now understands that, in some cases, the equipment and work practices are insufficient or infeasible to meet the standards as currently written. Therefore, affected sources likely will need more than two years to comply with the standards as finalized.

We received comments supporting the revised compliance deadlines for beaching and stating that the EPA improperly concluded that ''facilities only had to make relatively moderate changes in equipment or operations to comply with those [beaching] standards.'' Commenters stated the conclusion was based on EPA's incorrect belief that partial enclosures or CO_2 suppression minimize fugitives from beaching would be effective and could be implemented in two years. For the reasons discussed in the IFR, and after considering the public comments on those compliance deadline revisions, we reaffirm that the changes to compliance deadlines for the work practice standards for beaching in the IFR are warranted, and we conclude that these provisions need no additional changes.

G. Fenceline Monitoring

In the July 3, 2025 IFR, for consistency, even though no operational deadline applies to fenceline monitoring until an EPA-approved method is promulgated, we revised the deadline for fenceline monitoring to one year after promulgation of the test method or April 3, 2027, whichever is later. Fenceline monitoring measures emissions at the perimeter of a facility to ''ensur[e] that . . . standards . . . are achieving the anticipated reductions.'' [34] As described above, the EPA found compelling reasons to revise compliance deadlines for certain provisions in the II&S NESHAP. It is unreasonable to monitor a facility's compliance with standards covered by the IFR that a source has not yet implemented. Thus, the EPA revised the compliance deadline for fenceline monitoring for ''consistency'' with the other revised standards and concludes that no additional changes are warranted. For additional comments and our responses, please see the *Summary of Public Comments and Responses for the Integrated Iron and Steel Interim Final Rule* in the docket for this action.

IV. Statutory and Executive Order Reviews

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

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

This is a significant regulatory action under Executive Order 12866 that was submitted to the Office of Management and Budget (OMB) for review. Any changes made in response to OMB recommendations have been documented in the docket. This final action reaffirms the conclusions reached in the IFR. Because there are no changes between the IFR and this final action, the EPA notes the incremental impacts between the two actions is zero. See *A Note on the Impact Analysis for the Interim Final Rule* in the docket.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This is not an Executive Order 14192 regulatory or deregulatory action because this action does not alter any regulatory requirements.

C. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control number 2060–0517. This action does not change the information collection requirements.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. Moreover, there are only eight integrated iron and steel manufacturing facilities currently operating in the United States and these plants are owned by two parent companies that do not meet the definition of small businesses, as defined by the U.S. Small Business Administration.

E. Unfunded Mandates Reform Act of 1995 (UMRA)

This action does not contain an unfunded mandate of $100 million (adjusted annually for inflation) or more (in 1995 dollars) as described in UMRA, 2 U.S.C. 1531–1538, and does not

[33] 90 FR at 29488.

[34] 90 FR at 29487; see also 89 FR at 23307.

significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or Tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have Tribal implications as specified in Executive Order 13175. This action responds to comments on the IFR and does not make any additional changes. Thus, Executive Order 13175 does not apply to this action.

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

Executive Order 13045 directs Federal agencies to include an evaluation of the health and safety effects of the planned regulation on children in Federal health and safety standards and explain why the regulation is preferable to potentially effective and reasonably feasible alternatives. This action is not subject to Executive Order 13045 because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

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

This action is not a ''significant energy action'' because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

J. National Technology Transfer and Advancement Act (NTTAA)

This action does not involve technical standards.

K. Congressional Review Act (CRA)

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

Lee Zeldin,

Administrator.

[FR Doc. 2025–21787 Filed 12–2–25; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 483

[CMS–3442–IFC]

RIN 0938–AV25

Medicare and Medicaid Programs; Repeal of Minimum Staffing Standards for Long-Term Care Facilities

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Interim final rule with comment period.

SUMMARY: This interim final rule with comment period repeals provisions of the final rule titled ''Medicare and Medicaid Programs; Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting.'' This action is taken in view of changes made by by public law, which precludes HHS from implementing, administering, or enforcing certain provisions of the final rule until September 30, 2034.

DATES: These regulations are effective on February 2, 2026.

Comment date: To be assured consideration, comments must be received at one of the addresses provided below, by February 2, 2026.

ADDRESSES: In commenting, please refer to file code CMS–3442–IFC.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3442–IFC, P.O. Box 8016, Baltimore, MD 21244–8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3442–IFC, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: The Clinical Standard Group's Long Term Care Team at *HealthandSafetyInquiries@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that website to view public comments. CMS will not post on *Regulations.gov* public comments that make threats to individuals or institutions or suggest that the commenter will take actions to harm an individual. CMS continues to encourage individuals not to submit duplicative comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments.

I. Background

In the May 10, 2024 **Federal Register** (89 FR 40876), the Centers for Medicare & Medicaid Services (CMS), published a final rule titled ''Medicare and Medicaid Programs; Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting'' (hereinafter referred to as 2024 Minimum Staffing final rule). This rule, among other items, established minimum staffing standards for long-term care facilities participating in Medicare and Medicaid programs. The standards were informed by data and literature available in 2022 and 2023.

On July 4, 2025, Public Law 119–21 was signed into law. Section 71111 of Public Law 119–21 prohibits CMS from implementing, administering, or enforcing the minimum staffing standards set forth in § 483.5, definitions related to staffing requirements, and § 483.35, requirements for a registered nurse (RN) to be onsite 24 hours, 7 days per week and that each facility provides a minimum of 0.55 RN, 2.45 nurse aide (NA), and 3.48 total nurse staffing hours per resident day (HPRD), for a specified time period. This legislative action effectively suspends implementation of these provisions until September 30, 2034.

II. Basis for Repeal

A. Legislative Moratorium

Section 71111 of Public Law 119–21 precludes CMS from implementing, administering, or enforcing the minimum staffing standards established in the 2024 Minimum Staffing final rule (89 FR 40876) until after September 30, 2034. This prohibition renders portions of §§ 483.5 and 483.35 unenforceable and unimplementable during the period before October 1, 2034. Congress has thus effectively suspended these provisions for that period. We believe that this prohibition warrants restoration of the previous version of the Code of Federal Regulations (CFR). Without such revisions, the regulations would lack nurse staffing standard that implements the minimum requirements for long-term care facilities set forth in sections 1819(b)(4)(C)(i) and 1919(b)(4)(C)(i) of the Act.

B. Policy Considerations

HHS and CMS are committed to protecting the health and safety of residents in long-term care facilities. Following the publication of the final rule, interested parties continue to express their concerns over the establishment of the quantitative minimum staffing standards, requiring a RN to be onsite 24 hours, 7 days per week and that each facility provides a minimum of 0.55 RN, 2.45 NA, and 3.48 total nurse staffing HPRD.

LTC facilities, particularly those within rural and tribal communities, raised significant concerns that these standards, even with a comprehensive exemption process in place, could increase the risk of facility closure, thus potentially decreasing access to healthcare. Rural and tribal communities face a specific challenge of geographic isolation, making it difficult to recruit nurses and for patients to access care.[1] LTC facilities continue to note hiring challenges due to the existing labor supply and available resources despite their best efforts to meet these requirements. The National Indian Health Board stated that the 2024 final rule would be catastrophic for keeping facilities open and meeting the trust and treaty obligations in healthcare because of the difficulty of staffing in Indian Country. Further, they noted that LTC facility closures like this in tribal communities do not just remove jobs but break cultural bonds and remove elders from their communities.

Likewise, multiple sources have described the current and projected shortages, including the International Council of Nurses (ICN) report calling for the worldwide shortage of nurses to be treated as a global health emergency. The report, titled *Recover to Rebuild: Investing in the Nursing Workforce for Health System Effectiveness*,[2] details the impact that the pandemic had on the world's nursing workforce, nurse burnout, and access to care. The National Center for Workforce Analysis (NCHWA) [3] projects nationwide nursing shortages, including a shortage of 295,800 nurses nationwide, with larger shortages of nurses in nonmetropolitan areas including rural and tribal communities. In addition, according to a *Health Workforce Analysis* published by the Health Resources and Services Administration (HRSA), authorities project just 63,720 people working as full-time RNs in 2030. Lastly, the American Association of Colleges of Nursing predicts that RN shortages will continue over the next decade and beyond, with a 13 percent deficit in the total number of RNs in nonmetropolitan areas predicted to be needed in the United States by 2037, and a 5 percent deficit of RNs predicted for metropolitan areas of the country.[4]

Furthermore, two district courts have vacated at the summary judgment stage the minimum staffing provisions related to HPRD and the 24/7 RN requirement as currently drafted and codified at 42 CFR 483.35(b)(1) and (c). First, in the summary judgement for *American Health Care Association* v. *Kennedy* (Case Nos. 24–144 and 24–171, 777 F. Supp.3d 691(N.D. Tex. 2025)) [5] (appealed June 2, 2025 to the Fifth Circuit), the court relied on the major questions doctrine in its finding that HHS exceeded its statutory authority with the minimum staffing policy changes. Second, in the summary judgement for *Kansas* v. *Kennedy* (Case No. C24–110–LTS–KEM,__F. Supp. 3d__(N.D. Iowa, June 18, 2025) [6] Interested parties should refer to the detailed order and judgement for each case for additional information.

HHS no longer believes that the current quantitative minimum staffing standards affected by the moratorium and litigation are appropriate, especially because the minimum staffing standards do not follow from the best interpretation of the relevant statute. The quantitative minimum staffing standards, as currently written, impose one-size-fits-all minimum requirements on all facilities across the country without accounting for differences in local labor supply, overall acuity of the facility's resident population, or available resources. Rural and tribal community facilities currently face significant difficulties in recruiting and retaining staff; the current quantitative minimum staffing standards could put many of these facilities at an increased risk of closure, thus potentially decreasing access to health care in these communities.

Given these policy considerations, HHS has modified its policy views with respect to the quantitative minimum staffing standards.

C. Tribal Community Considerations

In view of the policy considerations stated previously, and upon further consultation and review of certain comments, HHS and CMS believe there is an opportunity to further engage with Tribal communities. CMS received correspondence from tribal communities noting that longstanding healthcare workforce shortages across Indian Country make compliance with the LTC staffing rule impossible for many facilities and that the rule would cause closures of many LTC facilities due to limitations present in Health Provider Shortage Areas (HPSA) in rural and remote areas. In addition, the Tribal Technical Advisory Group (TTAG) is in favor of the 10-year moratorium, stating that this ''supports the continued operation of rural Tribal LTC facilities''. As noted previously, the minimum staffing standards, if implemented, may impose disproportionate burdens on facilities serving these communities, which face a distinct workforce and resource constraints. Repealing the changes made to minimum staffing

[1] Taylor, Noelle, et al. ''Promising Practices to Address Healthcare Needs Voiced by Local Native Americans.'' *DigitalCommons@USU,* 2025, *digitalcommons.usu.edu/tcjournal/vol2/iss1/4/.* Accessed September 18, 2025.

[2] Buchan, James, and Howard Catton. *RECOVER to REBUILD INVESTING in the NURSING WORKFORCE for HEALTH SYSTEM EFFECTIVENESS International Council of Nurses the Global Voice of Nursing.* 2023.

[3] McGhee, Moira. ''A Crisis by the Numbers: Nursing Shortages in 2025 by State.'' *Yahoo Finance,* Vivian Health, February 24, 2025, *finance.yahoo.com/news/crisis-numbers-nursing-shortages-2025–163000209.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAACgfnz8Zi44P6ei-zweMuE0reqyIi9N19l_UlZVnmeFi0iHKKbYKSrtXhK23rJ6yZQ9Ny2dDkmXAlJropGQI2grGod8aHqswrTZBa0eiYk6EEyW9usg5XEYExAWFSvEP24uxek-T5cxKAvfjFgVRWHFZDR98zsEBIafohInLbBiH.* Accessed September 5, 2025.

[4] American Association of Colleges of Nursing. ''Nursing Shortages Fact Sheet.'' American Association of Colleges of Nursing, 2024, *www.aacnnursing.org/news-data/fact-sheets/nursing-shortage.*

[5] Available at *https://caselaw.findlaw.com/court/us-dis-crt-n-d-tex-ama-div/117139174.html.*

[6] Available at *https://caselaw.findlaw.com/court/us-dis-crt-n-d-iow-ced-rap-div/117400951.html.*

standards by the rule provides an opportunity for CMS to reassess these burdens and further engage in additional dialogue with Tribal communities to better understand and address their concerns. We invite and welcome additional consultation with Tribes on the impact of the now-rescinded portions of the final rule and encourage Tribes to submit comments during the comment period for this interim final rule with comment period.

D. Agency Determination

Given the moratorium imposed by Public Law 119–21, the policy considerations discussed previously, and a desire to further engage tribal community concerns, we are repealing certain suspended provisions of §§ 483.5 and 483.35 and restoring the previous language of § 483.35, while soliciting further comment. This repeal ensures that the regulations reflect current legal authority and HHS policy, and allows for future rulemaking that incorporates new, up-to-date evidence and interested party input.

III. Provisions of the Interim Final Rule With Comment Period

This interim final rule with comment period revises the following sections of 42 CFR 483:

- In § 483.5, we are removing the definition of ''hours per resident day'' since it is only used in relation to the minimum staffing requirements in this section that this rule repeals; therefore, the definition is no longer relevant.
- In § 483.35, we are making the following changes:

++ Removing the requirements for long term care facilities to have an RN onsite 24 hours, 7 days per week and the minimum requirements for 0.55 RN, 2.45 NA, and 3.48 total nurse staffing HPRD requirements.

++ Reinstating the minimum statutory RN staffing requirement for LTC facilities to use the services of an RN for at least 8 consecutive hours a day, 7 days a week and to designate an RN to serve as the director of nursing on a full-time basis except when waived.

With converting the nurse staffing requirements at § 483.35 back to the requirements finalized in the 2016 ''Medicare and Medicaid Programs; Reform of Requirements for Long Term Care Facilities'' final rule (81 FR 68688), we are also including technical corrections to several incorrect paragraph citations that were made as part of the updates to § 483.35 in the May 2024 Minimum Staffing final rule (89 FR 40996 through 40998). We are finalizing the corrected citations as part of this interim final rule with comment period to assure accuracy and clarity. Therefore, we are making the following revisions:

++ In the introductory paragraph, we are replacing the reference to § 483.70(e) with a reference to § 483.71, where facility assessment requirements are now located.

-- In paragraph (a)(2), we are changing the cross reference from paragraph (c), Proficiency of nurse aides, to paragraph (e), Nursing facilities: Waiver of requirement to provide licensed nurses on a 24-hour basis. The requirement will now state that, except when waived under paragraph (e), a facility must designate a licensed nurse to serve as a charge nurse on each tour of duty.

-- In paragraph (f)(2), we are changing the cross reference from paragraph (d)(1) to paragraph (f)(1), which allows for the Secretary of the Department of Health and Human Services (Secretary) to waive the requirement that a skilled nursing facility provide the services of an RN for more than 40 hours a week, including a director of nursing specified in paragraph (b) of this section, under certain circumstances. This requirement will now state that a waiver of the RN requirement under paragraph (f)(1) of this section is subject to annual renewal by the Secretary.

-- In paragraph (g)(2)(i), we are changing the cross reference from paragraph (e)(1) to paragraph (g)(1) the facility must post the nurse staffing data on a daily basis. This requirement will now state that the facility must post the nurse staffing data specified in paragraph (g)(1) of this section on a daily basis at the beginning of each shift.

IV. Good Cause for Proceeding With an Interim Final Rule With Comment Period

For the reasons described in this section, we have determined that an interim final rule with comment period is the appropriate mechanism to align regulations with current enforceable law. Although this interim final rule with comment period is effective in 60 days, comments are solicited from interested members of the public on all aspects of the interim final rule with comment period. We will consider these comments in deciding the next steps following this interim final rule with comment period.

Under the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(B)) and 42 U.S.C. 1395hh(b)(2), CMS may forgo notice-and-comment rulemaking when it finds, for good cause, that such procedures are impracticable, unnecessary, or contrary to the public interest. We find that there is good cause based on the totality of the circumstances described later in this section.

The current regulations at issue here have not yet been enforced, and section 71111 of Public Law 119–21 precludes CMS from taking any further actions to administer or enforce them until September 30, 2034. Additionally, two Federal district courts have vacated portions of the final rule and there is no current reliance on these provisions by regulated entities or the public. The absence of a comment period before repeal will not cause injury to any interested person.

Moreover, maintaining regulations that are unenforceable and unimplementable for several years in the CFR is confusing and impracticable. The presence of unenforceable and unimplementable provisions during the moratorium could lead to misunderstandings regarding applicable standards, potentially causing confusion among LTC facilities, regulators, and the public. Repealing these specific provisions immediately eliminates this risk and ensures regulatory clarity. Moreover, it is impracticable to maintain these unenforceable regulations because doing so would prolong the period in which there is no specific implementing language for sections 1819(b)(4)(C)(i) and 1919(b)(4)(C)(i) of the Act to specify the level of staffing CMS views as ''sufficient'' to meet nursing needs of residents and establish consistent nationwide standards of mandatory minimum staffing levels in regulated facilities. While many States have regulations in place for minimum nursing services to LTC facility residents, those regulations vary, and do not assure consistent minimum standards across the country.

We also believe that including a comment period before repealing a regulation that can only be enforced and implemented almost a decade in the future is unnecessary. Further, the inclusion of a comment period would delay the removal of unenforceable regulations and prolong confusion and possible misapplication or misapprehension of standards, which would be contrary to public health interests served by the staffing standards, including setting a national and broadly applicable baseline. We considered delaying the repeal until after a comment period or delaying the effective date to 2034, but given the facts, context, and litigation, we concluded that doing so would perpetuate regulatory uncertainty and is not in the public interest.

While under these specific circumstances we find good cause for issuing this interim final rule with comment period prior to a public comment period, the agency is committed to considering public input. We invite comments on this interim final rule with comment period and future rulemaking. Comments received by the date specified in the **DATES** section of this interim final rule with comment period will be considered in determining whether further action is warranted.

V. Collection of Information Requirements

Under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501–3520, we are required to provide notice in the **Federal Register** and solicit public comment before a collection of information requirement is submitted to the Office of Management and Budget (OMB) for review and approval. To fairly evaluate whether an information collection should be approved by OMB, 44 U.S.C. 3506(c)(2)(A) requires that we solicit comment on the following issues:

- The need for the information collection and its usefulness in carrying out the proper functions of our agency.
- The accuracy of our estimate of the information collection burden.
- The quality, utility, and clarity of the information to be collected.
- Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

This rule does not impose new information collection requirements. Instead, it revises an information collection requirement established in the 2024 Minimum Staffing final rule (89 FR 40876). In that rule, we estimated that long-term care (LTC) facilities would spend 19 hours annually reviewing and updating policies and procedures related to the nurse staffing requirement at § 483.35(a), which mandated 0.55 hours per resident day (HPRD) for registered nurses (RNs) and 2.45 HPRD for nurse aides (NAs) (89 FR 40937).

To estimate the savings from removing this burden, we apply the same methodology and data sources used in the 2024 rule. Readers can refer to the 2024 final rule's collection of information section for detailed discussion on the data sources and methodology used to estimate costs.

In the 2024 final rule, the annual baseline cost of the requirement at § 483.35(a) was estimated at $24,440,832 (89 FR 40939).

In accordance with OMB guidance document (M–25–20), we are adjusting this estimate to 2024 dollars using the Bureau of Economic Analysis' GDP deflator (National Income and Product Accounts Table 1.1.9).[7] [8] We also apply a 2.31 percent annual increase in real wage rates starting in 2025, consistent with the final rule. As shown in Table 1, we estimate that removing this requirement will result in total savings of $315,672,322 over 10 years, or annualized savings of $31,567,232.

TABLE 1—SAVINGS FROM REMOVAL OF 0.55 HPRD FOR RNS AND 2.45 HPRD FOR NAS INFORMATION COLLECTION REQUIREMENTS

Year	Calendar year	Savings
Year 1	2025	$28,423,085
Year 2	2026	29,079,658
Year 3	2027	29,751,398
Year 4	2028	30,438,656
Year 5	2029	31,141,789
Year 6	2030	31,861,164
Year 7	2031	32,597,157
Year 8	2032	33,350,151
Year 9	2033	34,120,540
Year 10	2034	34,908,724
10-Year Total Savings	.....	315,672,322

VI. Regulatory Impact Analysis

A. Statement of Need

This interim final rule with comment period is necessary to align the CFR with the statutory moratorium imposed by section 71111 of Public Law 119–21, which prohibits CMS from implementing, administering, or enforcing the minimum staffing standards currently in place at §§ 483.5 and 483.35 until September 30, 2034. In addition, following the finalization of these staffing standards, interested parties expressed significant concerns about the rule's impact. In particular, LTC facilities within rural and tribal communities indicated that the rule's requirements could increase the risk of facility closure. As such, we are rescinding the requirements that facilities have 24/7 RN coverage and that they provide a minimum of 0.55 RN, 2.45 NA, and 3.48 total nurse HPRD.

B. Overall Impact

We have examined the impacts of this rule as required by Executive Order 12866, ''Regulatory Planning and Review''; Executive Order 13132, ''Federalism''; Executive Order 13563, ''Improving Regulation and Regulatory Review''; Executive Order 14192, ''Unleashing Prosperity Through Deregulation''; the Regulatory Flexibility Act (RFA) (Pub. L. 96–354); section 1102(b) of the Act; and section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

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

[7] Office of Management and Budget. Guidance Implementing Section 3 of Executive Order 14192, Titled ''Unleashing Prosperity Through Deregulation''. *https://www.whitehouse.gov/wp-content/uploads/2025/02/M-25-20-Guidance-Implementing-Section-3-of-Executive-Order-14192-Titled-Unleashing-Prosperity-Through-Deregulation.pdf* (Accessed August 18, 2025).

[8] Bureau of Economic Analysis. ''National Income and Product Accounts.'' *https://apps.bea.gov/iTable/?reqid=19&step=3&isuri=1&1921=survey&1903=13#eyJhcHBpZCI6MTksInN0ZXBzIjpbMSwyLDMsM10sImRhdGEiOltbIk5JUEFfVGFibGVfTGlzdCIsIjEzIl0sWyJDYXRlZ29yaWVzIiwiU3VydmV5Il0sWyJGaXJzdF9ZZWFyIiwiMjAyMSJdLFsiTGFzdF9ZZWFyIiwiMjAyNCJdLFsiU2NhbGUiLCIwIl0sWyJTZXJpZXMiLCJBll1dfQ==* (Accessed August 18, 2025).

and other advantages; distributive impacts; and equity). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as any regulatory action that is likely to result in a rule that may: (1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, or the President's priorities.

A regulatory impact analysis (RIA) must be prepared for a regulatory action that is significant under section 3(f)(1) of E.O. 12866. This interim final rule with comment period is significant as per section 3(f)(1) as we estimate that it will result in savings of $55,089,104,265 for long-term care facilities, patients and payors over 10 years, and costs of $3,255,827,043 for Medicare over 10 years (analogous effects for other payers were and are unquantified). As such, we have prepared a regulatory impact analysis that analyzes the costs and benefits of this interim final rule with comment period.

C. Impacts From Removing LTC Minimum Staffing Requirements

1. Costs Savings From Removing Staffing Requirements

We are removing two existing requirements for nursing services for LTC facilities at § 483.35. We are removing the requirement that facilities have RN coverage onsite 24 hours per day, 7 days a week (24/7 RN) and that they provide a minimum of 0.55 RN, 2.45 NA, and 3.48 total nurse staffing HPRD. Although Public Law 119–21 does not allow CMS to enforce the minimum staffing requirements until 2034, we follow guidance provided in OMB Circular A–4 *https://www.whitehouse.gov/wp-content/uploads/2025/08/CircularA-4.pdf* that ''In some cases, substantial portions of a rule may simply restate statutory requirements that would be self-implementing, even in the absence of the regulatory action. In these cases, you should use a pre-statute baseline.'' As such, we continue to estimate the impact of removing these requirements even during the years when the Public Law 119–21 moratorium is in effect.

To estimate the impact from removing each of these requirements, we use the same methodology and data sources used to estimate the costs for these requirements in the 2024 Minimum Staffing final rule (89 FR 40948). We refer readers to that rule's regulatory impact analysis for a detailed discussion on the data sources and methodology for estimating the savings for removing each requirement as outlined in this section.[9] Since these requirements were phased in over a 5-year period starting in May 2024 and there were different timelines for rural and non-rural facilities to meet the requirements, there is yearly variation in the annual savings from removing each requirement. We note that the 10-year savings from removing these requirements are higher than the 10-year costs as outlined in the 2024 Minimum Staffing final rule (89 FR 40973) since more than a year has passed since the requirements were finalized and the phasing-in of the requirements led costs to be lower during the first 5 years after the effective date (than the eventual ongoing level). In addition, in line with the OMB guidance document M–25–20, we are adjusting all estimates to 2024 dollars using the Bureau of Economic Analysis' GDP deflator (National Income and Product Accounts Table 1.1.9).[10] [11]

a. RN Onsite 24 Hours a Day, 7 Days a Week (24/7 RN) Requirement Savings

To estimate the savings from removing the 24/7 RN requirement, we first calculated each facility's savings from not needing to have an RN onsite 24 hours a day, 7 days per week. We then aggregated the savings across all facilities for a total savings of $349 million annually for all facilities if these requirements had gone into effect in 2024.

The requirement that nursing homes provide 24/7 RN care included a phased-in implementation that requires non-rural facilities to meet the requirement by May 11, 2026, and rural facilities meeting the requirement by May 10, 2027. We also assumed that facilities would begin hiring RNs to meet this requirement in the year prior to the implementation deadline. As such, we calculated savings separately for rural and non-rural facilities. We estimate savings over 10 years starting in 2025 when this interim final rule with comment period removes the requirement. We include a 2.31 percent annual increase in real wage rates starting in 2025, which is the same wage increase used to estimate the requirement's cost in the 2024 Minimum Staffing final rule (89 FR 40975). As Table 2 shows, we estimate that removing this requirement results in average annual savings of approximately $431 million and $4,307,501,380 over 10 years.

TABLE 2—ANNUAL AND 10-YEAR SAVINGS FROM REMOVING THE 24/7 RN REQUIREMENT, BY RURAL/NON-RURAL LOCATION

Year	Calendar year	24/7 RN requirement		Total savings
		Rural	Urban	
Year 1	2025	$0	$242,980,786	$242,980,786
Year 2	2026	162,877,843	248,593,642	411,471,485
Year 3	2027	166,640,321	254,336,155	420,976,476

[9] Caveats about the earlier analysis continue to apply now. For instance, regulatory exemptions were and are generally not captured in the quantitative estimates. As an additional example, the quantitative approach continues to reflect an assumption that LTC facilities would reallocate their existing staffing resources to ensure compliance with the rule on a continual basis (for example, if a long-term care facility has a staffing level that is compliant with the 2024 rule over the course of a month or quarter, it may, in the absence of this interim final repeal and related statutory and judicial interventions, have needed to shift staff so that compliance would be achieved each day); data limitations were notable regarding the time LTC managers would spend on such reallocation in the presence of the 2024 rule.

[10] Office of Management and Budget. Guidance Implementing Section 3 of Executive Order 14192, Titled ''Unleashing Prosperity Through Deregulation''. *https://www.whitehouse.gov/wp-content/uploads/2025/02/M-25-20-Guidance-Implementing-Section-3-of-Executive-Order-14192-Titled-Unleashing-Prosperity-Through-Deregulation.pdf* (Accessed August 18, 2025).

[11] Bureau of Economic Analysis. ''National Income and Product Accounts.'' *https://apps.bea.gov/iTable/?reqid=19&step=3&isuri=1&1921=survey&1903=13#eyJhcHBpZCI6MTksInN0ZXBzIjpbMSwyLDMsM10sImRhdGEiOltbIk5JUEFfVGFibGVfTGlzdCIsIjEzIl0sWyJDYXRlZ29yaWVzIiwiU3VydmV5Il0sWyJGaXJzdF9ZZWFyIiwiMjAyMSJdLFsiTGFzdF9ZZWFyIiwiMjAyNCJdLFsiU2NhbGUiLCIwIl0sWyJTZXJpZXMiLCJBIl1dfQ==* (Accessed August 18, 2025).

TABLE 2—ANNUAL AND 10-YEAR SAVINGS FROM REMOVING THE 24/7 RN REQUIREMENT, BY RURAL/NON-RURAL LOCATION—Continued

Year	Calendar year	24/7 RN requirement		Total savings
		Rural	Urban	
Year 4	2028	170,489,712	260,211,321	430,701,033
Year 5	2029	174,428,024	266,222,202	440,650,227
Year 6	2030	178,457,312	272,371,935	450,829,247
Year 7	2031	182,579,676	278,663,727	461,243,402
Year 8	2032	186,797,266	285,100,859	471,898,125
Year 9	2033	191,112,283	291,686,689	482,798,972
Year 10	2034	195,526,977	298,424,651	493,951,628
10-Year Total Savings		1,608,909,413	2,698,591,967	4,307,501,380

b. Minimum Nurse Staffing Requirement of 3.48 Total Nurse Staffing HPRD, 0.55 RN HPRD, and 2.45 NA HPRD Savings

(1) 3.48 Total Nurse Staff HPRD Requirement Savings

To estimate the savings from removing the 3.48 total nurse staff HPRD requirement, we first calculated each facility's savings from not needing to hire nurse staff to meet the requirement. Then, we aggregated the savings across all facilities for a total savings of approximately $1.37 billion annually for all facilities if these requirements had gone into effect in 2024.

The requirement that nursing homes provide 3.48 total nurse staff HPRD included a phased-in implementation that requires non-rural facilities to meet the requirement by May 11, 2026, and rural facilities meeting the requirement by May 10, 2027. We also assumed that facilities would begin hiring staff to meet this requirement in the year prior to the implementation deadline. As such, we calculated savings separately for rural and non-rural facilities. We estimate savings over 10 years starting in 2025 when this interim final rule with comment period removes the requirement. We include a 2.31 percent annual increase in real wage rates starting in 2025, which is the same wage increase used to estimate the requirement's cost in the 2024 Minimum Staffing final rule (89 FR 40975). As Table 3 shows, we estimate that removing this requirement will result in average annual savings of approximately $1.75 billion and $17,460,934,208 over 10 years.

TABLE 3—ANNUAL AND 10-YEAR SAVINGS FROM REMOVING THE 3.48 TOTAL NURSE STAFF HPRD REQUIREMENT, BY RURAL/NON-RURAL LOCATION

Year	Calendar year	3.48 Total nurse staff		Total savings
		Rural	Urban	
Year 1	2025	$0	$1,315,408,430	$1,315,408,430
Year 2	2026	288,696,914	1,345,794,365	1,634,491,279
Year 3	2027	295,365,813	1,376,882,215	1,672,248,028
Year 4	2028	302,188,763	1,408,688,194	1,710,876,957
Year 5	2029	309,169,323	1,441,228,891	1,750,398,215
Year 6	2030	316,311,135	1,474,521,279	1,790,832,414
Year 7	2031	323,617,922	1,508,582,720	1,832,200,642
Year 8	2032	331,093,496	1,543,430,981	1,874,524,477
Year 9	2033	338,741,756	1,579,084,237	1,917,825,993
Year 10	2034	346,566,690	1,615,561,083	1,962,127,773
10-Year Total Savings		2,851,751,812	14,609,182,396	17,460,934,208

(2) 0.55 RN HPRD and 2.45 NA HPRD Requirements Savings

To estimate the savings from removing the 0.55 RN HPRD requirement and the 2.45 NA HPRD requirement, we first calculated each facility's savings from not needing to hire RNs to meet the RN HPRD requirement and NAs to meet the 2.45 NA HPRD requirement. We then aggregated the savings across all facilities for a total savings of approximately $2.91 billion annually for all facilities if these requirements had gone into effect in 2024.

The requirement that nursing homes provide 0.55 RN HPRD and 2.45 NA HPRD included a phased-in implementation that requires non-rural facilities to meet the requirement by May 10, 2027, and rural facilities meeting the requirement by May 10, 2029. We also assumed that facilities would begin hiring staff to meet this requirement in the year prior to the implementation deadline. As such, we calculated savings separately for rural and non-rural facilities. We estimate savings over 10 years starting in 2025 when this interim final rule with comment period removes the requirement. We include a 2.31 percent annual increase in real wage rates starting in 2025, which is the same wage increase used to estimate the requirement's cost in the 2024 Minimum Staffing final rule (89 FR 40975). As Table 4 shows, we estimate that removing these requirements will result in average annual savings of approximately $3.3 billion and $33,004,996,355 over 10 years.

TABLE 4—ANNUAL AND 10-YEAR SAVINGS FROM REMOVING THE 0.55 RN AND 2.45 NA HPRD REQUIREMENTS, BY RURAL/NON-RURAL LOCATION

Year	Calendar year	0.55 RN HPRD		2.45 NA HPRD requirement		Total savings
		Rural	Urban	Rural	Urban	
Year 1	2025	$0	$0	$0	$0	$0
Year 2	2026	0	1,096,966,133	0	1,772,028,616	2,868,994,750
Year 3	2027	0	1,122,306,051	0	1,812,962,477	2,935,268,528
Year 4	2028	210,818,944	1,148,231,321	410,835,718	1,854,841,911	3,624,727,894
Year 5	2029	215,688,862	1,174,755,464	420,326,023	1,897,688,759	3,708,459,108
Year 6	2030	220,671,275	1,201,892,315	430,035,554	1,941,525,369	3,794,124,513
Year 7	2031	225,768,781	1,229,656,028	439,969,375	1,986,374,605	3,881,768,790
Year 8	2032	230,984,040	1,258,061,082	450,132,668	2,032,259,859	3,971,437,649
Year 9	2033	236,319,771	1,287,122,293	460,530,733	2,079,205,061	4,063,177,858
Year 10	2034	241,778,758	1,316,854,818	471,168,993	2,127,234,698	4,157,037,267
10-Year Total Savings		1,582,030,432	10,835,845,505	3,082,999,063	17,504,121,355	33,004,996,355

Table 5 summarizes the total savings from removing the 24/7 RN requirement, as well as the 0.55 RN, 2.45 NA, 3.48 total nurse staffing HPRD requirements, and the information collection costs as outlined in Table 1, but not the regulatory review costs which we discuss in more detail later in this section. Overall, we estimate that rescinding these requirements will result in approximately $5.51 billion in annual savings for nursing home providers with total savings over 10 years estimated at $55,089,104,265.

TABLE 5—ANNUAL AND 10-YEAR SAVINGS FROM REMOVING THE 24/7 RN, 3.48 TOTAL NURSE STAFF, 0.55 RN AND 2.45 NA HPRD REQUIREMENTS, BY RURAL/NON-RURAL LOCATION

Year	Calendar year	0.55 RN and 2.45 NA HPRD collection of information	24/7 RN requirement		3.48 Total nurse staff		0.55 RN HPRD		2.45 NA requirement		Total savings
			Rural	Urban	Rural	Urban	Rural	Urban	Rural	Urban	
Year 1	2025	$28,423,085	$0	$242,980,786	$0	$1,315,408,430	$0	$0	$0	$0	$1,586,812,302
Year 2	2026	29,079,658	162,877,843	248,593,642	288,696,914	1,345,794,365	0	1,096,966,133	0	1,772,028,616	4,944,037,172
Year 3	2027	29,751,398	166,640,321	254,336,155	295,365,813	1,376,882,215	0	1,122,306,051	0	1,812,962,477	5,058,244,430
Year 4	2028	30,438,656	170,489,712	260,211,321	302,188,763	1,408,688,194	210,818,944	1,148,231,321	410,835,718	1,854,841,911	5,796,744,539
Year 5	2029	31,141,789	174,428,024	266,222,202	309,169,323	1,441,228,891	215,688,862	1,174,755,464	420,326,023	1,897,688,759	5,930,649,338
Year 6	2030	31,861,164	178,457,312	272,371,935	316,311,135	1,474,521,279	220,671,275	1,201,892,315	430,035,554	1,941,525,369	6,067,647,338
Year 7	2031	32,597,157	182,579,676	278,663,727	323,617,922	1,508,582,720	225,768,781	1,229,656,028	439,969,375	1,986,374,605	6,207,809,991
Year 8	2032	33,350,151	186,797,266	285,100,859	331,093,496	1,543,430,981	230,984,040	1,258,061,082	450,132,668	2,032,259,859	6,351,210,402
Year 9	2033	34,120,540	191,112,283	291,686,689	338,741,756	1,579,084,237	236,319,771	1,287,122,293	460,530,733	2,079,205,061	6,497,923,362
Year 10	2034	34,908,724	195,526,977	298,424,651	346,566,690	1,615,561,083	241,778,758	1,316,854,818	471,168,993	2,127,234,698	6,648,025,392
10-Year Total Savings	.....	315,672,322	1,608,909,413	2,698,591,967	2,851,751,812	14,609,182,396	1,582,030,432	10,835,845,505	3,082,999,063	17,504,121,355	55,089,104,265

2. Costs From Removing LTC Staff Requirements

To estimate the cost for removing the comprehensive minimum staffing standard requirements, we use the same methodology and data sources used to estimate the savings for these requirements in 2024 Minimum Staffing final rule (89 FR 40955). We refer readers to that rule's regulatory impact analysis for a detailed discussion on the data sources and methodology. As we detailed in that final rule, the financial savings for Medicare that we estimated from these requirements are related to the 0.55 RN HPRD requirement that is phased in over a 5-year period starting in May 2024. Since more than a year has passed since the requirements were finalized and we estimated no savings during the first 2 years after finalization, the cost for removing this requirement will be higher than its estimated savings in the 2024 Minimum Staffing final rule (89 FR 40878). Overall, we estimate that removing this requirement will cost Medicare $326 million annually and $3,255,827,043 over 10 years.

TABLE 6—COSTS FOR REMOVING 0.55 RN HPRD REQUIREMENT

Year	Calendar year	Medicare costs
Year 1	2025	$0
Year 2	2026	361,758,560
Year 3	2027	361,758,560
Year 4	2028	361,758,560
Year 5	2029	361,758,560
Year 6	2030	361,758,560
Year 7	2031	361,758,560
Year 8	2032	361,758,560
Year 9	2033	361,758,560
Year 10	2034	361,758,560
10-Year Total Savings	.....	3,255,827,043

3. Transfers Associated With Rescinding the LTC Minimum Staffing Requirements

In the regulatory impact analysis for the 2024 final rule (see 89 FR 40909), we explained that there is uncertainty about the degree to which LTC facilities would bear the cost of meeting the minimum staffing and 24/7 RN requirements and how much of the costs would be passed onto payors (including Medicaid, Medicare, private insurers, and nursing facility residents). We assumed that LTC facilities would generally have 3 possible approaches to addressing the increased costs associated with the higher staffing levels: (1) reduce their margin or profit; (2) reduce other operational costs; and (3) increase prices charged to payors. LTC facilities may use some combination of these approaches, and those approaches could vary by facility and over time. These decisions could depend on a number of factors, including: the current margin levels of a facility; the cost increase due to the staffing requirements relative to current costs and revenues; the current level of operational costs; and the ability to negotiate prices with payors.

Furthermore, we noted in the 2024 final rule that if costs were to be passed through to payors then we could estimate those costs would be passed to payors at a distribution rate of—Medicaid 67 percent; Medicare 11 percent; and Other Payors/Residents 22 percent.[12] Given the variety and uncertainty regarding transfers to payors and to preserve continuity between the estimates discussed in the 2024 final rule and the savings estimated in this IFC, we have not estimated transfers associated with the 24/7 RN, 3.48 total nurse staff HPRD, 0.55 RN HPRD, and the 2.45 NA HPRD requirements, including potential transfers associated with Medicare, Medicaid, and other non-Medicare/Medicaid payors avoiding increases in payment rates in response to the repeal of the 2024 requirements.

D. Alternatives Considered

In developing this interim final rule with comment period, we considered feedback from interested parties following the publication of the final rule that established the staffing standards we are now removing. Specifically, long-term care facilities, especially those within rural and tribal communities, raised significant concern that these standards could increase the risk of facility closure. In addition, a legislative moratorium precludes the agency from enforcing these standards until 2034. While we considered retaining the rules without enforcement until the end of the moratorium in 2034, ultimately, we decided to remove these requirements to avoid unintended implementation challenges and confusion for LTC facilities.

E. Regulatory Review Cost Estimation

Due to the uncertainty involved with accurately quantifying the number of entities that will review the rule, we assume that 75 percent of all long-term care facilities will review this interim final rule with comment period. We acknowledge that this assumption may understate or overstate the costs of reviewing this interim final rule with comment period. It is also possible that other individuals and providers will review this interim final rule with comment period. For these reasons we believe that the number of Medicare and Medicaid-certified long-term care facilities (n = 14,752) would be a fair estimate of the number of reviewers of this rule. We welcome any comments on the approach in estimating the number of entities which will review this proposed rule. We also recognize that different types of entities are in many cases affected by mutually exclusive sections of this interim final rule with comment period, and therefore, for the purposes of our estimate, we assume that each reviewer reads approximately 75 percent of the interim final rule with comment period. We seek comments on this assumption.

Using the wage information from the Bureau of Labor Statistics (BLS) May 2024 Occupational Employment and Wage Statistics for medical and health service managers (Code 11–9111), we estimate that the cost of reviewing this interim final rule with comment period

[12] Based on facility level data on the percentage of resident days paid for by Medicaid, Medicare, and other payors, we estimated the potential share of costs for each payor by weighting each facility's increased costs by the percentage of resident days paid for by each payor type.

is $132.44 per hour, including overhead and fringe benefits (*https://www.bls.gov/oes/current/oes_nat.htm*). Assuming an average reading speed of 250 words per minute, we estimate that it would take approximately ([7,000 words/250 words per minute] × 75 percent) 22 minutes for the staff to review 75 percent of this interim final rule with comment period. For each entity that reviews the interim final rule with comment period, the estimated cost is $48.56 (0.37 hours × $132.44). Therefore, we estimate that the total cost of reviewing this regulation is $716,357 ($[48.56] × [14,752]).

F. Accounting Statement

As required by OMB Circular A–4 (available online at *https://www.whitehouse.gov/wp-content/uploads/2025/08/CircularA-4.pdf*), we have prepared an accounting statement in Table 6 showing classification of the costs and benefits associated with the provisions of this interim final rule with comment period. This includes the total savings from removing the 24/7 RN and the 3.48 total nurse staff HPRD, 0.55 RN HPRD, and 2.45 NA HPRD requirements as provided in Table 5, as well as the increased in Medicare spending as provided in Table 6, and the total cost for the regulatory review that we estimated at $716,357. There are zero dollars in transfer estimates in the statement. This statement provides our best estimate for the Medicare and Medicaid provisions of this rule.

TABLE 7—ACCOUNTING STATEMENT

Category	Estimates	Units		
		Year dollar	Discount rate (%)	Period covered
Benefits:				
Annualized Monetized ($million/year)	5,412	2024	3	2025–2034
Annualized Monetized ($million/year)	5,282	2024	7	2025–2034
Costs:				
Annualized Monetized ($million/year)	321	2024	3	2025–2034
Annualized Monetized ($million/year)	314	2024	7	2025–2034

G. Regulatory Flexibility Act (RFA)

The RFA requires agencies to analyze options for regulatory relief of small entities, if a rule has a significant impact on a substantial number of small entities. For purposes of the RFA, we estimate that almost all Skilled Nursing Facilities (NAICS 623110) are considered small businesses either by the Small Business Administration's size standards with total revenues of $34 million or less in any single year or by their non-profit status. Individuals and states are not included in the definition of a small entity. According to the 2022U.S. Census Bureau,[13] in 2022 Skilled Nursing Facilities (NAICS 623110) had revenues of approximately $137.05 billion. Updated for inflation, this is approximately $155.01 billion in 2024 dollars.[14] As its measure of significant economic impact on a substantial number of small entities, HHS uses a change in revenue of more than 3 to 5 percent with an emphasis in the guidance on increased costs due to regulation. Since this interim final rule with comment period does not impose any new costs on nursing homes and is estimated to save them an average of $5.5 billion annually during the first 10 years due to the removal of the 24/7 RN requirement as well as the 0.55 RN, 2.45 NA, and 3.48 total nurse staff HPRD staffing requirements and associated collection of information costs as indicated in Table 5, it will not have a significant economic impact on a substantial number of small businesses or other small entities as measured by a change in revenue of 3 to 5 percent. Therefore, the Secretary has certified that this interim final rule with comment period will not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For the purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a metropolitan statistical area and has fewer than 100 beds. This interim final rule with comment period does not impose any costs on small rural hospitals. These proposals pertain solely to SNFs and NFs. Therefore, the Secretary has certified that this interim final rule with comment period will not have a significant impact on the operations of a substantial number of small rural hospitals.

H. Unfunded Mandates Reform Act (UMRA)

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2025, that threshold is approximately $187 million. This interim final rule with comment period does not mandate any requirements for State, local, or tribal governments, or for the private sector.

Therefore, no analysis is required under the UMRA.

I. Federalism

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates an interim final rule (and subsequent final rule) that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has Federalism implications. This interim final rule with comment period will not have a substantial direct effect on state or local governments, preempt states, or otherwise have a Federalism implication.

J. E.O. 14192, ''Unleashing Prosperity Through Deregulation''

Executive Order 14192, titled ''Unleashing Prosperity Through

[13] U.S. Census Bureau. ''2022 SUSB Annual Data Tables by Establishment Industry.'' *https://www.census.gov/data/tables/2022/econ/susb/2022-susb-annual.html.* Accessed on August 20, 2025

[14] Bureau of Economic Analysis. ''National Income and Product Accounts.'' *https://apps.bea.gov/iTable/?reqid=19&step=3&isuri=1&1921=survey&1903=13#eyJhcHBpZCI6MTksInN0ZXBzIjpbMSwyLDMsM10sImRhdGEiOltbIk5JUEFfVGFibGVfTGlzdCIsIjEzIl0sWyJDYXRlZ29yaWVzIiwiU3VydmV5Il0sWyJGaXJzdF9ZZWFyIiwiMjAyMSJdLFsiTGFzdF9ZZWFyIiwiMjAyNCJdLFsiU2NhbGUiLCIwIl0sWyJTZXJpZXMiLCJBIl1dfQ==* (Accessed August 18, 2025).

Deregulation'' was issued on January 31, 2025, and requires 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.'' We followed the implementation guidance from OMB–M–25–20 (*https://www.whitehouse.gov/wp-content/uploads/2025/02/M-25-20-Guidance-Implementing-Section-3-of-Executive-Order-14192-Titled-Unleashing-Prosperity-Through-Deregulation.pdf*) when estimating the interim final rule's impact related to the executive order. Specifically, we used a 7 percent discount rate when estimating the cost savings and counted savings only from removing the minimum staffing requirements. We did not include increased costs to Medicare since the OMB guidance indicates that benefits from regulation should not be counted as '''negative cost savings' when deregulating.''

Using the totals in Table 5, we estimate that for the purposes of E.O. 14192, the deregulatory efforts in this interim final rule with comment period will result in annual cost savings of $5.28 billion (calculated with a 7-percent discount rate) over a perpetual time horizon.

In accordance with the provisions of E.O. 12866, this interim final rule with comment period was reviewed by the Office of Management and Budget.

VII. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the ''DATES'' section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

Mehmet Oz, Administrator of the Centers for Medicare & Medicaid Services, approved this document on November 26, 2025.

List of Subjects in 42 CFR Part 483

Grant programs—health, Health facilities, Health professions, Health records, Medicaid, Medicare, Nursing homes, Nutrition, Reporting and recordkeeping requirements, Safety.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services amends 42 CFR part 483 as follows:

PART 483—REQUIREMENTS FOR STATES AND LONG TERM CARE FACILITIES

■ 1. The authority citation for part 483 continues to read as follows:

Authority: 42 U.S.C. 1302, 1320a-7, 1395i, 1395hh, and 1396r.

§ 483.5 [Amended]

■ 2. Section 483.5 is amended by removing the definition of ''Hours per resident day''.

■ 3. Section 483.35 is revised to read as follows:

§ 483.35 Nursing services.

The facility must have sufficient nursing staff with the appropriate competencies and skills sets to provide nursing and related services to assure resident safety and attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident, as determined by resident assessments and individual plans of care and considering the number, acuity and diagnoses of the facility's resident population in accordance with the facility assessment required at § 483.71.

(a) *Sufficient staff.* (1) The facility must provide services by sufficient numbers of each of the following types of personnel on a 24-hour basis to provide nursing care to all residents in accordance with resident care plans—

(i) Except when waived under paragraph (e) of this section, licensed nurses; and

(ii) Other nursing personnel, including but not limited to nurse aides.

(2) Except when waived under paragraph (e) of this section, the facility must designate a licensed nurse to serve as a charge nurse on each tour of duty.

(3) The facility must ensure that licensed nurses have the specific competencies and skill sets necessary to care for residents' needs, as identified through resident assessments, and described in the plan of care.

(4) Providing care includes but is not limited to assessing, evaluating, planning and implementing resident care plans, and responding to resident's needs.

(b) *Registered nurse.* (1) Except when waived under paragraph (e) or (f) of this section, the facility must use the services of a registered nurse for at least 8 consecutive hours a day, 7 days a week.

(2) Except when waived under paragraph (e) or (f) of this section, the facility must designate a registered nurse to serve as the director of nursing on a full-time basis.

(3) The director of nursing may serve as a charge nurse only when the facility has an average daily occupancy of 60 or fewer residents.

(c) *Proficiency of nurse aides.* The facility must ensure that nurse aides are able to demonstrate competency in skills and techniques necessary to care for residents' needs, as identified through resident assessments, and described in the plan of care.

(d) *Requirements for facility hiring and use of nursing aides*—(1) *General rule.* A facility must not use any individual working in the facility as a nurse aide for more than 4 months, on a full-time basis, unless that individual—

(i) Is competent to provide nursing and nursing related services; and

(ii)(A) Has completed a training and competency evaluation program, or a competency evaluation program approved by the State as meeting the requirements of §§ 483.151 through 483.154; or

(B) Has been deemed or determined competent as provided in § 483.150(a) and (b).

(2) *Non-permanent employees.* A facility must not use on a temporary, per diem, leased, or any basis other than a permanent employee any individual who does not meet the requirements in paragraphs (d)(1)(i) and (ii) of this section.

(3) *Minimum competency.* A facility must not use any individual who has worked less than 4 months as a nurse aide in that facility unless the individual—

(i) Is a full-time employee in a State-approved training and competency evaluation program;

(ii) Has demonstrated competence through satisfactory participation in a State-approved nurse aide training and competency evaluation program or competency evaluation program; or

(iii) Has been deemed or determined competent as provided in § 483.150(a) and (b).

(4) *Registry verification.* Before allowing an individual to serve as a nurse aide, a facility must receive registry verification that the individual has met competency evaluation requirements unless the individual—

(i) Is a full-time employee in a training and competency evaluation program approved by the State; or

(ii) Can prove that he or she has recently successfully completed a training and competency evaluation program or competency evaluation program approved by the State and has not yet been included in the registry. Facilities must follow up to ensure that the individual actually becomes registered.

(5) *Multi-State registry verification.* Before allowing an individual to serve as a nurse aide, a facility must seek information from every State registry established under sections 1819(e)(2)(A) or 1919(e)(2)(A) of the Act that the facility believes will include information on the individual.

(6) *Required retraining.* If, since an individual's most recent completion of a training and competency evaluation program, there has been a continuous period of 24 consecutive months during none of which the individual provided nursing or nursing-related services for monetary compensation, the individual must complete a new training and competency evaluation program or a new competency evaluation program.

(7) *Regular in-service education.* The facility must complete a performance review of every nurse aide at least once every 12 months, and must provide regular in-service education based on the outcome of these reviews. In-service training must comply with the requirements of § 483.95(g).

(e) *Nursing facilities: Waiver of requirement to provide licensed nurses on a 24-hour basis.* To the extent that a facility is unable to meet the requirements of paragraphs (a)(1) and (b)(1) of this section, a State may waive the requirements with respect to the facility if—

(1) The facility demonstrates to the satisfaction of the State that the facility has been unable, despite diligent efforts (including offering wages at the community prevailing rate for nursing facilities), to recruit appropriate personnel;

(2) The State determines that a waiver of the requirement will not endanger the health or safety of individuals staying in the facility;

(3) The State finds that, for any periods in which licensed nursing services are not available, a registered nurse or a physician is obligated to respond immediately to telephone calls from the facility;

(4) A waiver granted under the conditions listed in paragraph (e) of this section is subject to annual State review;

(5) In granting or renewing a waiver, a facility may be required by the State to use other qualified, licensed personnel;

(6) The State agency granting a waiver of such requirements provides notice of the waiver to the Office of the State Long-Term Care Ombudsman (established under section 712 of the Older Americans Act of 1965) and the protection and advocacy system in the State for individuals with a mental disorder who are eligible for such services as provided by the protection and advocacy agency; and

(7) The nursing facility that is granted such a waiver by a State notifies residents of the facility and their resident representatives of the waiver.

(f) *SNFs: Waiver of the requirement to provide services of a registered nurse for more than 40 hours a week.* (1) The Secretary may waive the requirement that a SNF provide the services of a registered nurse for more than 40 hours a week, including a director of nursing specified in paragraph (b) of this section, if the Secretary finds that—

(i) The facility is located in a rural area and the supply of skilled nursing facility services in the area is not sufficient to meet the needs of individuals residing in the area;

(ii) The facility has one full-time registered nurse who is regularly on duty at the facility 40 hours a week; and

(iii) The facility either—

(A) Has only patients whose physicians have indicated (through physicians' orders or admission notes) that they do not require the services of a registered nurse or a physician for a 48-hours period; or

(B) Has made arrangements for a registered nurse or a physician to spend time at the facility, as determined necessary by the physician, to provide necessary skilled nursing services on days when the regular full-time registered nurse is not on duty;

(iv) The Secretary provides notice of the waiver to the Office of the State Long-Term Care Ombudsman (established under section 712 of the Older Americans Act of 1965) and the protection and advocacy system in the State for individuals with developmental disabilities or mental disorders; and

(v) The facility that is granted such a waiver notifies residents of the facility and their resident representatives of the waiver.

(2) A waiver of the registered nurse requirement under paragraph (f)(1) of this section is subject to annual renewal by the Secretary.

(g) *Nurse staffing information*—(1) *Data requirements.* The facility must post the following information on a daily basis:

(i) Facility name.

(ii) The current date.

(iii) The total number and the actual hours worked by the following categories of licensed and unlicensed nursing staff directly responsible for resident care per shift:

(A) Registered nurses.

(B) Licensed practical nurses or licensed vocational nurses (as defined under State law).

(C) Certified nurse aides.

(iv) Resident census.

(2) *Posting requirements.* (i) The facility must post the nurse staffing data specified in paragraph (g)(1) of this section on a daily basis at the beginning of each shift.

(ii) Data must be posted as follows:

(A) Clear and readable format.

(B) In a prominent place readily accessible to residents and visitors.

(3) *Public access to posted nurse staffing data.* The facility must, upon oral or written request, make nurse staffing data available to the public for review at a cost not to exceed the community standard.

(4) *Facility data retention requirements.* The facility must maintain the posted daily nurse staffing data for a minimum of 18 months, or as required by State law, whichever is greater.

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2025–21792 Filed 12–2–25; 8:45 am]

BILLING CODE 4120–01–P

Proposed Rules

Federal Register
Vol. 90, No. 230
Wednesday, December 3, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2, 19, 20, 21, 25, 26, 30, 31, 32, 34, 35, 36, 37, 39, 40, 50, 51, 52, 54, 55, 60, 61, 62, 63, 70, 71, 72, 73, 74, 75, 76, 81, 95, 110, 140, 150, 160, 170, and 171

[NRC–2025–0479]

RIN 3150–AL39

The Sunset Rule

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to insert a conditional sunset date into certain regulations in response to Executive Order (E.O.) 14270, ''Zero-Based Regulatory Budgeting to Unleash American Energy.''

DATES: Submit comments by January 2, 2026.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website (please choose only one of the ways listed):

- *Federal Rulemaking Website:* Electronically at *https://www.regulations.gov.* Follow the ''Submit a comment'' instructions. If you are reading this document on *federalregister.gov,* you may use the green ''SUBMIT A PUBLIC COMMENT'' button beneath this rulemaking's title to submit a comment to the *regulations.gov* docket. Address questions about NRC dockets to Helen Chang; telephone: 301–415–3228; email: *Helen.Chang@nrc.gov.* For technical questions contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff. Mailed comments must be received by the close of the comment period.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. eastern time, Federal workdays; telephone: 301–415–1677.

Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received, and will not be deleted, modified, or redacted. Comments may be submitted anonymously.

Follow the search instructions on *https://www.regulations.gov* to view public comments.

You can read a plain language description of this proposed rule at *https://www.regulations.gov/docket/NRC-2025-0479.* For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Maxwell C. Smith, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1856, email: *Maxwell.Smith@nrc.gov.*

SUPPLEMENTARY INFORMATION:

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I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2025–0479 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–0479.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.*
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages timely electronic comment submission through the Federal Rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2025–0479 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Rulemaking Procedure

The NRC uses the ''direct final rule procedure'' for rulemaking when the NRC anticipates the rule is unlikely to

attract significant adverse comment because the rule is non-controversial. As explained further, this rulemaking would add a ''sunsetting clause'' to certain regulations many of which are outdated, seldomly used, or duplicative with other regulations. Moreover, the NRC will provide the public with an opportunity to provide additional information on whether the sunsetting provision should be extended for these provisions at a future time as well as provide Tribal consultation opportunities in compliance with NRC's Tribal Policy Statement (82 FR 2402; January 9, 2017). Therefore, because the NRC does not anticipate significant public comments on this rulemaking and considers this action to be noncontroversial, the NRC is publishing this proposed rule concurrently with a direct final rule in the Rules and Regulations section of this issue of the **Federal Register**. The direct final rule will become effective on January 8, 2026. However, if the NRC receives significant adverse comments by January 2, 2026, then the NRC will publish a document that withdraws the direct final rule. If the direct final rule is withdrawn, the NRC will address the comments in a subsequent final rule. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action in the event the direct final rule is withdrawn.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change.[1] A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC to make a change (other than editorial) to the rule.

For a more detailed discussion of the proposed rule changes and associated analyses, see the direct final rule published in the Rules and Regulations section of this issue of the **Federal Register**.

III. Background

Executive Order (E.O.) 14270, ''Zero-Based Regulatory Budgeting to Unleash American Energy,'' directs the NRC to issue a rule inserting a conditional sunset date into each of its regulations that are in effect as of the date of the E.O. (90 FR 15643; April 9, 2025) and were issued in whole or in part pursuant to the following statutes, as amended: the Atomic Energy Act of 1954, the Energy Reorganization Act of 1974, and the Nuclear Waste Policy Act of 1982. The conditional sunset date for covered regulations is to be one year after the effective date of the sunset rule. The E.O. directs the NRC to issue a sunset rule ''to the extent consistent with applicable law'' and provides that the E.O. does not apply to ''regulatory permitting regimes authorized by statute.'' For purposes of implementing this E.O., regulations that provide standards and requirements for NRC license and permit holders or applicants constitute the NRC's ''regulatory permitting regime.'' Thus, the scope of this rulemaking is limited to those regulations that do not fit into one or more of the following three categories: (1) regulations that could not be sunset ''consistent with applicable law'' because they are necessary to fulfill the NRC's statutory mandate to provide for the common defense and security and to protect public health and safety; (2) regulations that are part of the NRC's ''regulatory permitting regimes authorized by statute''; or (3) regulations that do not implement one of the three NRC-specific statutes identified in the E.O. (*i.e.,* regulations that implement government-wide requirements such as the Freedom of Information Act of 1969). The vast majority of the NRC's regulations fit into one of these three categories. Nonetheless, the NRC identified several regulations that although they fall into one or more of these categories and are therefore outside the scope of the E.O., they are not being used or no longer serve their original purpose. As explained in section IV, ''Discussion,'' of the companion direct final rule, the NRC will add a sunsetting provision to those regulations. Importantly, the NRC will also continue to streamline its regulations through the rulemaking activities directed by E.O. 14300, ''Ordering the Reform of the Nuclear Regulation Commission.''

As stated in E.O. 14270, the sunsetting provision will state a conditional sunset date that is one year after the effective date of this rule and provide that the NRC will offer the public an opportunity to comment on the costs and benefits of the regulations to be conditionally sunset before that effective date. The NRC will issue a separate notice describing the comment opportunity after this rule is effective. Following the sunset date, the NRC will consider sunset regulations to no longer be effective, will not seek to enforce sunset regulations, and will remove the regulation from the *Code of Federal Regulations* and make necessary conforming changes. However, following the opportunity for the public to comment on the sunset rule's costs and benefits, the NRC may extend the conditional sunsetting date if warranted and may do so as many times as appropriate.

IV. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31885). The NRC requests comment on the proposed rule with respect to clarity and effectiveness of the language used.

V. Paperwork Reduction Act

This proposed rule does not contain a collection of information as defined in the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995.

VI. Regulatory Planning and Review

Executive Order (E.O.) 12866

The Office of Information and Regulatory Affairs (OIRA) has determined that this proposed rule is a significant regulatory action. Accordingly, NRC submitted this proposed rule to OIRA for review. The NRC is required to conduct an economic analysis in accordance with section 6(a)(3)(B) of E.O. 12866. However, NRC considers the costs incurred by this rule to be solely those related to the rulemaking process for this administrative activity.

[1] Administrative Conference of the United States, Adoption of Recommendations (60 FR 43108–43111; August 18, 1995).

Review Under E.O.s 14154, 14192, 14215, and 14300

The NRC has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154, ''Unleashing American Energy,'' E.O. 14192, ''Unleashing Prosperity Through Deregulation,'' E.O. 14215 ''Ensuring Accountability for All Agencies,'' and E.O. 14300, ''Ordering the Reform of the Nuclear Regulatory Commission.'' This proposed rule is considered an E.O. 14192 deregulatory action.

Dated: November 13, 2025.

For the Nuclear Regulatory Commission.

Michael King,

Acting Executive Director for Operations.

[FR Doc. 2025–21785 Filed 12–2–25; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL TRADE COMMISSION

16 CFR Part 425

[File No. R607000]

Petition for Rulemaking of Consumer Federation of America and the American Economic Liberties Project

AGENCY: Federal Trade Commission.

ACTION: Receipt of petition; request for comment.

SUMMARY: Please take notice that the Federal Trade Commission (''Commission'') received a petition for rulemaking from Consumer Federation of America and the American Economic Liberties Project and has published that petition online at *https://www.regulations.gov.* The Commission invites written comments concerning the petition. Publication of this petition is pursuant to the Commission's Rules of Practice and Procedure and does not affect the legal status of the petition or its final disposition.

DATES: Comments must identify the petition docket number and be filed by January 2, 2026.

ADDRESSES: You may view the petition, identified by docket number FTC–2025–0792, and submit written comments concerning its merits by using the Federal eRulemaking Portal at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit sensitive or confidential information. You may read background documents or comments received at *https://www.regulations.gov* at any time.

FOR FURTHER INFORMATION CONTACT: Office of the Secretary (phone: 202–326–2514, email: *ElectronicFilings@ftc.gov*), Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to section 18(a)(1)(B) of the Federal Trade Commission Act, 15 U.S.C. 57a(1)(B), and FTC Rule 1.31(f), 16 CFR 1.31(f), notice is hereby given that the above-captioned petition has been filed with the Secretary of the Commission and has been placed on the public record for a period of 30 days. Any person may submit comments in support of or in opposition to the petition. All timely and responsive comments submitted in connection with this petition will become part of the public record.

This petition requests to renew the FTC's trade regulation rulemaking concerning the use of negative option plans. The Commission will not consider the petition's merits until after the comment period closes. It may grant or deny the petition in whole or in part, and it may deem the petition insufficient to warrant commencement of a rulemaking proceeding. The purpose of this document is to facilitate public comment on the petition to aid the Commission in determining what, if any, action to take regarding the request contained in the petition. This document is not intended to start, stop, cancel, or otherwise affect rulemaking proceedings in any way.

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 any 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 any 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).

(Authority: 15 U.S.C. 46; 15 U.S.C. 57a; 5 U.S.C. 601 note)

April J. Tabor,

Secretary.

[FR Doc. 2025–21887 Filed 12–2–25; 8:45 am]

BILLING CODE 6750–01–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1241

[Docket No. CPSC–2020–0023]

Notice of Availability and Request for Comment: Revision to the Voluntary Standard for Crib Mattresses

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of availability and request for comment.

SUMMARY: The U.S. Consumer Product Safety Commission's (Commission or CPSC) mandatory rule, Safety Standard for Crib Mattresses, incorporates by reference ASTM F2933–21, Standard Consumer Safety Specification for Crib Mattresses. ASTM notified the Commission that it has revised this incorporated voluntary standard. CPSC seeks comment on whether the revision improves the safety of crib mattresses.

DATES: Comments must be received by December 17, 2025.

ADDRESSES: You can submit comments, identified by Docket No. CPSC–2020–0023, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: *https://www.regulations.gov.* Follow the instructions for submitting comments. Do not submit through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. CPSC typically does not accept comments submitted by email, except as described below.

Mail/Hand Delivery/Courier/Confidential Written Submissions: CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal. You may, however, submit comments by mail, hand delivery, or courier to: Office of the Secretary, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone: (301) 504–7479. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail,

hand delivery, or courier, or you may email them to: *cpsc-os@cpsc.gov.*

Instructions: All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: *https://www.regulations.gov.* Do not submit to this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for mail/hand delivery/courier/confidential written submissions.

Docket: For access to the docket to read background documents or comments received, go to: *https://www.regulations.gov,* and insert the docket number, CPSC–2020–0023, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Daniel Taxier, Project Manager, Division of Mechanical and Combustion Engineering, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; telephone: (301) 987–2211; email: *dtaxier@cpsc.gov.*

SUPPLEMENTARY INFORMATION: Section 104(b) of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires the Commission to adopt mandatory standards for durable infant or toddler products. 15 U.S.C. 2056a(b)(1). Mandatory standards must be ''substantially the same as'' voluntary standards, or they may be ''more stringent'' than the applicable voluntary standards, if the Commission determines that more stringent requirements would further reduce the risk of injury associated with the products. *Id.* Mandatory standards may be based, in whole or in part, on a voluntary standard.

Section 104(b)(4)(B) of the CPSIA specifies the process for when a voluntary standards organization revises a standard that the Commission previously had incorporated by reference under section 104(b)(1). First, the voluntary standards organization must notify the Commission of the revision. Once the Commission receives this notification, the Commission may reject or accept the revised standard. To reject a revised standard, the Commission must notify the voluntary standards organization within 90 days of receiving the notice of revision that the Commission has determined that the revised standard does not improve the safety of the consumer product and that CPSC is retaining the existing standard. If the Commission does not take this action, the revised voluntary standard will be considered a consumer product safety standard issued under section 9 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2058), effective 180 days after the Commission received notification of the revision (or a later date specified by the Commission in the **Federal Register**). 15 U.S.C. 2056a(b)(4)(B).

Under this authority, the Commission issued a mandatory safety rule that incorporates by reference ASTM F2933–21, Standard Consumer Safety Specification for Crib Mattresses, with modifications, codified at 16 CFR part 1241 (87 FR 8640, Feb. 15, 2022). This mandatory standard includes performance requirements and test methods, as well as requirements for warning labels and instructions, to address hazards to children associated with crib mattresses.

On November 4, 2025, ASTM notified the Commission that it had approved and published a revised version of the voluntary standard, ASTM F2933–25. CPSC is assessing the revised voluntary standard to determine, consistent with section 104(b)(4)(B) of the CPSIA, its effect on the safety of crib mattresses subject to 16 CFR part 1241. The Commission invites public comment to inform CPSC staff's assessment and subsequent Commission consideration of the revisions in ASTM F2933–25.

The currently incorporated voluntary standard (ASTM F2933–21) [1] and the revised voluntary standard (ASTM F2933–25) are available for review in several ways. A read-only copy of the existing, incorporated standard is available for viewing, at no cost, on the ASTM website at: *https://www.astm.org/READINGLIBRARY/.* A read-only copy of the revised standard (ASTM F2933–25), including red-lined versions that identify the changes from the 2021 versions to the 2025 version, is available, at no cost, on ASTM's website at: *https://www.astm.org/CPSC.htm.* Interested parties can also download copies of the standards by purchasing them from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959; phone: 610–832–9585; *https://www.astm.org.* Alternatively, interested parties can schedule an appointment to inspect copies of the standards at CPSC's Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814, telephone: 301–504–7479.

Comments must be received by December 17, 2025. Because of the short statutory time frame Congress established for the Commission to consider revised voluntary standards under section 104(b)(4) of the CPSIA, CPSC will not consider comments received after this date.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2025–21876 Filed 12–2–25; 8:45 am]

BILLING CODE 6355–01–P

[1] In September 2021, ASTM published a revised version, ASTM F2933–21a. Because ASTM published this revision prior to CPSC's adoption of a mandatory crib mattress standard, the Commission did not evaluate this revision pursuant to the CPSIA. This version is also available for review at *http://www.astm.org/cpsc.htm.*

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[SB Docket No. 25–305; FCC 25–70; FR ID 319485]

Facilitating More Intensive Use of Upper Microwave Spectrum

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (''FCC'' or ''Commission'') seeks comment on a variety of measures aimed at facilitating more intensive use of spectrum in the 24 GHz, 28 GHz, upper 37 GHz, 39 GHz, 47 GHz, and 50 GHz bands (together, the UMFUS bands). These bands are shared between the terrestrial Upper Microwave Flexible Use Service (UMFUS) and the Fixed-Satellite Service (FSS) pursuant to the Commission's rules. When the Commission created this framework in 2016, it assumed that UMFUS bands would be used intensively as a part of terrestrial 5G networks, that earth station deployment in the bands would be relatively light, and that the technical rules adopted were necessary to protect terrestrial UMFUS operations but not too onerous to chill FSS earth station siting. Since that time, it has become more clear how the bands are being used for terrestrial service and how growth in the space economy has increased interest in using the UMFUS bands for FSS. Given these shifts, the requirements contained in the Commission's rules have proven to be an impediment to processing earth station applications in the bands. Accordingly, the *NPRM* would seek input on a variety of mechanisms that might facilitate more intensive use of

the UMFUS bands and improve licensing efficiency.

DATES: Comments are due on or before January 2, 2026; reply comments are due on or before February 2, 2026.

ADDRESSES: You may submit comments, identified by SB Docket No. 25–305, by any of the following methods:

- *Electronic Filers.* Comments may be filed electronically using the internet by accessing the ECFS: *https://www.fcc.gov/ecfs.*
- *Paper Filers.* Parties who file by paper must include an original and one copy of each filing.
- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. *All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.*
- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express, must be sent to 45 L Street NE, Washington, DC 20554.
- *People with Disabilities.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

FOR FURTHER INFORMATION CONTACT: Jake Riehm, 202–418–2166, *Jake.Riehm@fcc.gov* or Kerry Murray, 202–418–0734, *Kerry.Murray@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (*NPRM*), in SB Docket No. 25–305, FCC 25–70, adopted October 28, 2025, and released October 29, 2025. The full text of this document is available for public inspection online at *https://docs.fcc.gov/public/attachments/FCC-25-70A1.pdf.* The full text of this document is also available for inspection and copying during business hours in the FCC Reference Center, 45 L Street NE, Washington, DC 20554. To request materials in accessible formats for people with disabilities, send an email to *FCC504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Ex Parte Presentations. This proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Paperwork Reduction Act. The *NPRM* does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

Providing Accountability Through Transparency Act. Consistent with the Providing Accountability Through Transparency Act, Public Law 118–9, a summary of the *NPRM* will be available on *https://www.fcc.gov/proposed-rulemakings.*

Synopsis

I. Introduction

1. As the space economy has rapidly expanded in recent years, Fixed Satellite Service (FSS) operators' demand for spectrum to deliver broadband to the American people has far exceeded what was expected only a few years ago. And given the finite amount of available spectrum, the Commission must continue to search for ways to make sure bands are intensively used. Therefore, in this Notice of Proposed Rulemaking (*NPRM*), we begin a review of our rules and policies applicable to upper microwave spectrum bands above 24 GHz that are shared between the terrestrial Upper Microwave Flexible Use Service (UMFUS) and FSS. In light of technological and economic advancements and with the benefit of experience following the Commission's 2016 Spectrum Frontiers Report and Order and Further Notice of Proposed Rulemaking (*Spectrum Frontiers Report and Order*), in which most of the rules governing bands used for UMFUS were adopted, now is an opportune time to consider how we might facilitate more intensive use of these bands. In particular, the *NPRM* seeks comment on § 25.136 of the Commission's rules, which governs spectrum sharing between UMFUS and FSS operations.

II. Background

2. The July 2016 *Spectrum Frontiers Report and Order* aimed to ''take a significant step towards securing the Nation's future in the next generational evolution of wireless technology to so-called 5G.'' While these frequencies previously had been thought best suited for satellite and fixed microwave applications, the Commission noted that ''recent technological breakthroughs ha[d] newly enabled advanced mobile services in these bands, notably including very high speed and low latency services.'' Accordingly, the chief objective of the *Spectrum Frontiers Report and Order* was to make spectrum available for advanced wireless services using the UMFUS bands.

3. *Creation of UMFUS Licensing Framework.* The *Spectrum Frontiers Report and Order* made spectrum available through both licensed and unlicensed mechanisms. The Commission created the UMFUS framework, which permitted authorization of both fixed and mobile operations in the 27.5–28.35 GHz band (28 GHz band), the 37.7–38.6 GHz (upper 37 GHz band), and the 38.6–40 GHz band (39 GHz band) using geographic area licensing. In the 28 GHz band, the Commission permitted authorizations using county-sized geographic area licenses. In the upper 37 and 39 GHz bands, it permitted authorization using Partial Economic Area (PEA) licenses. In the 37–37.6 GHz

band, it established coordinated co-primary shared access between Federal and non-Federal users. The Commission also protected a limited number of Federal military sites across the full 37 GHz band and maintained the existing Federal fixed and mobile allocations throughout the band.

4. The *Spectrum Frontiers Report and Order* also established licensing and operating rules for UMFUS. It granted mobile operating rights in the 28 GHz band to existing Local Multipoint Distribution Service (LMDS) licensees. Similarly, the *Spectrum Frontiers Report and Order* granted mobile operating rights to existing 39 GHz band licensees. The Commission revised the 39 GHz band plan to provide licensees with wider blocks of contiguous spectrum and established a mechanism for existing licensees to transition to the new band plan. It adopted service and technical rules designed to facilitate full and complete use of the bands, including an operability requirement for equipment. It adopted spectrum holdings policies for the 28 GHz, 37 GHz, and 39 GHz bands that apply to licenses acquired through auctions and the secondary market.

5. The November 2017 *Second Spectrum Frontiers Report and Order* made an additional 1,700 megahertz of spectrum available for flexible wireless use. Specifically, the *Second Spectrum Frontiers Report and Order* made spectrum available in the 24.75–25.25 GHz (24 GHz band) and the 47.2–48.2 GHz (47 GHz band). The UMFUS framework was expanded to include both bands, which could be licensed geographically for fixed and mobile use on a PEA basis.

6. In the *V-band First Report and Order* in 1998, the Commission designated the 50.4–51.4 GHz segment for use by fixed and mobile services. In 2019, the *Spectrum Frontiers Fifth Report and Order* authorized licensing of individual FSS earth stations in the 50.4–51.4 GHz (50 GHz band), applying the UMFUS licensing criteria adopted by the Commission for the 24.75–25.25 GHz band—that is, applying the permitted aggregate population limits within the specified earth station power flux density contour on a per-county basis and adopting constraints on the number of permitted earth stations on both a per county and a per PEA basis.

7. In 2019, the Commission held three spectrum auctions (Auctions 101, 102, and 103) through which it awarded licenses for fixed and mobile services in UMFUS spectrum. Through these auctions, a total of 20,011 licenses were awarded in the 24 GHz, 28 GHz, 37 GHz, 39 GHz, and 47 GHz bands, with total net bids of $10,283,281,951.

8. *UMFUS–FSS Sharing.* Each of the 24 GHz, 28 GHz, upper 37 GHz, 39 GHz, 47 GHz, and 50 GHz bands (the UMFUS bands) is also allocated for FSS, in addition to fixed and mobile services, in the U.S. Table of Frequency Allocations. In the 28 GHz band, FSS is allocated on a secondary basis. In the other bands, FSS is allocated on a co-primary basis with fixed and mobile services. In the upper 37 GHz band and the 39 GHz band, FSS is allocated in the space-to-Earth direction, while in the other bands, FSS is allocated in the Earth-to-space direction.

Band	FSS sharing status	Direction	25.136 criteria	Other rights
24 GHz (24.75–25.25)	Co-primary	Earth-to-space	25.136(e), (f)–(h).	
28 GHz (27.5–28.35)	Secondary	Earth-to-space	25.136(a), (f)–(h).	
Upper 37 GHz (37.5–38.6).	Co-primary	37.5–38 (space-to-Earth) 38–38.6 (space-to-Earth).	25.136(b)–(c), (f)–(h)	Certain federal military sites specifically protected (US151) federal co-primary across the band.
39 GHz (38.6–40)	Co-primary	space-to-Earth	25.136(b)–(c), (f)–(h)	39.5–40 GHz: federal co-primary.
47 GHz (47.2–48.2)	Co-primary	Earth-to-space	25.136(d), (f)–(h).	
50 GHz (50.4–51.4)	Co-primary	Earth-to-space	25.136(e), (f)–(h).	

9. In the *Spectrum Frontiers Report and Order* in 2016, the Commission first adopted § 25.136, which specified conditions under which FSS earth stations could coexist with UMFUS operations in the 28 GHz, Upper 37 GHz, and 39 GHz bands. The Commission later adopted similar requirements for the 24 GHz, 47 GHz, and 50 GHz bands. While the specific requirements vary from band to band, § 25.136 defines four circumstances under which individually licensed FSS earth stations could be authorized to operate, conducting Earth-to-space operations, without providing interference protection to UMFUS stations. An FSS operator may operate an earth station in such a manner if: (1) the FSS operator holds an UMFUS license covering the frequencies and location where its proposed earth station would generate a power flux density (PFD), at 10 meters above ground level, of greater than or equal to -77.6 dBm/m^2/MHz; (2) the earth stations was authorized before the effective date of the relevant coexistence rule; (3) the earth station's application was filed and pending before the effective date of the coexistence rule; and (4) the earth station satisfies certain requirements (UMFUS Protection Criteria) discussed immediately below.

10. Under the UMFUS Protection Criteria, a proposed FSS earth stations may operate without providing protection to UMFUS stations if it satisfies four criteria. First, the earth station must not cause the total number of earth stations in the relevant area to exceed a numerical cap. The number of earth stations within each county is capped at three. Operations between 37.5–40 GHz also are limited to fifteen earth stations per PEA. Second, the earth station must be sited in a location such that it complies with limits on the population that may be covered by the aggregate areas of operation of earth stations in the license area. In bands allocated for Earth-to-space operations, the relevant area of operations is the area within which the earth station generates a power flux density (PFD), at 10 meters above ground level, of greater than or equal to -77.6 dBm/m^2/MHz. In bands allocated for space-to-Earth operations, earth stations operate in protection zones that are self-defined using reasonable engineering methods. Third, the earth station's area of operation may not cover certain defined types of infrastructure or major roads. Finally, in areas where there is a co-channel UMFUS licensee, the FSS operator must successfully coordinate the proposed earth station with the UMFUS licensee using the coordination processes contained in part 101 of the Commission's rules. When first announcing what would become the UMFUS Protection Criteria, the Commission stated that ''[t]hese conditions are designed to provide FSS licensees with substantial opportunities to expand their limited use of the [spectrum] to deploy earth stations that

do not have to protect terrestrial services, while minimizing the impact on terrestrial operations.''

11. *UMFUS Coverage and Buildout Requirements.* In the *Spectrum Frontiers* proceeding, the Commission adopted UMFUS buildout and coverage requirements to comply with the statutory obligation to prevent spectrum warehousing and to create a regulatory scheme that promoted the widespread deployment of wireless broadband. Operators with 28 GHz band LMDS licenses that were converted to UMFUS licenses in the *Spectrum Frontiers Report and Order* had until June 1, 2024 to fulfill these requirements. Because initial authorizations have a term not to exceed ten years from the date of initial issuance or renewal, the buildout deadlines for licenses obtained in 2019 and 2020 in Auctions 101, 102, and 103 are in 2029 and 2030. Failure to meet buildout requirements results in cancellation of the UMFUS license, except in bands licensed on a PEA basis, where licensees have the option of partitioning a license on a county basis in order to reduce the population or land area within the license area to a level where the licensee's buildout would meet one of the requirements.

III. Discussion

A. Introduction

12. The Commission adopted the *Spectrum Frontiers Report and Order* in 2016, and the technical restrictions contained therein, against the background of three predictive assumptions. First, the Commission anticipated that the spectrum at issue would be used intensively as a part of terrestrial 5G networks. Second, the Commission believed that earth station deployment in the UMFUS bands would be relatively light consistent with past experience. At that time, the boom in space operations, including the deployment of large non-geostationary orbit (NGSO) satellite constellations and high throughput geostationary orbit (GSO) satellites delivering high-speed broadband and other services, was still several years away. Third, the Commission believed that the technical rules adopted in § 25.136 were necessary to protect terrestrial UMFUS operations but not too onerous to chill FSS earth station siting.

13. Today, however, we have reason to believe that all three of these predictive assumptions were incorrect in meaningful ways. The UMFUS bands have not turned out to be core terrestrial wireless spectrum. As of today, there has been less emphasis on incorporating upper microwave spectrum into 5G networks than the Commission anticipated. Wireless operators have struggled with the short range and poor penetration of signals in the UMFUS bands. As a result, outside of a few urban hotspots, there do not appear to be many dense 5G deployments to protect. Even in urban areas, building loss appears to be the primary impediment to 5G deployment, not interference from other operations in the bands. Instead, 5G deployments have been largely focused on mid-band spectrum. AT&T and T-Mobile have traditionally remained focused on the mid-band spectrum. Verizon rolled out ultra-wideband base stations very rapidly at first and had deployed more than 30,000 such nodes in at least 82 cities and 60 stadiums and arenas by the end of 2021, with upper microwave fixed wireless access (FWA) provided to homes in 57 cities. Verizon later slowed its upper microwave mobile service deployments, however, in favor of mid-band 5G, and announced plans to make use of upper microwave bands to deliver FWA to apartments and office buildings in high-density urban areas. A review of compliance with the June 1, 2024 performance requirement deadline for incumbent 28 GHz licenses indicates that terrestrial use of upper microwave spectrum appears to be light. T-Mobile, which had held 550 incumbent 28 GHz licenses, voluntarily turned in 516 of those licenses for cancellation. Two other licensees voluntarily turned in 52 licenses for cancellation.

14. On the other hand, as both the space marketplace and the relevant technology have developed, there is now considerably more satellite interest in using the upper microwave bands, particularly the 28 GHz band. We have seen the growth of large NGSO constellations alongside the deployment of next-generation GSO satellites, and a corresponding nearly 400 percent increase in the number of earth station applications submitted to operate in these bands over the most recent five year period. Specifically, over the five-year period from January 2016 to December 2020, 164 applications were filed for earth stations in the UMFUS bands. By contrast, from January 2021 through August 2025, 607 earth station applications were filed for operations in these bands. Finally, the restrictions on earth station deployment contained in § 25.136 have proven needlessly burdensome on FSS operators, particularly given the light deployment by UMFUS licensees.

15. In the *Spectrum Frontiers Proceeding,* ViaSat, a satellite communications provider that provides satellite broadband services to customers, including in the Ka-band (27–40 GHz), encouraged the Commission to allow greater satellite access to ''core'' spectrum bands premised on the reliable availability of other ''non-core'' spectrum, on an interference-protected basis, for widely-deployed satellite user terminals. O3b Limited urged the Commission to ensure the development of rational policies for spectrum use and spectrum sharing by addressing the possible future 5G policies in parallel with proceedings addressing incumbent satellite services above 24 GHz. SpaceX asks that the Commission ensure the availability of adequate spectrum for existing and future satellite requirements as it considers possible 5G services in these higher bands.

16. Given the intervening ramp up in space economy activity and the increased volume of applications for FSS earth station licenses, particularly in the 28 GHz band, the complex technical criteria contained in § 25.136 have posed challenges to the timeliness of the Commission's processing of earth station applications in the bands used for UMFUS and, therefore, to industry. For example, in comments filed in the *Delete, Delete, Delete* proceeding, Astranis Space Technologies Corp. (Astranis) suggests that the complex showings required under § 25.136 inhibited timely spectrum access by delaying the processing of earth station applications. Astranis also indicates that ''lack of certainty regarding access to the 27.5–28.35 GHz frequency band (due to the complex siting requirements of § 25.136 of the Commission's rules) forces [U.S.] companies like Astranis to consider locating their tracking, telemetry and control or gateway earth stations in other countries.'' Meanwhile, the Satellite Industry Association also states that ''[o]ther countries are recognizing that mmWave spectrum is underutilized and are revising their rules to enable more use by FSS earth stations.''

17. In light of the Commission's experience with the existing § 25.136 rules, developments in the space economy, including increased demand for spectrum resources, the *NPRM* seeks comment on a variety of ways to encourage more intensive use of spectrum in the UMFUS bands and to ensure the Commission's licensing processes scale with the demand for licenses. The first set of questions and proposals we discuss involve replacing the § 25.136 criteria and part 101 manual coordination framework with a light-licensing approach. Next, we discuss market-based approaches to encourage increased usage of the

UMFUS bands. Then, we seek input on changes to § 25.136 and on revising regulatory showings applicants are required to make to demonstrate compliance with § 25.136 during the application process. Finally, we seek comment on alternative frameworks that might replace the rule in order to modernize the Commission's overall approach to licensing earth stations in these bands. What are the costs and benefits of our proposals, and any alternatives commenters may advocate? How do we ensure that the proposals in the *NPRM* do not adversely affect or degrade federal government operations or capacity? When responding to the questions and proposals contained in the *NPRM,* parties are encouraged to be as specific as possible and to provide input concerning the potential impact on small entities and any alternatives that would better serve the needs of small entities.

B. Light Licensing

18. Many commenters have suggested ''light licensing'' as a way to expedite earth station siting in the UMFUS bands. As envisioned, light licensing would replace the § 25.136 criteria and the part 101 manual coordination framework through a two-step process. First, holders of a nationwide, non-site earth station licenses would register sites in a common, automated database(s) alongside terrestrial licensees. As part of the registration process, the database would run an automated check to determine if a proposed earth station would interfere with previously registered base stations, calculated using deployment information in the database. Second, depending on the results of this automated interference check, an operator might be permitted to register its proposed site (''green light''), it might be blocked from registration (''red light''), or it might be required to coordinate further with existing site(s) to resolve any potential interference issues prior to registration (''yellow light'').

19. The Commission recently sought comment on incorporating earth station gateways in the light-licensing database currently used for terrestrial fixed links under subpart Q of part 101, such that the database could serve as a unified portal for operations in the 70/80/90 GHz bands that are licensed under a nationwide, non-exclusive license. We seek comment on whether such a portal could support deconfliction of satellite and terrestrial operations in the UMFUS bands.

20. We note differences between the 70/80/90 GHz and UMFUS bands, and we seek comment on their relevance as to light licensing. For one, terrestrial licenses in 70/80/90 GHz are not authorized on a geographic basis, unlike terrestrial licenses in the UMFUS band. Is light licensing consistent with the character and design of geographic-area, terrestrial UMFUS licenses? Would a link-registration obligation create the kind of undue burden for terrestrial operators that geographic licensing was intended to avoid? Does a registration requirement, without more, change the nature of the terrestrial licenses purchased at auction, even if the licensee can provide the same level of service afterwards? On the other hand, could a light-licensing database better help terrestrial licensees protect their investments from interference? For another, federal users operate across the entire 70/80/90 GHz bands, whereas federal users only operate in 37.5–38.6 GHz and 38.6–40 GHz. The current 70/80/90 GHz registration databases connect to the NTIA federal user system, which generate green, yellow, and red lights based on an initial interference check of site parameters. Should a similar approach be pursued for UMFUS bands that are shared with federal users? For UMFUS bands without federal users, could a similar light-licensing framework similarly coordinate non-federal users?

21. We seek comment on the costs and benefits of light licensing in the UMFUS bands. Would an initial, automated check at the point of registration make interference deconfliction faster and more efficient while preserving Commission resources? To what extent would that initial check eliminate the need for unnecessary manual coordination that occurs today in the UMFUS bands? We also seek comment on whether a light-licensing database helps operators to understand the interference environment more quickly and accurately. What is the value of aggregating terrestrial and satellite sites in a single database? Would a single database help terrestrial licensees ensure that their rights are protected by providing greater visibility into later-in-time earth stations? Would it reduce burden by allowing parties to accurately observe buildout? Some commenters in the Commission's *Delete, Delete, Delete* proceeding favored such an approach. We seek comment on this approach.

22. We seek comment on all aspects of how such a database should operate. Should the Commission operate such a database or should one or more third-parties, like Comsearch, be used instead? Irrespective of who administers the database, is there a separate need for a third-party frequency coordinator? To the extent we retain the UMFUS Protection Criteria, could the database administrator serve as a frequency coordinator that ensures compliance with the criteria? Alternatively, could a database automatically enforce compliance with certain UMFUS Protection Criteria, such as the geographic cap on earth stations, without the need for a dedicated frequency coordinator?

23. We seek comment on requirements to ensure that the initial step of registration and automated deconfliction minimizes errors, particularly false negatives that might magnify the risk of harmful interference. What parameters should a registrant be required to disclose during link registration? To what extent should they be modeled after the 70/80/90 GHz database? Next, we seek comment on appropriate criteria to inform a red, yellow, or green light determination. Should the Commission apply an interference-to-noise (I/N) protection threshold to trigger proactive interference mitigation or good-faith coordination, as warranted? Should we use −6 dB interference-to-noise (I/N) as the threshold, as in 70/80/90 GHz, or would another value be more appropriate for the UMFUS bands? To the extent I/N is either underprotective or overprotective, we seek comment on alternative thresholds that more accurately facilitate an initial, automated interference check.

24. We also invite comment on procedures to govern good-faith coordination after the light-licensing database returns a yellow light. At what point should coordination be considered complete, and at what point should a site be registered and authorized to operate? On the one hand, the Commission might permit operations only when coordination is confirmed to be complete. On the other, it might allow operations on a non-interfering, unprotected basis while coordination is ongoing. We seek comment on these two options as well as other possibilities. Would non-interfering, unprotected operations during the pendency of coordination adequately protect incumbents from harmful interference? Would it meaningfully accelerate new entry? We also seek comment on measures to validate good-faith coordination. Should licensees be required to provide evidence to the Commission that coordination is complete? If so, what evidence would suffice? Could we instead streamline the process by requiring only that a licensee provide evidence of the coordination upon

Commission request? We invite comment on these questions and welcome any other alternatives. We also seek comment how best to ensure that terrestrial and satellite operators coordinate in good faith. If the Commission adopts a light-licensing approach, what safeguards are needed to ensure that incentives are aligned to create a successful registration process? Should the Commission consider measures to prevent ''squatting'' during link-registration? For example, should the Commission require build-out within a certain timeframe and, if so, what milestone is appropriate? What transition rules will be needed for existing licenses and pending applications?

C. Commercial Agreements Between UMFUS Licensees and FSS Operators

25. In the absence of a light-licensing approach, we solicit comment on a market-based approach to potentially increasing use of the UMFUS bands. First, we seek comment on allowing UMFUS licensees to voluntarily negotiate with FSS operators to permit operations in the relevant shared bands without providing interference protection to UMFUS operations. After such an agreement is reached, an FSS operator would be able to file its one or more applications for new earth stations (or modifications) in the geographic area(s) covered by the agreement, and it could receive grants without having to satisfy the UMFUS Protection Criteria. § 25.136 already permits UMFUS licensees and earth station applicants to negotiate agreements concerning spectrum usage. However, because such agreements must be consistent with the Commission's rules, a waiver of the protections outlined in § 25.136 is still required.

26. Under the proposal on which we seek comment here, criteria such as per county caps, population coverage limitations, and infrastructure coverage limitations would not apply to any earth stations covered by the agreement. Would allowing such arrangements promote more extensive use of spectrum in the UMFUS bands? What incentives or disincentives exist for FSS operators and UMFUS licensees to enter into these agreements? Might the Commission incentivize such agreements by amending § 30.104 to state that an UMFUS license holder can meet its buildout requirements by entering into such agreement(s) with FSS operator(s), provided the FSS operator(s) licenses and deploys at least some number of earth stations in the relevant geographic area by the buildout deadline? If so, how would that work? What would be an appropriate number of earth stations? Are there other ways such agreements could be applied to the UMFUS buildout requirements? Should the Commission require earth station applicants to submit these agreements (with appropriate redactions) via ICFS with the relevant earth stations applications and UMFUS providers to submit these agreements (with appropriate redactions) via ULS with applications that involve the geographic area(s) covered by the agreements? What sort of information would need to be provided to the Commission as part of earth station applications that are the result of such negotiations? Are there ways the Commission could streamline such a showing to avoid delay once an agreement is reached between an UMFUS license holder and a FSS operator, *e.g.,* submission of a joint letter?

27. Are there any conditions or safeguards that we need to impose on voluntary negotiations between UMFUS licensees and FSS operators? To what extent could such agreements adversely affect the rights of third parties? For example, should we be concerned about adjacent-band or adjacent area interference? Are there other third parties that need to be considered? Should we allow such voluntary agreements where the rights of third parties are affected if the third parties agree as well? If there are potential problems with mutual agreements to not apply the UMFUS Protection Criteria, how can these concerns be addressed in a way that does not unduly hinder the ability of market participants to reach mutually beneficial agreements? Are there any UMFUS Protection Criteria that we should not allow FSS earth station applicants to avoid complying with even if the parties could reach an agreement permitting non-compliance? If so, which criteria, and why? Should the Commission require UMFUS licensees that are parties to such agreements to certify that they have met their buildout requirements and performance obligations in the geographic area covered by the agreement?

D. Revisions to § 25.136 Criteria

28. We also seek comment on ways the Commission might facilitate more intensive use of spectrum by adjusting the criteria contained in the § 25.136. At the outset, we seek comment on the applicability of the § 25.136 criteria in geographic areas where there are no UMFUS licensees. Should § 25.136 be amended to exempt FSS applicants in such geographic areas from some of the § 25.136 criteria? If so, which ones and why? In practice, what are the best ways for the Commission and applicants to identify geographic areas with no UMFUS licensees? More generally, we request input on adjusting our rules for UMFUS licenses that are fallow because they remain in the Commission's inventory. Some of these licenses were not purchased at auction, and others were returned to the Commission afterwards. Should any elements of our proposals in the NPRM change with respect to these licenses?

29. We also seek comment on our approach to collocation. § 25.136 limits earth stations to three per county. For purposes of this limitation, collocated earth stations are treated as a single earth station. The Commission has defined the term ''location'' for transmitting earth stations to mean the contour within which one or more earth stations generate a PFD of no more than -77.6 dBm/m^2/MHz at 10 meters above ground level, or in the case of earth stations receiving in the band, the self-defined protection zone around one or more earth stations within which no terrestrial operations may be located. In a March 2025 Public Notice (*2025 Guidance Public Notice*), the Space Bureau (Bureau) clarified that new earth stations do not count against the limit of the total number of earth stations for the licensing area (*i.e.,* are considered collocated) if the aggregate PFD contour of the earth stations partially overlaps with the PFD contour of one or more preexisting earth stations.

30. Given the interest in encouraging collocation with existing sites when possible, should we expand the definition of collocation? In some cases, multiple pieces of antenna equipment are located together in a dedicated area called an ''antenna farm.'' Should we treat as collocated multiple earth stations that are located within the same satellite antenna farm, even if they are several hundred meters apart? If so, do we need a precise definition of ''antenna farm?'' In many instances, it is likely that UMFUS licensees would not be operating close to a known, existing antenna farm and therefore no harmful interference would occur. Given that the clarification concerning collocation in the *Guidance Public Notice is* not binding on the Commission, should we adopt it, and any precise definition of ''antenna farm'' for purposes of § 25.136 as binding rules? And, if an earth station wishes to collocate with another earth station, is there any reason to collect the complex technical showings currently required under § 25.136?

31. Next, we examine our geographical per-county and per-PEA numerical limitations on earth stations

operating in the UMFUS bands. Our current rules establish a cap of three earth station locations in a county where earth stations may not be required to provide additional interference protection to UMFUS licensees, or, in the case of space-to-earth bands, are entitled to interference protection from UMFUS operations. Earth stations operating in receive mode are limited to 15 per PEA as well. When initially adopting the per-county cap in the *Spectrum Frontiers Report and Order,* the Commission noted that ''[s]ince there are over 3,000 counties in the United States, with a potential for up to three locations in each county, FSS licensees would have many choices for earth station locations.'' In the *Second Spectrum Frontiers Report and Order* the Commission stated that ''eliminating [the per-county and per-PEA] limits would be inconsistent with the decision to prioritize terrestrial deployment in these bands.''

32. While a numerical cap is a straightforward and easy to administer means of limiting potential FSS interference with UMFUS use of spectrum, it also has the adverse effect of serving as a barrier to entry for earth stations. In fact, licensing experience by the Commission suggests that there are indeed geographic areas where such caps are inhibiting new earth station siting. We therefore seek comment on raising or removing the per-county and per-PEA limitations contained in the rule. Did the Commission's statement in the *Spectrum Frontiers Report and Order* that ''FSS licensees would have many choices for earth station locations'' prove correct? Given that the UMFUS bands have not become workhorse terrestrial spectrum and are instead in high demand for FSS operations, do the caps still make sense today? Further, the Commission adopted the UMFUS Protection Criteria in the *Spectrum Frontiers Report and Order* with GSO systems in mind. Since then, NGSO constellations, which require many distributed earth stations and smaller beams to support capacity and low latency requirements, have proliferated.

33. Do fixed geographic caps match the architectural needs of modern satellite systems? Are the caps necessary to protect UMFUS licensees, or are they overprotective? What are the benefits and costs associated with raising or removing the per-county or per-PEA limitations? Have caps hindered any earth station deployments? If the Commission raises the cap, should the number of permissible earth stations vary by county or PEA or be tied to certain characteristics of specific counties or PEAs, such as geographic area, total population, or population density? For example, should the limit be adjusted to accommodate counties with larger geographic areas (*e.g.,* additional earth stations allowed for counties larger than 3,000 square miles)? If we were to raise the per-county or per-PEA limitations, what increments are reasonable and why? Might we exempt earth station deployments whose beams are very unlikely to cross paths with a mobile 5G signal from the caps? For example, many NGSO operators place gateway earth stations on rooftops of data centers, points-of-presence, or other telecom facilities, especially in dense metropolitan areas where land is scarce. Such sites give clear line of sight to satellites above clutter and reduce blockage from nearby buildings. These sites may also reduce the odds of interference to UMFUS transmissions, which are downwardly directed from the base station.

34. Alternatively, does it make sense to have a numerical limit on the number of earth stations per county or per PEA at all? Managing a cap requires administrative resources and could result in other economic inefficiencies. Earth stations have a license term of fifteen years and a renewal expectancy. Therefore, once a cap is reached within a given geography, no new earth station can be reasonably expected in that area. As a result, a new FSS entrant cannot use these bands as a practical matter in large parts of the country. This might harm innovation and efficient deployment of infrastructure. We therefore invite comment on eliminating the geographic cap entirely and seek to understand how the bands would be efficiently shared in such a situation. Are there other protection criteria that should be used if we were to eliminate caps, or are the population and other limits sufficient?

35. If we retain numerical caps on the number of earth stations in a geographical area, what is the best approach to determine which applicants get these opportunities? In situations involving a scarce resource (*e.g.,* a cap on earth stations), there is a need to determine who can access that resource. For instance, in other situations the Commission has used auctions to assign scarce resources. We generally seek comment on what approaches might be appropriate when multiple FSS applicants vie for limited licenses in a geographic area and why.

36. Next, we examine the efficacy of our existing first-in-time rules. The first-come, first-served approach adopted in 2016 has created challenges in this context. For example, processing of later-filed straightforward applications has occasionally been delayed because those applications were filed after more complicated applications in the same county that seek waivers and require more analysis. And once the cap is reached, future entrants are kept out until an existing licensee subject to the cap ceases operation and relinquishes its license. Is there another approach the Commission should consider to eliminate or reduce these delays? For example, should we consider permitting applicants to apply for a nationwide, non-site license, with the ability to register individual sites upon successful coordination with UMFUS and FSS operations through a third party database? Under this approach, would FSS operators still be required to make the showings under § 25.136 for each individual earth station? Should applicants seeking waivers be placed at the back of the line so as to prevent forestalling other applications in a given area? These approaches would retain the first-come, first-served approach but seek to reduce or eliminate the showings which have been problematic. How could a revised first-come, first-served approach be coupled with a cap?

37. Regardless of the means by which we initially determine who receives a license, might we additionally attach a ''slot'' to current and future earth station licenses? These slots would represent opportunities to operate an earth station in the relevant geographical area. Then, the Commission could allow slot-holders to exchange these slots over time, effectively creating or allowing a secondary market for slots? For example, the Commission could follow a first-come, first-served approach (or another initial assignment approach) to obtaining a license within a county and under the cap, but allow slot holders to transfer the slot (but not the license) to another party. Currently, an earth station licensee has poor incentives to surrender a license they no longer, use and therefore we would expect the per county cap to create inefficiencies. But if a secondary market for slots existed, there would be incentive for a party that placed little value on a particular earth station to surrender its license and transfer the associated slot to another party who values that slot more. Could allowing for such a secondary market exchange be a way to make sure the limited slots within a cap go to the highest and best use? Furthermore, a party who obtains a slot could avoid most, if not all, of the complex showings that must be submitted with a license application, which would streamline

the license process. Could allowing for such exchange even for existing license holders be a way to inject greater efficiency in the near-term while we determine how additional or future sites for earth stations will be allocated? Should such an exchange of slots be subject to some form of regulatory approval process, analogous to the transfer or assignment of licenses and authorizations, or would a simpler form of notification to the Commission be appropriate? Should we allow exchanges only once an earth station is constructed or operational or, in the alternative, include construction or operation milestones that are not extended following an exchange?

38. Section 25.136 also limits the population that can fall within the location or protection zone of an earth station operating in the UMFUS bands. These limits vary by band and by population in the terrestrial license area. The limits were based on the primacy of UMFUS, however. Given the sparse buildout of terrestrial wireless service in, and increased demand for FSS use of, the spectrum, does it make sense to revisit these population limits? Might they be increased to facilitate more intensive use of the spectrum by satellite operators? Does the answer depend on characteristics of the county, such as geography, population, or population density?

39. Section 25.136 also requires that the −77.6 dBm/m²/MHz contour not cover certain defined types of infrastructure or major roads—including major event venues; urban mass transit routes; passenger railroads; cruise ship ports; and Interstates, Other Freeways and Expressways, and Other Principal Arterials as defined by the Federal Highway Administration. The protection zone for earth stations operating in the 37.5–40 GHz band is subject to similar requirements. Experience has shown that these limitations are an impediment to a timely licensing process.

40. Given the state of buildout of terrestrial wireless service in the UMFUS bands and the desire to use the spectrum for FSS operations, should these population and infrastructure limits be modified or eliminated entirely? If not, are there parts of the country (for example, more rural, less populated areas) in which they could be eliminated? Are there categories of roads that are protected under the current rules where protection is not appropriate because terrestrial deployment in the upper microwave bands is unlikely? Given the generally small size of earth station contours and the speed at which passenger trains move, is protection for passenger railroads necessary? We also invite other suggestions for changes to the list of protected infrastructure. If we retain population and infrastructure limits of some kind, how might the required showings be modified to make them less burdensome?

41. Section 25.136 also requires earth station applicants to complete frequency coordination with UMFUS licensees using the applicable processes contained in § 101.103(d) of the Commission's rules before filing its application. Coordination is designed only to resolve potential interference to existing deployments, and there is a duty to cooperate in good faith. While all of the requirements will not be presented here, coordination under § 101.103(d) involves (1) notification to existing licensees, permittees and applicants in the area, and other applicants with previously filed applications, whose facilities could affect or be affected by the proposed earth station and (2) response from the parties notified. The notification must include relevant technical details of the proposal, which includes: applicant's name and address, transmitting station name; transmitting station coordinates; frequencies and polarizations to be added, changed or deleted; transmitting equipment type, its stability, actual output power, emission designator, and type of modulation(s) (loading); transmitting antenna type(s), model, gain and, if required, a radiation pattern provided or certified by the manufacturer; transmitting antenna center line height(s) above ground level and ground elevation above mean sea level; receiving station name; receiving station coordinates; receiving antenna type(s), model, gain, and, if required, a radiation pattern provided or certified by the manufacturer; receiving antenna center line height(s) above ground level and ground elevation above mean sea level; path azimuth and distance; estimated transmitter transmission line loss expressed in dB; estimated receiver transmission line loss expressed in dB; for a system utilizing ATPC, maximum transmit power, coordinated transmit power, and nominal transmit power; and, for transmitters employing digital modulation techniques, the notification should clearly identify the type of modulation.

42. In general, notified parties have 30 days to respond, and applicants, permittees, and licensees are expected to make every reasonable effort to eliminate all problems and conflicts. All technical problems that come to light during coordination must be resolved; if not, the earth station applicant must explain why it is unable or unwilling to resolve the conflict. Where changes to a proposal become necessary over the course of coordination, additional notifications to relevant licensees, permittees and applicants may be required, and those notified parties have up to 30 days to respond. Moreover, if the party proposing the earth station makes a change after completion of coordination that it believes will have no impact on the parties originally notified, it must re-notify those parties concerning the change and of its opinion that no response is required. If no earth station application is filed within six months after coordination, the party proposing the earth station must send a renewal notification to the notified parties, or else they are entitled to assume that the previously coordinated frequency use is no longer desired.

43. We ask commenters to suggest any changes to the process that they believe would facilitate coordination. For example, are there different deadlines or procedures than those set forth above that would be appropriate for coordination between UMFUS and FSS licensees in the UMFUS bands? Could we modify some deadlines or procedures, or establish additional deadlines or procedures, to help FSS operators and UMFUS licensees better coordinate? Should we explore ways of automating the coordination and interference analysis processes, in lieu of using the manual part 101 coordination framework? If so, what would be the best approach for automating that process, and what rule changes would be necessary to implement that automation? To the extent that propagation modeling is still required, we seek comment on whether and how the Commission should provide further clarification or guidance beyond what is contained in the Bureau's relevant Guidance Public Notices?

44. Finally, many of the issues discussed above involve the contour within which one or more earth stations generate a PFD of no more than −77.6 dBm/m²/MHz at 10 meters above ground level. The Commission was very cautious when establishing protection criteria in 2016. Over the years, however, the Commission has gained better insight into the actual operating environment between UMFUS and uplink gateway earth stations in the band. In addition, there have been significant improvements in both earth station and terrestrial systems designs, including antenna sidelobe suppression, beamforming techniques, and interference-resilient modulation. In

light of the foregoing, we seek comment on whether it remains appropriate to measure the −77.6 dBm/m²/MHz at 10 meters above ground level. Would it be more appropriate to measure at the UMFUS receive antenna site or at some distance close to the UMFUS receive antenna?

E. Revisions to § 25.136 Showings

45. The showings required for earth station applications in the UMFUS bands under § 25.136 require time-consuming staff review and delay the approval of earth station licenses. For example, in order to show compliance with limits on the population that may be covered in the earth station's immediate area of operation or protection zone, parties are required to provide detailed engineering exhibits to the Commission, which Commission staff are required to evaluate. Earth station applicants also must submit, and Commission staff must also review, detailed showings demonstrating compliance with requirements concerning coverage of defined types of infrastructure or major roads. Review of these materials involves substantial Commission time and resources, resulting in application processing delay and backlog. Accordingly, we seek comment below on different approaches that may increase the efficiency of earth station application processing. Are there any other countries with models we might consider? When commenting on the proposals below, commenters should bear in mind that the per-county numerical limits on earth station deployments are meant to balance the interests of FSS operators against UMFUS licensees. Accordingly, burdens imposed by additional showings should be justified if they are to be retained.

46. One alternative is to allow earth station applicants to certify compliance with each of the UMFUS Protection Criteria and, in the absence of a challenge to the application, FCC staff would rely on those certifications without reviewing any technical exhibits. Under this approach, earth station applicants would still be responsible for complying with the UMFUS Protection Criteria, but Commission staff would only be required to spend time and resources reviewing technical exhibits to address accusations of actual harmful interference that arise. One approach would be to require applicants to submit their technical exhibits with their applications, so that interested parties can review them, but have staff rely only on the certifications in the application. Instead, the Commission could require applicants to submit their technical analysis to the Commission upon request. We seek comment on both possibilities.

47. Instead of a certification approach, could the Commission allow applicants to provide more limited showings in certain cases? For example, could the Commission employ a safe harbor approach in cases in which an applicant proposes to locate an earth station at an existing satellite antenna farm, or specifies minimum distances (at appropriate power levels) from roads and other infrastructure specified in § 25.136? Might such applicants be exempted from completing the relevant bespoke showings concerning the enumerated in the UMFUS Protection Criteria? What other ways might the Commission reduce the showings the FSS applicants must provide? Are there available, public data sets showing population dispersion or infrastructure on which applicants and staff can rely that might make showing easier? Is there a publicly available tool that the Commission should adopt for applicants to use for certain showings?

48. Might the Commission adopt some *de minimis* exceptions to the UMFUS Protection Criteria? That is, instead of finding an earth station application unacceptable for grant if the station's immediate area of operation or protection zone covers any of the roads or infrastructure enumerated in the rule, might the Commission allow coverage of a *de minimis* portion of a major event venue, urban mass transit route, passenger railroad, cruise ship port. urban mass transit route, or other road enumerated in the rule? If so, how might the Commission define this *de minimis* area? We note that the Bureau has granted waivers to allow *de minimis* overlaps of up to 400 meters with major roads or passenger railroads in rural areas where the earth station operator has successfully coordinated with the UMFUS licensee(s). Could the Commission apply a similar approach to other UMFUS Protection Criteria?

F. Other Alternatives for Replacing the § 25.136 Criteria

49. Beyond the light licensing approach discussion in III.B above, we also seek comment on whether § 25.136 could be replaced with a different paradigm for sharing between UMFUS and FSS operations. Would it be reasonable to remove all the § 25.136 criteria and replace them with new rules for how terrestrial and earth station licensees may deploy and coordinate with each other? If so, how would such coordination work? For example, could we rely on a successfully completed frequency coordination with affected UMFUS licensees? If we remove all the criteria how should we treat the secondary status of FSS in the 28 GHz band? If we adopt new rules, should we retain the existing rule with respect to the secondary status of FSS in the 28 GHz band? In the alternative, would it be desirable to possibly revise the U.S. Table of Frequency Allocations to allocate FSS on a co-primary basis in the band? What would be the pros and cons of such an approach? Replacing the § 25.136 criteria could occur in the near term or could evolve alongside the UMFUS licensing framework.

50. *Dynamic Spectrum Sharing.* We also seek comment generally on whether allowing uncoordinated earth stations with sensing capabilities could play a role in facilitating more intensive use of the upper millimeter wave bands. Starting at least as far back as 2005, the European Conference of Postal and Telecommunications Administrations Electronic Communications Committee (CEPT ECC) has issued several reports that have envisioned allowing uncoordinated earth stations to coexist with other services in the 28 GHz band. The most recent report was adopted in January 2022. While the report notes several challenges associated with such an approach in the relatively congested bands below 30 GHz, and suggests that relatively long minimum separation distances between earth stations and fixed links would be required in those bands, uncoordinated earth stations with sensing might be more feasible in some of the less congested bands above 30 GHz. The most obvious candidates may be bands allocated to space-to-Earth operations, such as the 38.6–40 GHz band, where earth stations operate in listen-only mode and therefore pose no danger of direct interference to terrestrial operations. To the extent that we consider permitting uncoordinated earth stations to operate in certain bands, should they be required to be capable of shifting their operations to alternative frequencies (*e.g.,* for the 38.6–40 GHz band, could the adjacent 40–42 GHz band, allocated primarily to satellite operations, be a plausible alternative)? This could help to ensure that uncoordinated earth stations do not become stranded investments if terrestrial buildouts begin to generate interference. If a receive-only earth station shifts to an alternative frequency, by what mechanism will the satellite(s) communicating with it learn of the need to make a parallel frequency shift? In addition, if we adopt this approach, how should we address bands that are shared with federal services? We seek comment on whether there are

any other circumstances under which earth stations could be authorized on an uncoordinated basis.

51. *Alternative Suggestions.* In addition to the proposals mentioned above, we invite commenters to offer alternative suggestions for how the UMFUS bands can be more intensively used. Should terrestrial operators be allowed to satisfy their buildout requirements by leasing spectrum to satellite operators, or by entering into other arrangements to provide satellite service access to areas beyond the reach of terrestrial facilities? What other rule changes might facilitate greater use of the UMFUS bands? We also seek comment on any corresponding revisions to part 30 that would facilitate these changes.

52. With respect to all of these inquiries, we ask commenters to consider and address the following issues: How would the market-based proposals suggested herein, changes to required earth station application showings, or proposed changes or replacements to § 25.136 criteria facilitate real world deployment of earth stations by satellite operators while still protecting UMFUS licensees from harmful interference? What proposals would be most effective in facilitating greater satellite use through deployment of earth stations? How would adopting these methods affect existing and planned terrestrial deployments? Are there steps the Commission could take to minimize the impact on terrestrial deployments from more intensive use of UMFUS spectrum by earth stations? Are the contemplated changes consistent with the fact that UMFUS licenses are geographic area licenses? What additional rules or technical criteria would be necessary to adopt any of these proposals? What are the costs and benefits associated with these approaches? Would the proposed changes promote more intensive use of the spectrum and potentially unleash nascent services (*e.g.,* Ground-Station-as-a-Service)? To the extent possible, commenters should quantify expected costs and benefits of the proposals set forth above or any alternatives a commenter would prefer. Again, we encourage commenters to provide input concerning the potential impact of proposals on small entities.

IV. Initial Regulatory Flexibility Analysis

53. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the policies and rules proposed in the Notice of Proposed Rulemaking (*NPRM*) assessing the possible significant economic impact on a substantial number of small entities. The Commission requests written public comments on the IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments specified on the first page of the *NPRM.* The Commission will send a copy of the *NPRM,* including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the *NPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rules

54. In the *NPRM,* the Commission initiates a review of the rules governing shared used between the terrestrial Upper Microwave Flexible Use Service (UMFUS) and the Fixed-Satellite Service (FSS) in upper microwave spectrum bands above 24 GHz to facilitate more intensive use of these bands due to the expanded needs of the space industry, and in particular the increased interest in the bands used for UMFUS by FSS operators. The space industry's expanded activity has increased the demand for FSS licenses especially in the 28 GHz band, and the complex criteria in the Commission 's existing rules in § 25.136 has created difficulties for the Commission with processing earth station applications by the industry in bands used for UMFUS. Consequently, in this proceeding the Commission seeks a workable, scalable solution for UMFUS licensees and FSS operators to share upper microwave spectrum bands. Specifically, the Commission seeks comment on proposals exploring whether, and how to revise our § 25.136 rules, and policies applicable to bands above 24 GHz that are shared by terrestrial UMFUS licensees and FSS operators. Alternatively, the Commission seeks comment on proposals, and frameworks that could replace the § 25.136 rules to allow sharing for space and terrestrial use in these bands.

B. Legal Basis

55. The proposed action is authorized pursuant to sections 4(i), 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303, 307.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

56. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A ''small business concern'' is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

57. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe, three broad groups of small entities that could be directly affected by our actions. In general, a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses. Next, ''small organizations'' are generally not-for-profit enterprises that are independently owned and operated and not dominant in their field. While we do not have data regarding the number of non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500 employees. Finally, ''small governmental jurisdictions'' are defined as ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.

58. The review of the rules and policies in the *NPRM* will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System codes and corresponding SBA size standard.

Regulated industry (NAICS classification)	NAICS code	SBA size standard	Total firms	Small firms	% Small firms in industry
All Other Telecommunications	517810	$40 million	1,079	1,039	96.29
Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing.	334220	1,250 employees	656	624	95.12
Satellite Telecommunications	517410	$47 million	275	242	88.00
Wireless Telecommunications Carriers (except Satellite).	517112	1,500 employees	2,893	2,837	98.06

59. Based on currently available U.S. Census data regarding the estimated number of small firms in each identified industry, we conclude that the review of the rules and policies in the *NPRM* will impact a substantial number of small entities. Where available, we provide additional information regarding the number of potentially affected entities in the above identified industries, and information for other affected entities, as follows.

2024 Universal service monitoring report telecommunications service provider data (Data as of December 2023)	SBA size standard (1,500 employees).		
Wireless Telecommunications Carriers (except Satellite)	585	498	85.13

D. Description of Economic Impact and Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

60. The RFA directs agencies to describe the economic impact of the proposed rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record.

1. Revising the § 25.136 Criteria

61. The Commission explores of the possible expansion of the definition of collocation inquiring whether reporting of the complex technical showings currently required under § 25.136 of our rules should continue if we accept as collocated a new earth station located several hundred meters apart within the same satellite antenna farm, because theoretically UMFUS licensees would not be operating close to a known, existing antenna farm. Removing this requirement would lessen the administrative and technical economic burden on small and other entities caused by complying with this collection mandate. The proposals in the *NPRM* to expand the definition of earth station collocation, and increase or eliminate numerical per-county or per-Partial Economic Area (PEA) caps on earth stations would reduce the burdens for small and other FSS applicants and provide opportunities for more entities to apply for licenses without imposing additional recordkeeping or reporting requirements. We also review the usefulness of the current first-in-time/first-come first-served rules for ways to reduce and/or eliminate problematic reporting requirements for small and other entities. At this time the Commission is not aware of any costs that would be imposed on small entities by the alternatives to the first-in-time rules for processing initial earth station applications proposed in the *NPRM.* Our proposal to revise § 25.136 to allow UMFUS licensees and FSS operators to agree to waive certain protection criteria contained in the rule would reduce burdens on FSS operators.

62. Our proposals in the *NPRM* to modify or eliminate population and infrastructure limits for earth station applications, if adopted, would not introduce or impose any new reporting or recordkeeping requirements on small entities. Instead, these proposals would streamline and simplify application preparation and reduce administrative burdens. Similarly, our examination of the frequency coordination requirements in § 25.136 inquiring whether there are deadlines or procedures to facilitate frequency coordination between FSS operators and UMFUS licensees such as investigating whether automation of the coordination and interference analysis processes can be implemented to replace the current part 101 manual coordination framework, could reduce burdens for small and other entities.

2. Replacing the § 25.136 Criteria; Light Licensing

63. The Commission's consideration of whether to replace § 25.136 and its requirements could result in a new body of rules, including but not limited to technical criteria requirements governing the deployment and coordination between terrestrial and earth station licensees. In the *NPRM,* we discuss and seek comment on approaches in two areas toward that end: Automated Interference Analysis and Dynamic Spectrum Sharing. The Automated Interference Analysis/Light Licensing model proposes a model where the Commission or one or more third parties would oversee UMFUS–FSS coordination and a shift to a licensing model that requires earth station and terrestrial licensees to use a registration database where links are registered under their licenses. The coordinator's role would be two-fold by also including review of compliance with any § 25.136 requirements that continue to apply. Such a framework would reduce the economic impact of current earth station pre-coordination and licensing requirements in bands above 24 GHz for small and other entities. Dynamic Spectrum Sharing would allow uncoordinated earth stations with sensing capabilities to operate in certain upper millimeter wave bands resulting in the removal of existing coordination requirements applicable to the bands where allowed.

64. While we note that the economic impact and reporting, recordkeeping and other compliance obligations could be reduced for small and other entities by some of the proposals and matters which the Commission seeks comment on in this proceeding, the diversity and variability of the proposals and inquiries make it impractical to conduct a realistic cost estimate and/or economic analysis at this time. The Commission is not aware of any costs that would be imposed on small entities and does not anticipate that it will be necessary for small entities to hire professionals if the proposals discussed in the *NPRM* are adopted. However, to help the Commission more fully evaluate the cost of compliance we request comment on the cost implications of the proposals and alternatives discussed in the *NPRM* as

well as on any alternative approaches that are submitted by commenters. We expect the information we received in comments including cost analysis data, to help the Commission further identify and evaluate relevant matters for small entities, including compliance costs and other burdens that may result from the proposals and inquiries in the *NPRM.*

E. Discussion of Significant Alternatives Considered That Minimize the Significant Economic Impact on Small Entities

65. The RFA directs agencies to provide a description of any significant alternatives to the proposed rules that would accomplish the stated objectives of applicable statutes, and minimize any significant economic impact on small entities. The discussion is required to include alternatives such as: ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.''

66. The Commission's evaluation of revisions to § 25.136 considers and seeks comment on several options for collocation which could minimize the economic impact for small entities. As we describe in section D above, we consider expanding the definition of collocation in a manner which could result in the elimination of the complex technical showings currently required under § 25.136. We also consider increasing or removing the three per county limitation on earth station collocations. More specifically, we inquire whether to raise the limitation to ten per county, or to modify the per county cap to a structure where the cap has a designated increase at a specific time interval such as increasing the limitation by ten every one, two, or five years. Additionally, we inquire about an approach where the number of permissible earth stations would vary by county, or be tied to characteristics of a county, such as geographic area, total population, or population density. These options would allow for an increase in earth stations by small and other entities while decreasing the frequency and burdens of any showings required for collocation. Alternatively, we consider the efficacy of continuing to have a numerical cap on the number of earth stations per county noting the potential harm to innovation and the efficient deployment of infrastructure by caps because once a cap is reached the opportunity for small and other entities to collocate an earth station is foreclosed. Similarly for the 28 GHz band, we consider whether the limit of 15 earth stations per PEA should be increased or eliminated. If the Commission maintains numerical cap limitations we consider and seek comment on a fair and equitable approach to determining how applicants get the opportunity to collocate.

67. We also explore the usefulness of the first-in-time, first-come first-served approach of obtaining a license within a county that the Commission adopted in 2016. The approaches we consider retain the first-come, first-served approach while seeking to mitigate or eradicate the showings that have posed earth station licensing challenges. For example, we seek comment on options to alleviate challenges like the processing delays resulting from this approach such as allowing small and other applicants to apply for a nationwide, non-site license, with the ability to register individual sites upon successful coordination with UMFUS and FSS operations through a third party database, like Comsearch. We also inquire and seek comment on how a revised first-come, first-served approach could be coupled with a cap. Should a cap be retained, the *NPRM* considers market-based alternatives for allocating earth stations such as auctioning initial opportunities to construct and operate earth stations in geographic areas (slots) or maintaining the Commission's current approach to initial earth station allocation. A slot would be attached to each earth station license and allow permittees (who may or may not also be the licensee) to exchange these slots over time. This approach could increase opportunities by effectively creating or allowing a secondary market for slots, and we seek comment on the impact of such proposals on small entities. Another alternative the Commission considers in *NPRM* as discussed above in section D, is whether and how coordination and interference analysis processes can be automated which would benefit small entities. Lastly, in the *NPRM* and in section D of the IRFA, we discuss whether the § 25.136 criteria is still needed exploring a coordination and license registration model, and allowing the operation of uncoordinated earth stations. These approaches could lessen the burdens of the existing earth station coordination and licensing requirements in frequency bands above 24 GHz for small and other entities.

68. Based comments the Commission receives in response to the *NPRM,* we expect to more fully consider the alternatives raised in the *NPRM* as well as any alternatives raised by commenters, and the economic impact for small entities. The Commission's evaluation of the comments filed in this proceeding will shape the final alternatives it considers, the final conclusions it reaches, and any final actions it ultimately takes in this proceeding to minimize any significant economic impact that may occur on small entities.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

69. None.

V. Ordering Clauses

70. *It is ordered* that, pursuant to sections 4, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 303, 307, that the *NPRM is adopted.*

71. *It is further ordered* that the Commission's Office of the Secretary, *shall send* a copy of the *NPRM,* including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2025–21805 Filed 12–2–25; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 22–2, GN Docket No. 25–133; FCC 25–74; FR ID 319500]

Empowering Broadband Consumers Through Transparency; Delete, Delete, Delete

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission seeks comment on several changes to the broadband label rules. Specifically, the Commission proposes to eliminate requirements that providers: (1) read the label to consumers over the phone; (2) itemize state and local passthrough fees that vary by location; (3) provide information about the now-concluded Affordable Connectivity Program (ACP); (4) display labels in customer account portals; (5) make labels available in machine readable format; and (6) archive labels for at least two years after

a service is no longer offered to new customers. The Commission also seeks comment on streamlining and eliminating any other label requirement, such as the multilingual display requirement, that may be unduly burdensome and costly. The Commission also proposes to end our inquiry into new requirements that would take the labels out of alignment with the authorizing statute.

DATES: Comments are due on or before January 2, 2026 and reply comments are due on or before February 2, 2026.

ADDRESSES: You may submit comments, identified by CG Docket No. 22–2 and GN Docket No. 25–133, by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *http://apps.fcc.gov/ecfs/*.
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.
- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial courier deliveries (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.
- *People with Disabilities.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

FOR FURTHER INFORMATION CONTACT: Michelle Branigan of the Consumer Policy Division, Consumer and Governmental Affairs Bureau, at *michelle.branigan@fcc.gov,* 202–418–1345.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Further Notice of Proposed Rulemaking (Second NPRM), in CG Docket No. 22–2 and GN Docket No. 25–133; FCC 25–74, adopted on October 28, 2025 and released on November 3, 2025. The full text of document FCC 25–74 is available online at *https://www.fcc.gov/document/fcc-proposes-simplify-broadband-labels-consumers.* To request this document in accessible formats for people with disabilities (*e.g.,* Braille, large print, electronic files, audio format) or to request reasonable accommodations (*e.g.,* accessible format documents, sign language interpreters, CART), send an email to *fcc504@fcc.gov* or call the FCC's Consumer and Governmental Affairs Bureau at 202–418–0530 (voice).

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

Paperwork Reduction Act of 1995: This document may contain proposed new and revised information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements described in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

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

Ex Parte Rules: The proceeding the Second FNPRM initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written ex parte presentations and must be filed consistent with § 1.1206(b) of the Commission's rules. In proceedings governed by § 1.49(f) of the Commission's rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must, when feasible, be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Synopsis

1. In this document, the Commission seeks comment on proposals to eliminate certain broadband label requirements that may impose unnecessary costs and burdens on providers without improving the utility of the broadband label for consumers. Specifically, the Commission proposes to eliminate requirements that providers: (1) read the label to consumers over the phone; (2) itemize state and local passthrough fees that vary by location; (3) provide information about the now-concluded Affordable Connectivity Program (ACP); (4) display labels in customer account

portals; (5) make labels available in machine readable format; and (6) archive labels for at least two years after a service is no longer offered to new customers. We also seek comment on streamlining and eliminating any other label requirement, such as the multilingual display requirement, that may be unduly burdensome and costly. We also propose to end our inquiry into new requirements that would take the labels out of alignment with the authorizing statute.

2. The Commission believes that these proposals are consistent with Congress's intent in the Infrastructure Investment and Jobs Act, Public Law 117–58, 135 Stat. 429, section 60504(a) (2021) (Infrastructure Act), when it directed the Commission to ''require the display of broadband consumer labels.'' The remaining broadband label requirements fulfill the Infrastructure Act's goals of preserving consumer access to clear, easy-to-understand, and accurate information about the cost for broadband services, empowering consumers to choose services that best meet their needs and match their budgets, and ensuring that they are informed about a service plan's offerings.

3. The Commission's experience with the broadband labels since their rollout suggests that there is room to refine the requirements to better align with Congressional intent in the Infrastructure Act and reduce compliance burden while retaining their value for consumers. The proposals in the document also reflect industry and consumer feedback based on experience with the labels and several comments submitted in response to the *Delete, Delete, Delete* Public Notice.

4. *Alternate Sales Channels.* The Commission proposes to remove the requirement that providers read labels to customers that shop for broadband service by phone. The rules define ''point of sale'' to include websites and any other channel through which the service is sold, including retail locations and over the phone. The Commission believes that, because the label is fundamentally a visual medium of conveying broadband service information, its format does not easily lend itself to presentation in a telephone conversation. The document proposes to exclude telephone calls from the definition of ''point of sale.'' The Commission seeks comment on this proposal. Is it correct that the requirement is burdensome and does not help consumers? Does the proposal to exclude telephone calls from ''point of sale'' resolve the problem, without creating additional concerns? Are there other alternate sales channels that also should be excluded from the definition of ''point of sale''? For example, should the Commission limit ''point of sale'' to the provider's website and retail locations? Would the proposal to remove the requirement that providers offer the labels over the phone lessen the burden on providers and reduce potential confusion for consumers? Section 8.1(a)(1) of Commission rules state that ''The label must be prominently displayed, publicly available, and easily accessible to consumers, including consumers with disabilities. . . .'' If the proposal is adopted, how can the Commission ensure providers comply with this disability-access requirement?

5. *Itemized Recurring Fees that Vary by Location.* The Commission proposes to eliminate the requirement that providers itemize discretionary, recurring monthly fees that represent fees related to government programs that they choose to pass through to consumers if the fees vary by consumer location. Fees that vary by location may require providers to produce multiple, and potentially multiple labels for identical services. The Commission seeks comment on whether providers should instead display on the label the aggregate amount of such fees. If the Commission adopts this proposal and allows providers to aggregate the fees, *i.e.,* display all such fees on a single line, should we require that the amount associated with the line be the actual, precise amount of those fees? Should the Commission instead require only that it state the maximum (or ''up to'') amount consumers would incur? What other factors should the Commission consider? Would this proposal incentivize providers to market broadband services differently, and, if so, how?

6. *Affordable Connectivity Plan.* The Commission proposes to permanently eliminate the requirement that providers include ACP information in the broadband label because that program is no longer funded by Congress and ended on June 1, 2024. The label's purpose is to provide clear, easy-to-understand, and accurate information about broadband services, and including information about a program that no longer exists would be confusing. The Commission seeks comment on this proposal.

7. *Customer Account Portal.* The Commission proposes to eliminate the requirement that providers display the broadband label in customers' account portals. As data and prices change, the original label could become outdated and no longer useful. The Commission states that such a requirement is not mandated by the Infrastructure Act. The Commission seeks comment on this proposal. Is it correct that displaying the label in customers' account portals may create confusion over time? Does the display of labels in customers' account portals promote transparency for consumers and is it their primary way of referencing the characteristics and terms of their service? Are there other ways that providers ensure that customers have access to the information in the broadband label?

8. *Machine Readability.* The Commission proposes to eliminate the requirement that providers display label information included in the label available to the public in a machine-readable format and seeks comment on this proposal. This includes the related requirement to provide the information in any label separately in a spreadsheet file format on provider websites via a dedicated uniform resource locator (URL) that contains all of their labels. This requirement was not addressed in the Infrastructure Act. The Commission is unconvinced that the machine-readability requirement is a necessary component for transparency. Machine readability might facilitate research or comparisons across many providers' plans by third parties, but appears only indirectly related to making the providers' labels helpful to consumers who are shopping for broadband service. Is there evidence the requirement has benefited consumers or will benefit consumers in the future? Are there third-party shopping comparison tools for broadband internet access services that use the machine-readable spreadsheets?

9. *Archiving.* The Commission proposes to eliminate the requirement that providers archive all labels for no less than two years after a service plan is no longer available to new customers and has been removed from the provider's website or alternate sales channels. Congress did not expressly require that the FCC impose an archive requirement in the Infrastructure Act. The Commission seeks comment on whether the requirement represents a burden to providers. Is there any value to the archive for consumers when the covered services are no longer offered or available? Should the FCC retain a central repository of these labels to aid enforcement?

10. *Removing the Template from the CFR.* The Commission seeks comment on removing the label template from the Code of Federal Regulations (CFR) and instead providing a link to a template on the Commission's website. Doing so would allow the Commission to more

easily update the visual layout and other formatting elements of the template. Would the Commission need to specify in its rules that providers must include information in the label about monthly price, additional charges and terms, discounts and bundles, speeds, data, network management, privacy, and customer support? The Commission also seeks comment on any other effects of its proposal to remove the template from the CFR.

11. *Updating the Template.* The template in the CFR currently refers to ''*fcc.gov/consumer,*'' which does not lead consumers directly to information about the broadband labels. The Commission propose to replace the ''*fcc.gov/consumer*'' reference in the template with ''*fcc.gov/broadbandlabels*'' so that consumers are brought directly to broadband label information. The FCC seeks comment on this proposal.

12. As the implementation deadlines discussed in 47 CFR 8.1(a)(7) have already passed, the Commission proposes to remove that rule section, and seeks comment on this removal.

13. In the *First Further Notice,* the Commission proposed and sought comment on a number of additional label requirements. For example, the Commission sought comment on whether it should specify accessibility standards, require display of labels in non-English languages beyond those providers use for marketing, require the labels for bundled services, require display of performance using measures other than those that are ''typical,'' and whether labels should be interactive. The Commission intends to close its inquiry into those proposals, and thus seeks comment on whether these proposals benefit consumers, whether the benefits outweigh the costs of implementation, and whether they risk potentially confusing consumers.

14. The Commission also seeks comment on implementation issues, such as the appropriate timeline for providers to implement changes to the labels.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2025–21807 Filed 12–2–25; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 90, No. 230
Wednesday, December 3, 2025

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Performance Review Board Membership

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice.

SUMMARY: Notice is given of the appointment of members to a performance review board for the Architectural and Transportation Barriers Compliance Board (Access Board).

FOR FURTHER INFORMATION CONTACT: Christopher Kuczynski, General Counsel, Access Board, 1331 F Street NW, Suite 1000, Washington, DC 20004–1111. Telephone (202) 272–0042.

SUPPLEMENTARY INFORMATION: Section 4314 (c) of Title 5, U.S.C., requires each agency to establish, in accordance with regulations, one or more Senior Executive Service (SES) performance review boards. The function of the boards is to review and evaluate the initial appraisal of senior executives' performance and make recommendations to the appointing authority relative to the performance of these executives. Because of its small size, the Access Board has appointed SES career members from other federal agencies to serve on its performance review board. The members of the performance review board for the Access Board are:

- Juli Huynh, Director of Policy, Office of the Secretary, U.S. Department of Transportation;
- Richard Nicholls, Senior Advisor to the Administrator/Chief of Staff, Administration for Community Living, U.S. Department of Health and Human Services;
- Jennifer Sheehy, Deputy Assistant Secretary, Office of Disability Employment Policy, U.S. Department of Labor.

Dated: December 1, 2025.

Christopher Kuczynski,

General Counsel.

[FR Doc. 2025–21836 Filed 12–2–25; 8:45 am]

BILLING CODE 8150–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Briefing of the Guam Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of public briefing.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Guam Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a virtual, public briefing via Zoom at 8:00 a.m. ChST on Tuesday, December 16, 2025 (5:00 p.m. ET on Monday, December 15, 2025). The purpose of this briefing is to hear testimony on the topic, *Overrepresentation of FAS Members in the Criminal Justice System on Guam.*

DATES: Tuesday, December 16, 2025, from 8:00 a.m.–9:30 a.m. ChST (Monday, December 15, 2025, from 5:00 p.m.–6:30 p.m. ET).

ADDRESSES: The meeting will be held via Zoom Webinar.

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_H46NRMBHSkivqM6Q42eWWg.

Join by Phone (Audio Only): (833) 435–1820 USA Toll Free; Meeting ID: 160 773 9957.

FOR FURTHER INFORMATION CONTACT: Kayla Fajota, DFO, at *kfajota@usccr.gov* or (434) 515–2395.

SUPPLEMENTARY INFORMATION: This committee meeting is available to the public through the registration link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any charges incurred. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email Liliana Schiller, Support Services Specialist, at *lschiller@usccr.gov* at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received within 30 days following the meeting. Written comments may be emailed to Kayla Fajota at *kfajota@usccr.gov.* Persons who desire additional information may contact the Regional Programs Coordination Unit at (434) 515–2395.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit, as they become available, both before and after the meeting. Records of the meeting will be available via the file sharing website: *www.box.com,* as well as at: *www.facadatabase.gov* (under the Commission on Civil Rights and selecting the Advisory Committee of interest). Persons interested in the work of this Committee are directed to the Commission's website, *www.usccr.gov,* or may contact the Regional Programs Coordination Unit at the above phone number.

Dated: December 1, 2025.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2025–21842 Filed 12–2–25; 8:45 am]

BILLING CODE 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; Monthly Retail Surveys

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 August 5, 2025 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: U.S. Census Bureau, Commerce.

Title: Monthly Retail Surveys.

OMB Control Number: 0607–0717.

Form Number(s): SM–4417S, SM–4417SE, SM–4417SS, SM–4417B, SM–4417BE, SM–4417BS, SM–7217S, SM–2017I, SM–4417A, SM–4417AE, SM–4417AS, SM–7217A.

Type of Request: Regular submission, Request for an Extension, without Change, of a Currently Approved Collection.

Number of Respondents: 13,000.

Average Hours per Response: 7 minutes.

Burden Hours: 18,200.

Needs and Uses: The U.S. Census Bureau requests an extension of the Monthly Retail Surveys (MRS). The MRS is comprised of two surveys known as the Monthly Retail Trade Survey (MRTS) and the Advance Monthly Retail Trade Survey (MARTS). MRS are administered monthly to a sample of employer firms (*i.e.,* businesses with paid employees) with establishments located in the United States and classified in retail trade and/or food services sectors as defined by the North American Industry Classification System (NAICS).

The MRTS provides estimates of monthly retail sales, end-of-month merchandise inventories, and quarterly e-commerce sales of retailers in the United States. In addition, the survey also provides an estimate of monthly sales at food service establishments and drinking places.

The MARTS, a subsample of MRTS, began in 1953 as a monthly survey for activity taking place during the previous month. The MARTS was developed in response to requests by government, business, and other users to provide an early indication of current retail trade activity in the United States. Retail sales are one of the primary measures of consumer demand for both durable and non-durable goods. The MARTS also provides an estimate of monthly sales at food service establishments and drinking places.

The estimates produced in the MRS are critical to the accurate measurement of total economic activity.

Frequency: Monthly.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C., Sections 131 and 182.

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 0607–0717.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2025–21844 Filed 12–2–25; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Information Security and Privacy Advisory Board

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: National Institute of Standards and Technology (NIST)'s Information Security and Privacy Advisory Board (ISPAB) will hold an open meeting on Wednesday, January 21, 2026, from 10:00 a.m. until 4:30 p.m., Eastern Time and Thursday, January 22, 2026, from 10:00 a.m. until 4:30 p.m., Eastern Time.

DATES: The ISPAB will meet on Wednesday, January 21, 2026, from 10:00 a.m. until 4:30 p.m., Eastern Time and Thursday, January 22, 2026, from 10:00 a.m. until 4:30 p.m., Eastern Time.

ADDRESSES: The meeting will be held at the National Cybersecurity Center of Excellence, 9700 Great Seneca Highway, Rockville, Maryland 20850 with an option to join virtually. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Jeff Brewer, ISPAB Designated Federal Official, National Institute of Standards and Technology, Telephone (301) 975–2489. Mr. Brewer's email address is *jeffrey.brewer@nist.gov.*

SUPPLEMENTARY INFORMATION:

Authority: The ISPAB was established to function solely as an advisory body, in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. 1001 *et seq.* The Board reports to the Director of NIST and reports its findings annually to the Secretary of Commerce, the Secretary of Homeland Security, the Director of the Office of Management and Budget, the Director of the National Security Agency, and appropriate committees of Congress. The Board is authorized under 15 U.S.C. 278g–4 and tasked with identifying emerging managerial, technical, administrative, and physical safeguard issues relative to information security and privacy.

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. 1001 *et seq.,* notice is hereby given that the ISPAB will hold an open meeting Wednesday, January 21, 2026, from 10:00 a.m. until 4:30 p.m., Eastern Time and Thursday, January 22, 2026, from 10:00 a.m. until 4:30 p.m., Eastern Time and will be open to the public. The primary purpose of this meeting is to discuss and deliberate potential recommendations. The agenda may change to accommodate ISPAB business. The final agenda will be posted on the NIST website at *https://csrc.nist.gov/Events/2026/ispab-january-2026-meeting,* and is expected to include the following items:

—Board Introductions and Member Activities,
—Discussion on NIST's Secure Software Development Framework (SSDF),
—Discussion on Agentic Artificial Intelligence (AI) Security,
—Update on NIST's National Vulnerability Database (NVD) by a member of NIST's NVD Team,
—Update from NIST's Computer Security Division (CSD) Activities by CSD's Division Chief,
—Update from NIST's Applied Security Division (ACD) Activities by ACD's Division Chief,
—Public comments,
—Board Discussions and Recommendations.

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Board's business are invited to request a place on the agenda. Approximately

thirty minutes will be reserved for public comments and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received but is likely to be about five minutes each. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to participate are invited to submit written statements by email to *jeffrey.brewer@nist.gov.*

All in-person attendees, including NIST staff, are required to pre-register to be admitted. Please register via the ISPAB website at *https://csrc.nist.gov/Events/2026/ispab-january-2026-meeting* by 5:00 p.m. Eastern Time, January 14, 2026. There is no deadline to register for the virtual only option. For attending in person, please note that federal agencies, including NIST, can only accept a state-issued driver's license or identification card for access to federal facilities if such license or identification card is issued by a state that is compliant with the REAL ID Act of 2005 (Pub. L. 109–13), or by a state that has an extension for REAL ID compliance. NIST currently accepts other forms of federal-issued identification in lieu of a state-issued driver's license. Non-U.S. citizens must submit additional information. For detailed information please visit: *http://nist.gov/public_affairs/visitor/.*

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2025–21825 Filed 12–2–25; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Alaska Chinook Salmon Economic Data Report (EDR)

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: National Oceanic and Atmospheric Administration, Commerce.

Title: Alaska Chinook Salmon Economic Data Report (EDR).

OMB Control Number: 0648–0633.

Form Number(s): None.

Type of Request: Regular submission. Extension of a current information collection.

Number of Respondents: 151.

Average Hours per Response: Compensated Transfer Report: 40 hours; Vessel Fuel Survey: 4 hours; Vessel Master Survey: 4 hours.

Total Annual Burden Hours: 640.

Needs and Uses: The National Marine Fisheries Service (NMFS), Alaska Regional Office, is requesting renewal of the currently approved information collection for the Chinook Salmon Economic Data Report (EDR) Program.

National Marine Fisheries Service (NMFS) manages the Bering Sea pollock fishery under the American Fisheries Act (AFA) (16 U.S.C. 1851). AFA fishing vessels harvest pollock in the Bering Sea pollock fishery using pelagic trawl gear, which consists of large nets towed through the water by the vessel. At times, Chinook salmon and pollock occur in the same locations in the Bering Sea; consequently, Chinook salmon are incidentally caught in the nets as pollock is harvested. This incidental catch is called bycatch and is also called prohibited species catch (PSC).

The Chinook Salmon EDR Program provides NMFS and the North Pacific Fishery Management Council (Council) with data to evaluate the effectiveness of Chinook salmon bycatch management measures for the Bering Sea pollock fishery that were implemented under Amendment 91 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (75 FR 53026, August 30, 2010). The Chinook Salmon EDR requirements were revised in 2023 to remove third party data verification audits and blind formatting of EDR data (88 FR 7586). The Chinook Salmon EDR Program provides information to the analysts and the Council and is intended to evaluate the effectiveness of the Chinook Salmon Incentive Plan Agreement (IPA) (see OMB Control No. 0648–0401). The Chinook Salmon EDR Program is intended to evaluate where, when, and how pollock fishing and salmon bycatch occur and to provide data to study and verify conclusions drawn by industry in the IPA annual reports.

The Chinook Salmon EDR Program is managed primarily by the Alaska Fisheries Science Center, with support from NMFS Alaska Region, and is administered in collaboration with Pacific States Marine Fisheries Commission. The EDR is a mandatory reporting requirement under 50 CFR 679.65 for all entities participating in the AFA Bering Sea (BS) pollock trawl fishery, including vessel masters and businesses that own or lease one or more AFA-permitted vessels active in fishing or processing BS pollock, Western Alaska Community Development Quota groups receiving allocations of BS pollock, and representatives of sector entities receiving allocations of Chinook salmon PSC from NMFS.

The Chinook Salmon EDR Program consists of three separate forms:

- Chinook PSC Allocation In-season Compensated Transfer Report—Collects transfer and monetary compensation information for Chinook salmon PSC allocations.
- Vessel Fuel Survey—Collects fuel consumption and average fuel costs.
- Vessel Master Survey—Collects vessel master impressions of fishing experiences during the year and of Chinook salmon PSC avoidance efforts.

These collections are unchanged since the previous revision in 2023.

Affected Public: Business or other for-profit organizations.

Frequency: Annually.

Respondent's Obligation: Mandatory.

Legal Authority: The EDR is a mandatory reporting requirement under 50 CFR 679.65. Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* American Fisheries Act, 16 U.S.C. 1851.

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 0648–0633.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2025–21781 Filed 12–2–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF030]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Washington Department of Transportation Mukilteo Wingwalls Repair Project in Puget Sound, Washington

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

ACTION: Notice; issuance of incidental harassment authorization.

SUMMARY: In accordance with regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to Washington Department of Transportation (WSDOT) for authorization to take marine mammals incidental to the Mukilteo Wingwalls Repair Project in Puget Sound, Washington.

DATES: This authorization is effective for 1 year from the date of notification by the IHA holder, not to exceed 1 year from the date of issuance (November 21, 2025).

ADDRESSES: Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, can be obtained online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.* If you encounter any issues accessing these documents, please contact the person listed below.

FOR FURTHER INFORMATION CONTACT: Kate Fleming, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

MMPA Background and Determinations

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Among the exceptions is section 101(a)(5)(D) of the MMPA (16 U.S.C. 1361 *et seq.*) which directs the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking by harassment of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and the public has an opportunity to comment on the proposed IHA.

Specifically, NMFS will issue an IHA if it determines that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where applicable). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least [practicable] adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as ''mitigation''). NMFS must also prescribe requirements pertaining to the monitoring and reporting of such takings. The definitions of key terms, such as ''take,'' ''harassment,'' and ''negligible impact,'' can be found in the MMPA and the NMFS' implementing regulations (see 16 U.S.C. 1362; 50 CFR 216.103).

On July 16, 2025, a notice of NMFS' proposal to issue an IHA to WSDOT for take of marine mammals incidental to Mukilteo Wingwalls Repair Project in Puget Sound, WA was published in the **Federal Register** (90 FR 31965). In that notice, NMFS indicated the estimated numbers, type, and methods of incidental take proposed for each species or stock, as well as the mitigation, monitoring, and reporting measures that would be required should the IHA be issued. The **Federal Register** notice also included analysis to support NMFS' preliminary conclusions and determinations that the IHA, if issued, would satisfy the requirements of section 101(a)(5)(D) of the MMPA for issuance of the IHA. The **Federal Register** notice included web links to a draft IHA for review, as well as other supporting documents.

No substantive comments were received during the public comment period. There are no changes to the specified activity, the species taken, the proposed numbers, type, or methods of take, or the mitigation, monitoring, or reporting measures in the proposed IHA notice. No new information has become available that would substantively change any of the preliminary analyses, conclusions, or determinations in the proposed IHA notice. Therefore, the preliminary analyses, conclusions, and determinations included in the proposed IHA are considered final.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of the IHAs qualifies to be categorically excluded from further NEPA review.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensures that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is proposed for authorization or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

Authorization

Accordingly, consistent with the requirements of section 101(a)(5)(D) of the MMPA, NMFS has issued an IHA to WSDOT for authorization to take marine mammals incidental to Mukilteo Wingwalls Repair Project in Puget Sound, WA.

Dated: December 1, 2025.

Kimberly Damon-Randall,

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

[FR Doc. 2025–21832 Filed 12–2–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–79]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6233, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–79, 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 23, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-79, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of India for defense articles and services estimated to cost $52.8 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. 24–79

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of India

(ii) *Total Estimated Value:*

Major Defense Equipment* ..	$ 0
Other	$52.8 million
TOTAL	$52.8 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:

AN/SSQ–53G High Altitude Anti-Submarine Warfare (HAASW) sonobuoys; AN/SSQ–62F HAASW sonobuoys; AN/SSQ–36 sonobuoys; technical and publications and data documentation; United States (U.S.) Government and contractor engineering and technical support; and other related elements of logistics and program services and support.

(iv) *Military Department:* Navy (IN–P–ABW)

(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 23, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

India—Anti-Submarine Warfare Sonobuoys

The Government of India has requested to buy AN/SSQ–53G High Altitude Anti-Submarine Warfare (HAASW) sonobuoys; AN/SSQ–62F HAASW sonobuoys; AN/SSQ–36 sonobuoys; technical and publications and data documentation; U.S. Government and contractor engineering and technical support; and other related elements of logistics and program services and support. The estimated total cost is $52.8 million.

This proposed sale will support the foreign policy and national security objectives of the 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 enhancing its capacity to conduct anti-submarine warfare operations from its MH–60R helicopters. India 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(s) will be Sparton Corporation, located in De Leon Springs, FL, or Undersea Sensor Systems Inc. (USSI), located in Columbia City, IN, or a combination of both. 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 India.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24–79

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. Sonobuoys are air launched, expendable, electro-mechanical sensors designed to relay underwater sounds to remote processors. Sonobuoys are an effective and affordable anti-submarine warfare (ASW) capability for the airborne ASW warfighter.

2. The highest level of classification of defense articles, components, and services included in this potential sale is Controlled Unclassified Information.

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 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 have been authorized for release and export to the Government of India.

[FR Doc. 2025–21813 Filed 12–2–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF ENERGY

Removing Support for the National Definition of a Zero Emissions Building

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice.

SUMMARY: The Department of Energy is removing support for the National Definition of a Zero Emissions Building guidance document to comply with directions provided in various Executive orders.

FOR FURTHER INFORMATION CONTACT: Ms. Hayes Jones, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 256–9934. Email: *hayes.jones@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

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I. Background
II. Discussion
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I. Background

On June 4th, 2024, the U.S. Department of Energy (DOE) issued the National Definition of a Zero Emissions Building. The definition is not a regulatory standard and is not legally binding; it was intended to provide guidance and criteria that public and private entities might voluntarily choose to adopt to determine whether a building had zero greenhouse gas emissions from operational energy use. The goals that underly the National Definition of a Zero Emissions Building are not consistent with current Administration priorities, and, as a result, DOE no longer supports the definition. In addition, DOE discourages states, municipalities, and standards-setting organizations from using and referencing the definition. The definition is no longer on the DOE website and DOE will not provide any technical assistance related to the definition.

II. Discussion

As outlined in Executive Order 14154, ''Unleashing American Energy,'' agencies are required to, ''review all existing regulations, orders, guidance documents, policies, settlements,

consent orders, and any other agency actions (collectively, agency actions) to identify those agency actions that impose an undue burden on the identification, development, or use of domestic energy resources.'' 90 FR 8353. As part of that review, DOE has identified the National Definition of a Zero Emissions Building as a guidance document that does not align with Administration priorities.

The Request for Information (RFI) for the development of the National Definition of a Zero Emissions Building suggests that a key impetus for the development of the standard was the Biden-Harris Administration's goal of a, ''net-zero emissions, economy-wide, by 2050 and a 100% clean energy electricity sector by 2035.'' 89 FR 1086. These goals were detailed in the February 2021 Executive Order 14008, ''Tackling the Climate Crisis at Home and Abroad.'' 86 FR 7619. However, Executive Order 14008 was rescinded through President Trump's January 2025 Executive Order 14148, ''Initial Rescission of Harmful Executive Orders and Actions.'' 90 FR 8237. Thus, the goals outlined in Executive Order 14008 are no longer applicable and a guidance document that would support those goals, such as the National Definition of a Zero Emissions Building, is no longer needed.

The RFI also indicates that the definition would help advance the environmental justice goals outlined Executive Order 14096, ''Revitalizing Our Nation's Commitment to Environmental Justice for All.'' 88 FR 25251. However, this Executive order no longer applies as it was also rescinded through the Trump Administration's, Executive Order 14148 ''Initial Rescission of Harmful Executive Orders and Actions,'' which identified diversity, equity, and inclusion (DEI) as having corrupted institutions by ''replacing hard work, merit, and equality with a divisive and dangerous preferential hierarchy.'' 90 FR 8237. Thus, the goals outlined in Executive Order 14096 are no longer applicable and a guidance document that would support those goals, such as the National Definition of a Zero Emissions Building, is no longer needed.

Additionally, removing support for the National Definition of Zero Emission Building is consistent with the Secretarial Order on ''Unleashing the Golden Era of American Energy Dominance,'' which directs DOE actions in response to President Trump's Executive orders to unleash American Energy. The Secretarial Order is broadly unsupportive of net-zero policies under the belief that they ''raise energy costs for American families and businesses, threaten the reliability of our energy system, and undermine our energy and national security.'' [1] The Department recommends that state or local government agencies and standard-setting bodies stop referencing or otherwise citing the national definition.

III. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this notice.

Signing Authority

This document of the Department of Energy was signed on November 19, 2025, by Audrey Robertson, Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on December 1, 2025.

Jennifer Hartzell,

Alternate Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2025–21786 Filed 12–2–25; 8:45 am]

BILLING CODE 6450–01–P

[1] Secretary Wright Acts to ''Unleash Golden Era of American Energy Dominance'' Department of Energy, *https://www.energy.gov/articles/secretary-wright-acts-unleash-golden-era-american-energy-dominance.*

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Notice of request for comments.

SUMMARY: The Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years an information collection request with the Office of Management and Budget (OMB).

DATES: Comments regarding this proposed information collection must be received on or before February 2, 2026. If you anticipate any difficulty in submitting comments within that period, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section as soon as possible.

ADDRESSES: Written comments may be sent to Yohanna Freeman, PRA Officer, Office of the Chief Information Officer, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585–1615, or by email at *DOEPRA@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Yohanna Freeman, PRA Officer, Office of the Chief Information Officer, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585; *DOEPRA@hq.doe.gov;* (202) 586–2255.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

This information collection request contains:

(1) *OMB No.:* 1910–5160;

(2) *Information Collection Request Title:* Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery;

(3) *Type of Request:* Extension;

(4) *Purpose:* The information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Department's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute

directly to the improvement of program management;

(5) *Annual Estimated Number of Respondents:* 200,000;

(6) *Annual Estimated Number of Total Responses:* 200,000;

(7) *Annual Estimated Number of Burden Hours:* 74,000;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $0.

Statutory Authority: Executive Order (E.O.) 13571, Streamlining Service Delivery and Improving Customer Service.

Signing Authority

This document of the Department of Energy was signed on November 13, 2025, by Dawn Zimmer, Acting Chief Information Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on December 1, 2025.

Jennifer Hartzell,

Alternate Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2025–21863 Filed 12–2–25; 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 electric rate filings:

Docket Numbers: ER26–110–000.

Applicants: Chugwater Wind, LLC.

Description: Amendment to 10/10/2025 Chugwater Wind, LLC tariff filing.

Filed Date: 11/25/25.

Accession Number: 20251125–5375.

Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: ER26–615–000.

Applicants: Atlas Solar Manager, LLC.

Description: § 205(d) Rate Filing: Normal filing SFA common 2025 update to be effective 11/28/2025.

Filed Date: 11/26/25.

Accession Number: 20251126–5377.

Comment Date: 5 p.m. ET 12/17/25.

Docket Numbers: ER26–616–000.

Applicants: Atlas Solar Manager, LLC.

Description: § 205(d) Rate Filing: Normal filing SFA substation 1 filing update to be effective 11/28/2025.

Filed Date: 11/26/25.

Accession Number: 20251126–5386.

Comment Date: 5 p.m. ET 12/17/25.

Docket Numbers: ER26–617–000.

Applicants: New England Power Pool Participants Committee.

Description: § 205(d) Rate Filing: Dec 2025 Membership Filing to be effective 12/1/2025.

Filed Date: 11/26/25.

Accession Number: 20251126–5392.

Comment Date: 5 p.m. ET 12/17/25.

Docket Numbers: ER26–618–000.

Applicants: Atlas Solar Manager, LLC.

Description: § 205(d) Rate Filing: Normal filing Co-Tenancy Agreement update 2025—final to be effective 11/28/2025.

Filed Date: 11/28/25.

Accession Number: 20251128–5062.

Comment Date: 5 p.m. ET 12/19/25.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES26–17–000.

Applicants: ITC Midwest LLC.

Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of ITC Midwest.

Filed Date: 11/25/25.

Accession Number: 20251125–5370.

Comment Date: 5 p.m. ET 12/16/25.

Docket Numbers: ES26–18–000.

Applicants: Great Basin Transmission, LLC.

Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Great Basin Transmission, LLC.

Filed Date: 11/24/25.

Accession Number: 20251124–5500.

Comment Date: 5 p.m. ET 12/15/25.

Docket Numbers: ES26–19–000.

Applicants: ALLETE, Inc.

Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of ALLETE, Inc.

Filed Date: 11/25/25.

Accession Number: 20251125–5372.

Comment Date: 5 p.m. ET 12/16/25.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: November 28, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–21796 Filed 12–2–25; 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: RP26–242–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Annual Fuel and L&U Filing 2026 to be effective 1/1/2026.

Filed Date: 11/26/25.

Accession Number: 20251126–5255.

Comment Date: 5 p.m. ET 12/8/25.

Docket Numbers: RP26–243–000.

Applicants: TransColorado Gas Transmission Company LLC.

Description: § 4(d) Rate Filing: TC Quarterly FL&U Update Nov. 2025 to be effective 1/1/2026.

Filed Date: 11/26/25.

Accession Number: 20251126–5266.

Comment Date: 5 p.m. ET 12/8/25.

Docket Numbers: RP26–244–000.

Applicants: Mojave Pipeline Company, L.L.C.

Description: § 4(d) Rate Filing: Annual Fuel and L&U Filing 2026 to be effective 1/1/2026.

Filed Date: 11/26/25.

Accession Number: 20251126–5273.

Comment Date: 5 p.m. ET 12/8/25.

Docket Numbers: RP26–245–000.

Applicants: Gillis Hub Pipeline, LLC.

Description: § 4(d) Rate Filing: Gillis Hub Pipeline Housekeeping Revisions to be effective 1/1/2026.

Filed Date: 11/26/25.

Accession Number: 20251126–5330.

Comment Date: 5 p.m. ET 12/8/25.

Docket Numbers: RP26–246–000.

Applicants: Gillis Hub Pipeline, LLC.

Description: § 4(d) Rate Filing: Filing of Negotiated Rate Agreements to be effective 12/1/2025.

Filed Date: 11/26/25.

Accession Number: 20251126–5400.

Comment Date: 5 p.m. ET 12/8/25.

Docket Numbers: RP26–247–000.

Applicants: Cameron Interstate Pipeline, LLC.

Description: § 4(d) Rate Filing: Cameron Interstate Pipeline Fuel Retainage Percentage to be effective 1/1/2026.

Filed Date: 11/26/25.

Accession Number: 20251126–5426.

Comment Date: 5 p.m. ET 12/8/25.

Docket Numbers: RP26–248–000.

Applicants: Alliance Pipeline L.P.

Description: § 4(d) Rate Filing: Negotiated Rates—Releases 12–01–2025 to be effective 12/1/2025.

Filed Date: 11/28/25.

Accession Number: 20251128–5060.

Comment Date: 5 p.m. ET 12/10/25.

Docket Numbers: RP26–249–000.

Applicants: Potomac Energy Center, LLC, Mattawoman Energy, LLC.

Description: Joint Petition for Limited Waiver of Capacity Release Regulations, et al. of Mattawoman Energy, LLC, et al.

Filed Date: 11/26/25.

Accession Number: 20251126–5444.

Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: RP26–250–000.

Applicants: Northern Natural Gas Company.

Description: § 4(d) Rate Filing: 20251128 Negotiated Rate to be effective 12/1/2025.

Filed Date: 11/28/25.

Accession Number: 20251128–5076.

Comment Date: 5 p.m. ET 12/10/25.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: November 28, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–21797 Filed 12–2–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–26–000]

Florida Gas Transmission Company, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on November 17, 2025, Florida Gas Transmission Company, LLC (FGT), 1300 Main St., Houston, Texas 77002, filed in the above referenced docket, a prior notice request pursuant to sections 157.205, 157.208, 157.210, and 157.211 of the Commission's regulations under the Natural Gas Act (NGA), and FGT's blanket certificate issued in Docket No. CP82–553–000, for authorization to: (1) reallocate 25,000 million British thermal units per day (MMBtu/d) of existing natural gas transportation service; (2) increase certificated mainline capacity; and (3) construct, install, own, and maintain certain mainline, lateral, and delivery facilities and appurtenances. All of the above facilities are located in Greene County, Mississippi, Mobile and Escambia Counties, Alabama, and Santa Rosa County, Florida (South Central Alabama Project). The project will allow FGT to meet the demand for up to an additional 170,000 MMBtu/d of firm transportation service for delivery in FGT's Western Division in the South Central Alabama natural gas market. The estimated cost for the project is $67,500,000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

Any questions concerning this request should be directed to Iain Russell, Senior Manager of Certificates, Florida Gas Transmission Company, LLC, 1300 Main St., Houston, Texas 77002, by phone at (713) 989–2615, or by email at *iain.russell@energytransfer.com.*

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is *5:00 p.m. Eastern Time on January 27, 2026.* How to file protests, motions to intervene, and comments is explained below.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation (OPP) at (202) 502–6595 or *OPP@ferc.gov.*

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[1] any person [2] or the Commission's

[1] 18 CFR 157.205.

[2] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,[3] and must be submitted by the protest deadline, which is *5:00 p.m. Eastern Time on January 27, 2026.* A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [4] and the regulations under the NGA [5] by the intervention deadline for the project, which is *5:00 p.m. Eastern Time on January 27, 2026.* As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before *5:00 p.m. Eastern Time on January 27, 2026. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.*

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP26–26–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing''; or [6]

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP26–26–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other method: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail at: Iain Russell, Senior Manager of Certificates, Florida Gas Transmission Company, LLC, 1300 Main St., Houston, Texas 77002, or by email (with a link to the document) at *iain.russell@energytransfer.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502–6595 or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

(Authority: 18 CFR 2.1)

Dated: November 28, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–21799 Filed 12–2–25; 8:45 am]

BILLING CODE 6717–01–P

[3] 18 CFR 157.205(e).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

[6] Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2018–0438; FRL–11608–05–OCSPP]

Formaldehyde; Updated Draft Risk Calculation Memorandum; Notice of Availability and Request for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or ''the Agency'') is announcing the availability of and soliciting public comment on an Updated Draft Risk Calculation Memorandum (or ''Draft Memorandum'') to inform a Revised Draft Risk Evaluation for Formaldehyde Under the Toxic Substances Control Act (TSCA). The purpose of risk evaluations under TSCA is to determine whether a

chemical substance presents an unreasonable risk of injury to human health or the environment, without consideration of costs or non-risk factors, including unreasonable risk to potentially exposed or susceptible subpopulations identified as relevant to the risk evaluation by EPA, under the conditions of use (COUs). Consistent with statutory obligations and Executive Order 14303, Restoring Gold Standard Science, EPA remains committed to the highest standards of scientific integrity and reliance on the best available scientific information. To that end, and after further consideration of comments raised during the scientific peer review process, EPA is reconsidering the use of certain hazard values in the formaldehyde risk evaluation. This Notice, Draft Memorandum, and the materials included in the docket provide the science and science policy basis for determining how the revised draft inhalation point of departure (POD) impacts the corresponding draft margin of exposure (MOE) estimates and the risk determination for formaldehyde under TSCA. Although the Agency is also providing a revised draft occupational exposure value, EPA is not changing its position that formaldehyde poses unreasonable risk of injury to human health. As such, the Agency is continuing work on a proposed risk management rule for formaldehyde as required by TSCA to ensure statutory deadlines are met and necessary protections are not delayed. EPA is also seeking additional information, specific to how formaldehyde is manufactured and used, which may inform the risk management of formaldehyde. After public comment, the Agency will determine if the proposed revisions discussed in this action warrant updating the Risk Evaluation for Formaldehyde under TSCA.

DATES: Comments must be received on or before February 2, 2026.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2018–0438, online at *https://www.regulations.gov*. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets*.

FOR FURTHER INFORMATION CONTACT:

For technical information: Jeffery Putt, Existing Chemicals Risk Management Division (7404M), Office of Pollution Prevention and Toxics (OPPT), Office of Chemical Safety and Pollution Prevention (OCSPP), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–3703; email address: *formaldehydeTSCA@epa.gov*.

For general information: The TSCA Assistance Information Service Hotline, Goodwill Vision Enterprises, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (800) 471–7125 or (202) 554–1404; email address: *TSCA-Hotline@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action is directed to the public in general and may be of particular interest to those involved in the manufacture (defined under TSCA section 3(9) to include import), processing, distribution, use, and disposal of formaldehyde, related industry trade organizations, non-governmental organizations with an interest in human and environmental health, state and local governments, Tribal Nations, and/or those interested in the assessment of risks involving chemical substances and mixtures regulated under TSCA. As such, the Agency has not attempted to describe all of the specific entities to which this action might apply. If you need help determining applicability of this action, consult the technical contact listed under **FOR FURTHER INFORMATION CONTACT**.

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

The Agency prepared this Draft Memorandum under the Toxic Substances Control Act (TSCA) (section 6, 15 U.S.C. 2605), which requires that EPA conduct risk evaluations on chemical substances and identifies the minimum components the Agency must include in all existing chemical substance risk evaluations. Each risk evaluation must be conducted consistent with the best available science, be based on the weight of scientific evidence, and consider reasonably available information, pursuant to 15 U.S.C. 2625(h), (i), and (k). See also the implementing procedural regulations at 40 CFR part 702. Consistent with statutory obligations and Executive Order (E.O.) 14303 (Ref. 1), Restoring Gold Standard Science, EPA is committed to the highest standards of scientific integrity and reliance on the best available scientific information.

C. What action is the Agency taking?

EPA is announcing the availability of and soliciting public comment on the Draft Memorandum and supporting materials in the docket. The purpose of the Draft Memorandum, including this Notice and additional draft documents in the docket, is to provide the rationale for why the Agency is considering a revised acute inhalation POD, revised uncertainty factors, and corresponding revised MOE calculations. EPA continues to conclude that exposure to formaldehyde at sufficiently high exposures for sustained duration can lead to cancer in humans. Additionally, EPA followed the recommendations of federal advisory committees and has concluded that managing acute sensory irritation will be health-protective against other effects, including cancer. Therefore, given the use of a threshold approach, it is not necessary for the Agency to provide a separate quantitative cancer assessment. EPA is seeking comments on all aspects of the Draft Memorandum, including this approach.

D. What should I consider as I prepare my comments?

1. *Submitting CBI.* Do not submit Confidential Business Information to EPA through *https://www.regulations.gov* or email. If you wish to include CBI in your comment, please follow the applicable instructions at *https://www.epa.gov/dockets/commenting-epa-dockets#rules* and clearly mark the information that you claim to be CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR parts 2 and 703, as applicable.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets*.

II. Background

A. What is formaldehyde?

Formaldehyde is a colorless, flammable gas at room temperature and has a strong odor. Formaldehyde is found nearly everywhere. People and animals produce and release formaldehyde. Formaldehyde is also produced when organic material including leaves, plants, and woodchips decay. Formaldehyde is also produced and released into the air when things burn, such as when cars emit exhaust, when furnaces and stoves operate, through forest fires, burning candles,

and smoking. Finally, formaldehyde is used to make many products and articles such as composite wood products and other building materials, plastics, pesticides, paints, adhesives, and sealants. Industry uses formaldehyde due to its ability to combine and react with many other chemical substances and to make resilient structures that are widely used in manufacturing. Information from the 2016 Chemical Data Reporting for formaldehyde indicates that its production volume is between 1 billion and 5 billion pounds per year (manufacture and import) (Ref. 2).

Short-term inhalation exposure to high levels of formaldehyde can cause sensory irritation and respiratory effects. Short-term skin contact can cause sensitization. Exposure over longer periods can also cause respiratory effects and cancer. The complex toxicology and exposure profiles for formaldehyde make its evaluation challenging. The formaldehyde sources that EPA evaluated in the TSCA risk evaluation, and this Draft Memorandum, involve, in general, the production and use of products that are subject to TSCA (as opposed to products that are specifically excluded from TSCA under 15 U.S.C. 2602(2)(B), such as pesticides).

B. Regulatory History for the Formaldehyde Risk Evaluation

In December 2019, EPA designated formaldehyde as a high-priority substance for risk evaluation under TSCA (84 FR 71924) [FRL–10003–15] (Ref. 3). EPA's OCSPP evaluates risks from formaldehyde under both TSCA and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). A draft scope of the formaldehyde risk evaluation under TSCA was publicly released in April 2020 (85 FR 22733) [FRL–10008–05] (Ref. 4), and after receiving public comment, EPA issued the final scope of the formaldehyde risk evaluation in September 2020 (85 FR 55281) [FRL–10013–90] (Ref. 5). In March 2024, EPA released a draft risk evaluation (89 FR 18933) [FRL–11608–03–OCSPP] (Ref. 6) for public comment and external scientific peer review. In January 2025, EPA published a final risk evaluation for formaldehyde (90 FR 316) [FRL–11608–04] (Ref. 7). From January 2021 through January 2025, OCSPP leadership directed that OPPT and the Office of Pesticide Programs (OPP) rely upon and use the chronic non-cancer reference concentration (RfC) and cancer inhalation unit risk (IUR) that were being developed and were subsequently finalized by the Integrated Risk Information System (IRIS) program. Consistent with statutory obligations and E.O. 14303, Restoring Gold Standard Science, EPA is committed to the highest standards of scientific integrity and reliance on the best available scientific information. As such, OCSPP has re-evaluated the use of the IRIS chronic RfC and cancer IUR.

EPA leveraged work products and resources across the Agency in its development of the Risk Evaluation for Formaldehyde, including consideration of hazard information from EPA's IRIS Toxicological Review of Formaldehyde (Inhalation). A draft version of the IRIS toxicological review was published in April 2022 (Ref. 8) and finalized in August 2024 (Ref. 9). The draft IRIS document was also the subject of external peer review by the National Academies of Sciences, Engineering, and Medicine (NASEM) (Ref. 10).

In addition, EPA leveraged multiple federal advisory committees and their reports to support the external peer review of formaldehyde during the risk evaluation process, including NASEM (Ref. 10), the Human Studies Review Board (HSRB) (Ref. 11), and the Science Advisory Committee on Chemicals (SACC) (Ref. 12).

The formaldehyde risk evaluation includes a series of related assessments called technical support documents (TSDs). Each document contained sub-assessments that inform adjacent, ''downstream'' TSDs. These TSDs addressed comments from both public and peer review. The components of the Risk Evaluation for Formaldehyde, including (but not limited to) each TSD and responses to peer review and public comments, continue to be available in the docket for this Notice.

The Draft Memorandum is supported by information in the docket which includes this Notice, supporting materials such as risk calculators for workers, consumers, and the general population—all of which are available in the docket. The docket also includes redline versions of the Revised Draft Human Health Hazard Assessment, Revised Draft Human Health Risk Assessment, Revised Draft Executive Summary, and Revised Draft Unreasonable Risk Determination to show the impact of the revisions on the overall evaluation and its components, if the Draft Memorandum were finalized.

C. Science Policy Context

As EPA developed and finalized documents for the FIFRA formaldehyde risk assessment and TSCA risk evaluation from January 2021 through December 2024, as described above, the Agency used, where relevant, the chronic non-cancer RfC and cancer IUR value that were being developed and were subsequently established by EPA's IRIS program. The IRIS draft toxicological review for formaldehyde was released as draft in April 2022 (Ref. 8), reviewed by NASEM (*NASEM, 2023*) (Ref. 10), and subsequently finalized in August of 2024 (*U.S. EPA, 2024a*) (Ref. 9).

Consistent with EPA's Rule for the Protection of Human Subjects, the Agency solicited peer review on four acute inhalation human studies (*Mueller et al., 2013* (Ref. 13); *Lang et al., 2008* (Ref. 14); *Kulle et al., 1987* (Ref. 15); *Andersen and Mølhave, 1983* (Ref. 16)) along with the acute inhalation proposed PODs for formaldehyde and associated rationale from HSRB in October 2022 (Ref. 11), May 2023 (Ref. 17), and July 2023 (Ref. 18). HSRB agreed with EPA's assessment that the four human studies met appropriate scientific and ethical standards and were appropriate for the Agency to rely upon to support decision making. The HSRB also made multiple recommendations to EPA to improve the scientific analysis. Consistent with the findings of the NASEM (*2023*) (Ref. 10), HSRB was critical of observational studies, such as *Hanrahan et al.* (*1984*) (Ref. 19), which were used in the draft EPA IRIS toxicological review for the RfC and did not support using these studies to derive a quantitative POD. Instead, HSRB supported the use of the acute sensory irritation studies performed in the clinical setting for deriving or providing qualitative support for PODs. Included among the recommendations from the HSRB was a recommendation that ''EPA conduct a more coordinated approach [to peer review] with other entities (*e.g.,* NASEM, TSCA Science Advisory Committee on Chemicals (SACC)) . . .'' (p. 9 of HSRB July 2023 (Ref. 18)).

In March 2024, EPA released the Draft Risk Evaluation for Formaldehyde and the Draft Human Health Hazard Assessment for Formaldehyde (*U.S. EPA, 2024c*) (Ref. 20). The draft TSCA risk evaluation relied upon the chronic RfC and IUR values from the draft IRIS toxicological review because the draft IRIS assessment had not yet been finalized. EPA specifically solicited input from the SACC on the utility of the EPA IRIS RfC and IUR for use in the TSCA risk evaluation. In response to the HSRB and in accordance with the Procedures for Chemical Risk Evaluation Under the Toxic Substances Control Act (TSCA) (40 CFR part 702) requirement to conduct peer review on risk evaluations, OCSPP convened the SACC in May 2024 to evaluate aspects

of the hazard and exposure assessments for formaldehyde (Ref. 21). The SACC minutes and final report were released on August 2, 2024 (*U.S. EPA, 2024b*) (Ref. 12). As described in detail in the following sections, the SACC was critical of the IRIS RfC and IUR and largely advised against using these hazard values in the formaldehyde risk evaluation. Consistent with the direction from EPA leadership at the time, the 2024 TSCA risk evaluation continued to rely on these EPA IRIS values to assess risk from certain exposure scenarios (Ref. 7).

Given the critical scientific concerns on the scientific interpretations of MOA, dose response, and health outcome information in the EPA IRIS assessment (as raised by two federal advisory committees, HSRB and SACC), and to be consistent with E.O. 14303, OCSPP has revisited the use of the IRIS chronic RfC and cancer IUR values for purposes of the Agency's TSCA risk evaluation of formaldehyde. In addition, OCSPP developed the revised draft POD and uncertainty/extrapolation factor derived from the acute inhalation controlled human exposure studies. The following section describes the scientific rationale and weight of scientific evidence for the hazard identification in the Draft Memorandum.

1. Peer Review Findings and Recommendations

In the Preface to the 2023 NASEM report titled, Review of EPA's 2022 Draft [IRIS] Formaldehyde Assessment (Ref. 10), the Chair stated that ''. . . the committee did not conduct an independent hazard assessment or recommend alternative toxicity values.'' In other words, the NASEM panel did not perform a thorough review of the individual studies or critically evaluate alternative approaches to the formaldehyde hazard characterization. In contrast, the charge questions to both the HSRB and the SACC did require a critical evaluation of the formaldehyde studies. The NASEM panel did, however, conduct a case study evaluating the *Hanrahan* (*1984*) study (Ref. 19) and was highly critical of the IRIS evaluation and use of the study. Specifically, the NASEM panel noted that ''The committee could not replicate the agency's process with complete fidelity, and we identified inconsistencies in EPA's evaluation'' (p. 139 of *U.S. EPA, 2024b*) (Ref. 12).

Both the HSRB and SACC provided detailed, independent critiques of toxicology and epidemiology studies, hazards identified, uncertainty/extrapolation factors, and provided recommendations for alternative POD and hazard identification approach(es). HSRB and SACC peer reviewers called into question whether the EPA IRIS assessment complied with the TSCA requirement to use ''best available science'' and ''weight of scientific evidence'' with respect to interpretation to various studies, integration of evidence, and MOA analysis. For example, the SACC report (p. 84 of *U.S. EPA, 2024b*) (Ref. 12) states that ''Many Committee members considered that the cancer Inhalation Unit Risk (IUR). . . does not integrate all available data, despite the overwhelming weight of scientific evidence (WOSE) that the non-genotoxic mode of action (MOA) predominates and would be protective of any other MOA for formaldehyde carcinogenicity.'' In addition, the SACC noted that the EPA IRIS assessment contains ''an incorrect application of mode of action analysis and an incorrect interpretation of all available data'' (p. 63).

With respect to the cancer IUR, the SACC stated that the IUR was ''not supported by a proper holistic interpretation of the collected data and should not be used by OPPT for risk assessment.'' The SACC report also states that ''the majority of the information presented in session did not favor a IUR approach and rather supported a threshold approach'' (p. 22).

With regards to the RfC, the SACC noted that the studies identified by EPA IRIS are ''unreliable for identifying a point of departure'' and ''do not adequately address the chosen endpoint due to several limitations, including but not limited to the ability to determine causality specific to formaldehyde, confounders that were not addressed and including use of self-completed questionnaires instead of measured health effects which decreases the reliability of results'' (p. 34). The SACC noted the Agency could ''consider using sensory irritation as an end point for Points of Departure (POD) as a treatment effect that would protect against all downstream events including a carcinogenic response'' (p. 84). Similarly, the HSRB stated that ''EPA should consider that PODs for sensory irritation could be used as a lower bound for potential adverse effects'' (p. 9 of HSRB July 2023) (Ref. 18).

2. Point of Departure for the OCSPP Formaldehyde Risk Assessments

a. Use of Sensory Irritation as an Endpoint

In the draft and final TSCA risk evaluations for formaldehyde, EPA selected sensory irritation as the basis for acute inhalation POD derivation; use of sensory irritation as the critical effect was supported by the HSRB and SACC. Use of sensory irritation is consistent with other national and international exposure limits (see Appendix A of the Human Health Hazard Assessment for Formaldehyde (Ref. 20)) derived under a range of regulatory and advisory contexts for general population and occupational exposures.

EPA identified four controlled human exposure studies (*Mueller et al., 2013* (Ref. 13); *Lang et al., 2008* (Ref. 14); *Kulle et al., 1987* (Ref. 15); *Andersen and Mølhave, 1983* (Ref. 16)) to inform selection of an acute peak exposure level. The HSRB agreed with EPA's conclusions that each of the studies were scientifically sound and ethically conducted and could be used quantitatively and/or qualitatively to support the acute inhalation weight of evidence (WOE) analysis (July 2023 HSRB report) (Ref. 18).

The sensory irritation effects of formaldehyde are more responsive to the exposure concentration than to exposure duration, which means that formaldehyde does not adhere to Haber's Law (*Shusterman et al., 2006*) (Ref. 22). Based on a review of the WOE analysis presented to the HSRB in May 2023, the HSRB did not recommend duration adjustments for 8- or 24-hour PODs for the sensory endpoint. This was based on the lack of support for this adjustment in the four studies presented in the WOE and the understanding that the existing literature demonstrates that formaldehyde does not follow Haber's Law (p. 9 of the July 2023 HSRB report) (Ref. 18). Therefore, rather than deriving duration-adjusted acute PODs for 8- and 24-hour average concentrations, consistent with the approach recommended by HSRB, EPA's acute inhalation analyses in the draft and final TSCA risk evaluation for formaldehyde focused on identifying air concentrations that may result in sensory irritation at any acute exposure duration.

For the Draft Memorandum and in the Revised Draft Risk Evaluation for Formaldehyde Under the Toxic Substances Control Act (TSCA), OCSPP is continuing to rely upon sensory irritation as the endpoint for evaluating acute inhalation exposures in the Revised Draft.

b. Revised Draft Uncertainty/Extrapolation Factor for Intra-Human Variability

Both the HSRB (Ref. 18) and SACC (Ref. 12) recommended that EPA consider an intrapopulation variability uncertainty factor (UF_H) lower than the

default 10 times (10×) that was proposed in the draft human health assessment for formaldehyde. Specifically, HSRB noted an uncertainty factor is not necessary when the POD is based on sensory irritation whereas the SACC recommended EPA consider either 1× or 3×.

Sensory irritation is a point-of-contact effect and toxicokinetic differences across people are unlikely to contribute to human variability in the sensory irritation response. As described in Section 2.5 of the National Resource Council (NRC; now NASEM) Standing Operating Procedures for Developing Acute Exposure Guideline Levels for Hazardous Chemicals (*NRC, 2001*) (Ref. 23), direct irritation and/or corrosivity occurs at the point of contact such that absorption, distribution, metabolism, excretion (ADME) characteristics are not factors that would significantly influence the irritant toxicokinetic response. Therefore, EPA concluded that it was appropriate to lower the toxicokinetic component of the UF_H from 3× to 1× in the December 2024 Human Health Hazard Assessment for Formaldehyde (Ref. 20). OCSPP is continuing to use a 1× for the toxicokinetic component of the UF_H in the Draft Memorandum.

With respect to the toxicodynamic portion of the UF_H, in the December 2024 human health hazard assessment of the Risk Evaluation for Formaldehyde, the UF_H of 3× was applied to account for human variability in toxicodynamics that may not be captured in the controlled human exposure studies used as the basis for dose-response. However, this conclusion does not align with the recommendation of HSRB that specifically notes in the July 2023 report that ''younger individuals are more sensitive to sensory irritation than older individuals, and therefore younger individuals are an appropriate population for intentional exposure studies when sensory irritation is the primary objective'' (p. 9). The World Health Organization (WHO) supports this conclusion with the following: ''There is no evidence indicating an increased sensitivity to sensory irritation to formaldehyde among people often regarded as susceptible (asthmatics, children and older people). Although some studies suggest that formaldehyde plays a role in airway sensitization, an association between formaldehyde and lung effects or sensitization in children has not been convincing owing to confounding factors in the studies, including exposure to traffic-related co-pollutants.'' (p. 139 of (Ref. 24)).

Similarly, the European Chemicals Agency ECHA (*2019*) (Ref. 25) states that ''In general, associations between formaldehyde and lung effects or sensitisation in children in homes and schools have not been convincing owing to confounding factors and chance effects. Well known confounders for asthma are *e.g.,* dust mites, cockroach allergen, pets or mould.'' The German Umweltbundesamt (UBA) (*2016*) (Ref. 26) also reviewed the results from epidemiological studies investigating if there is an association between formaldehyde exposure and the induction or exacerbation of asthma in children. UBA concluded that there is no clear association between formaldehyde exposure in the indoor environment and asthma in children.

At this time, for the Draft Memorandum to align with the recommendations from the peer review panels, OCSPP is also reducing the toxicodynamic portion of the UF_H, to 1× leading to a total UF_H of 1× to evaluate inhalation exposures.

c. Revised Draft Acute Inhalation POD

In the EPA's December 2024 human health hazard assessment of the final TSCA risk evaluation for formaldehyde, the acute POD was derived based on sensory irritation effects for each of the three studies (*Mueller et al.,* 2013 (Ref. 13); *Lang et al.,* 2008 (Ref. 14); *Kulle et al., 1987* (Ref. 15)) that HSRB supported using quantitatively (summarized in Table 1). An acute POD of 0.5 ppm (parts per million) was selected in 2024 based on the 95 percent lower confidence limit of the benchmark concentration (BMCL10) and no-observed-adverse-effect concentration (NOAEC) identified for a 3-hour exposure in *Kulle et al. (1987)* (Ref. 15). The acute inhalation POD of 0.5 ppm is provided later in this Notice.

The SACC recommended EPA ''Carefully reevaluate the available data to determine if 0.5 ppm or a concentration that is lower or higher'' should be used as a POD (p. 28). The SACC further recommended EPA ''Follow the HSRB recommendation to rely on *Mueller et al. (2013)* (Ref. 13) and *Lang et al. (2008)* (Ref. 14) to derive a POD consistent with the best available science using a weight of the evidence approach'' (p. 35). This recommendation appears to be based on the statement on p. 10 of the HSRB July 2023 report (Ref. 18), which states ''Of the studies the HSRB evaluated, the controlled chamber studies (*e.g., Mueller et al. (2013)* (Ref. 13) and *Lang et al. (2008)* (Ref. 14)) have preferred study design and greater scientific rigor than the observational studies (*e.g., Hanrahan et al. (1984)* (Ref. 19) and *Liu et al. (1991)* (Ref. 27))''. Therefore, it does not preclude the other two controlled chamber studies *(Kulle et al. 1987* (Ref. 15); *Anderson and Mølhave 1983* (Ref. 16)) from similarly being considered as best available science for the WOE evaluation. The HSRB determined that *Kulle et al. (1987)* (Ref. 15) and *Lang et al. (2008)* (Ref. 14) provided reliable data for use in a WOE analysis to determine a POD for acute inhalation exposure to formaldehyde and that *Mueller et al. (2013)* (Ref. 13) provided reliable semi-quantitative data (p. 5 and p. 6 of July 2023 HSRB report) (Ref. 18).

All the studies tested constant exposure concentrations to formaldehyde and did not observe any effects at 0.5 ppm or below. In addition to constant exposure treatment groups, *Lang et al. (2008)* (Ref. 14) and *Mueller et al. (2013)* (Ref. 13) also included treatment groups with 15-minute peaks to higher concentrations. A NOAEC for these variable exposures was established at 0.3 ppm with 0.6 ppm peaks in *Lang et al. (2008)* (Ref. 14). In *Mueller et al. (2013)* (Ref. 13), there was an increase in reported irritation in hypersensitive subjects at 0.3 ppm with 0.6 ppm peaks and 0.4 ppm with 0.8 ppm peaks, respectively.

Given the findings in the controlled human exposure studies reviewed by the HSRB, particularly *Mueller et al. (2013)* (Ref. 13), coupled with the reduction of the UF_H to 1× described earlier in this Notice, using the 2024 acute inhalation POD of 0.5 ppm may not be adequately health protective. Specifically, 0.5 ppm POD ÷ 1× UF_H leads to a value of 0.5 ppm where effects in hypersensitive subjects were reported at 0.3 ppm with 0.6 ppm peaks and 0.4 ppm with 0.8 ppm peaks. As noted earlier, there were no effects observed when exposure concentrations were constant at 0.5 ppm or below. Consequently, considering the totality of the evidence, the acute inhalation POD for formaldehyde has been appropriately supplemented. Based on the same four robust controlled human exposure studies, 0.3 ppm is considered a health-protective POD for evaluating acute inhalation exposures where there was a lack of reported findings in the controlled human studies at this constant exposure concentration.

For the Draft Memorandum, OCSPP is updating the draft acute inhalation POD to 0.3 ppm for formaldehyde.

d. Use of the Acute Inhalation POD To Protect for All Durations, Including Cancer

The SACC states (p.84) that ''The inhaled formaldehyde is not distributed to an appreciable extent beyond portal-of-entry (POE) to distal tissues/organs based on the currently available experimental evidence. The sensory irritation is a local effect at POE that may progress to adverse effects under repeated and prolonged consumer exposure scenarios at POE. Therefore, the Agency could consider using sensory irritation as an end point for Points of Departure (POD) as a treatment effect that would protect against all downstream events including a carcinogenic response.'' The conclusion of the SACC is consistent with conclusions previously used by EPA in the 2008 Registration Eligibility Decision and other international bodies. For example, Health Canada (2005, p. 5) states that ''Formaldehyde-induced carcinogenicity appears to be a consequence of proliferative regeneration following cytotoxicity, and the risk of cancer associated with formaldehyde levels sufficiently low to prevent irritation and inflammatory responses appears therefore to be negligible.''

WHO (*2010*) (Ref. 24) notes that ''Increased cell proliferation due to cell damage is considered a key mechanism for the development of nasal malignancies following exposure to formaldehyde. Overall, indoor air effects of formaldehyde are expected to be limited to the site of contact, generally the nasal and upper airways. Increasing cell proliferation in the nasal mucosa of rats occurs at concentrations at and above 2.5 mg/m^3 formaldehyde. The no-observed-adverse-effect level (NOAEL) for cell proliferation is 1.25 mg/m^3 for long-term exposures. Thus, a threshold approach to setting a guideline for cancer effects is appropriate'' (p. 141). Similarly, the SACC stated that ''the majority of the information presented in session did not favor an IUR approach and rather supported a threshold approach'' (SACC report p. 22) (Ref. 12).

The SACC also stated that ''Although the Mueller et al. (2014) study is an acute duration study, formaldehyde does not accumulate in the body and Habers' Law does not apply for formaldehyde. Thus, use of this study may be appropriate for setting a POD for chronic exposures'' (p. 58). OCSPP notes that the NOAEL for cytotoxicity and cell proliferation identified by WHO of 1.25 mg/m^3 for long-term exposures in rats is 1.25 mg/m^3 (equivalent to approximately 1 ppm of formaldehyde) and they further state that ''In humans, no excess nasopharyngeal cancer has been observed at mean exposure levels at or below 1.25 mg/m^3''. Health Canada also described the histopathological effects such as ''hyperplasia, squamous metaplasia, inflammation, erosion, ulceration, and disarrangements in the nasal cavity at concentrations of 3.7 mg/m^3 and above (NOAEL 1.2 mg/m^3). These histopathological effects appear to be a function of the formaldehyde concentration in inhaled air rather than of the cumulative dose.'' As such, the POD of 0.3 ppm is protective of effects for all durations, including cancer. However, if human exposure occurs above 0.3 ppm for a sustained, long-term duration, there is potential for cancer to develop.

Consistent with the recommendations from the SACC and noting consistency with the science relied upon by other international bodies, OCSPP is proposing that the best available science supports using the revised draft acute inhalation POD of 0.3 ppm as protective of all durations and inhalation hazards, including cancer, for the Draft Memorandum. Consistent with this approach, and OCSPP's understanding of the MOA of formaldehyde in the human body, OCSPP is also no longer relying on the EPA IRIS RfC or IUR.

2. Weight of Scientific Evidence Conclusions for the Revised Draft Acute Inhalation POD and UF

As described earlier in this Notice, based on the weight of scientific evidence and informed by the best available science, OCSPP is confident in the following determinations for risk assessment/risk evaluation of formaldehyde:

- an acute inhalation POD of 0.3 ppm is appropriate as the critical effect to protect for all other potential hazards, including cancer;
- the acute inhalation POD can be applied to all durations of exposure (including chronic and cancer) and all populations, including occupational scenarios; and
- a total UF_H of 1 is appropriate.

For the Draft Memorandum, OCSPP is only including the MOE calculations for acute (15-minute) inhalation exposure. Based on the scientific evaluation presented herein, OCSPP proposes to rely on the acute exposure scenarios for determinations of unreasonable risk. Given the MOA of formaldehyde, chronic non-cancer and cancer health effects are not expected if EPA is protecting for acute exposure and effects. Previously estimated chronic exposure values for occupational, consumer, and general population pathways remain in the risk evaluation for formaldehyde. It is important to note that acute exposure was assessed for all COUs and associated exposure scenarios in the risk evaluation for formaldehyde and considered in this Draft Memorandum. There are no exposure scenarios where only chronic exposure was assessed in the risk evaluation for formaldehyde. Because the acute risk estimates are protective of risk presented by chronic exposures, EPA is using the acute risk estimates presented in this Draft Memorandum to identify COUs that contribute to the unreasonable risk of formaldehyde. Repeated or sustained long-term exposures to formaldehyde above the revised draft POD increases the potential for chronic effects including cancer.

3. Revised Draft Risk Calculations Resulting in Substantial Change

For COUs that the Agency found significantly contribute to the unreasonable risk presented by formaldehyde in the Risk Evaluation for Formaldehyde, the revised POD and corresponding uncertainty factor impacts five COUs for workers where the central tendency or high-end inhalation estimate no longer exceeds the benchmark. These COUs are shown in Table 2.

In addition, three COUs would have central tendency and high-end inhalation estimates for ONUs that no longer show risk above the benchmark. These estimates are shown in Table 3.

4. Revised Draft Unreasonable Risk Determination for Formaldehyde

EPA previously determined that formaldehyde presents an unreasonable risk of injury to human health under the COUs. The Agency also determined that the unreasonable risk to human health presented by formaldehyde is due to (1) non-cancer effects in workers and consumers from acute dermal and inhalation exposures, and (2) cancer effects in workers from long-term inhalation exposure (90 FR 316 (FRL–11608–04–OCSPP)). EPA did not identify risk of injury to the environment that would contribute to the unreasonable risk determination for formaldehyde.

OCSPP maintains its determination that high and prolonged inhalation exposures to formaldehyde can lead to cancer in humans. However, OCSPP has concluded that acute sensory irritation is more sensitive than cancer and therefore health-protective. Specifically, the air concentrations that cause sensory irritation are lower than those that

trigger early toxicological events, such as inflammation, cytotoxicity, hyperplasia, squamous metaplasia, and increased cell proliferation in the nasal mucosa of rats, which are involved in cancer development. In other words, developing cancer from inhalation exposure of formaldehyde requires concentrations several times higher than EPA's acute inhalation POD, sustained over weeks to years. Thus, if an acute risk of concern is identified, then there is also a potential concern for cancer when exposures are higher and sustained.

Risk management efforts to reduce risk from acute inhalation risk will address any potential risks from chronic exposures, including cancer. Consistent with the statutory requirements of TSCA section 6(a), EPA will propose risk management regulatory actions to the extent necessary so that formaldehyde no longer presents an unreasonable risk under the COUs. The Agency expects to focus its risk management action on the TSCA COUs that significantly contribute to the unreasonable risk. However, it is important to emphasize that, under TSCA section 6(a), EPA is not limited to regulating the specific activities found to contribute significantly to unreasonable risk and may select from among a suite of risk management approaches based on requirements in section 6(a) related to manufacture (including import), processing, distribution in commerce, commercial use, and disposal as part of its regulatory options to address the unreasonable risk. As a general example, EPA may regulate upstream activities (*e.g.,* processing, distribution in commerce) to address downstream activities (*e.g.,* consumer uses) contributing significantly to unreasonable risk—even if the upstream activities do not contribute significantly to the unreasonable risk.

The determination that formaldehyde presents an unreasonable risk of injury to human health would not change as a result of the risk estimates used in this Draft Memorandum, and the same COUs would continue to significantly contribute to the unreasonable risk for formaldehyde as outlined in the Revised Draft Unreasonable Risk Determination of the Risk Evaluation for Formaldehyde available in the docket (EPA–HQ–OPPT–2018–0438). Although there are some changes to the inhalation estimates, as noted above in Section II.C.4, dermal risk findings for these COUs remain unchanged and continue to contribute to unreasonable risks for these COUs.

Because the acute inhalation risk estimates, using an acute POD of 0.3 ppm and UF of 1, are protective of risk presented by chronic inhalation exposures, the Agency intends to utilize the risk estimates in the Draft Memorandum to safeguard against potential risk for all inhalation exposure durations and effects, including cancer. Table S2–1 Supporting Basis for the Revised Draft Unreasonable Risk Determination for Human Health (Occupational Conditions of Use) and Table S2–2 Supporting Basis for the Revised Draft Unreasonable Risk Determination for Human Health (Consumer Conditions of Use) (Ref. 28) replace Table 2–1 and Table 2–2 of the Revised Draft Unreasonable Risk Determination of the Risk Evaluation for Formaldehyde available in the docket (EPA–HQ–OPPT–2018–0438). The POD in the Draft Memorandum identifies five COUs that no longer indicate unreasonable risk for workers due to inhalation:

- Inhalation exposure route for workers no longer contribute to the unreasonable risk for the COU, Oxidizing/reducing agent; processing aids, not otherwise listed;
- Inhalation exposure route for workers no longer contribute to the unreasonable risk for the COU, Lawn and garden products;
- Inhalation exposure route for worker no longer contribute to the unreasonable risk for the COU, Adhesives and sealant chemicals in wood product manufacturing; plastic material (including structural and fireworthy aerospace interiors); construction (including roofing materials); paper manufacturing;
- Inhalation exposure route for worker no longer contribute to the unreasonable risk for the COU, Recycling; and
- Inhalation exposure route for worker no longer contribute to the unreasonable risk for the COU, Laboratory chemicals.

The exact risk estimates for these inhalation routes can be found in the docket accompanying this Notice. Additional scenarios where the central tendency estimates are now above the benchmark include the following:

- Inhalation exposure route for ONUs no longer contribute to the unreasonable risk for the COU, Adhesives and sealant chemicals in wood product manufacturing; plastic material (including structural and fireworthy aerospace interiors); construction (including roofing materials); paper manufacturing;
- Inhalation exposure route for worker no longer contribute to the unreasonable risk for the COU, Recycling.
- Inhalation exposure route for worker no longer contribute to the unreasonable risk for the COU, Laboratory chemicals.

Because the revised acute inhalation POD of 0.3 ppm is protective of all durations and inhalation hazards, including cancer, EPA anticipates focusing risk management actions related to inhalation on addressing risk from acute inhalation exposures.

For more information about the EPA's process for ensuring the safety of existing chemicals, go to *https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/how-epa-evaluates-safety-existing-chemicals*.

TABLE 1—KEY HUMAN STUDIES USED TO EVALUATE PEAK AIR CONCENTRATIONS OF FORMALDEHYDE ASSOCIATED WITH SENSORY IRRITATION

Source	Exposure concentrations	Effects
Kulle et al. (1987) (Ref. 15); *Kulle (1993)* (Ref. 29).	I: 0.0, 0.5, 1.0, 2.0 ppm, 2.0 ppm exercise; II: 0.0, 1.0, 2.0 ppm, 2.0 ppm exercise; I: 0, 0.62, 1.23, 2.46, mg/m^3; II: 0, 1.23 3.69 mg/m^3.	NOAEL = 0.5 ppm (0.62 mg/m^3); LOAEL = 1.0 ppm (1.23 mg/m^3) for mild to moderate eye irritation; BMC = 0.69 ppm (0.85 mg/m^3); BMCL = 0.502 ppm (0.617 mg/m^3).
Andersen and Mølhave (1983) (Ref. 16); *Andersen (1979)* (Ref. 30).	0.24, 0.4, 0.81, 1.61 ppm; 0.3, 0.5, 1.0, 2.0 mg/m^3.	During first 2 hours, no reported irritation discomfort to 0.24 or 0.4 ppm but discomfort to 0.81 and 1.61 ppm within the first hour. During remaining 3 hours exposure, discomfort reported at the 0.24 and 0.4 ppm exposure levels.

TABLE 1—KEY HUMAN STUDIES USED TO EVALUATE PEAK AIR CONCENTRATIONS OF FORMALDEHYDE ASSOCIATED WITH SENSORY IRRITATION—Continued

Source	Exposure concentrations	Effects
Lang et al. (2008) (Ref. 14)	0, 0.15, 0.3, 0.5 ppm; 0.3/0.6, 0.5/1.0 ppm peaks (0, 0.3, 0.5 ppm with EA); 0, 0.19, 0.37, 0.62 mg/m^3; 0.37/0.74, 0.62/1.23 mg/m^3 peaks (0, 0.37, 0.62 mg/m^3 with EA).	NOAEL = 0.5 ppm continuous (0.62 mg/m^3) and 0.3 ppm with peak 0.6 ppm (0.37/0.74 mg/m^3); LOAEL = 0.5 ppm with peaks of 1 ppm (0.62/1.23 mg/m^3) for blinking frequency, conjunctival redness, eye and nasal irritation, and olfactory symptoms.
Mueller et al. (2013) (Ref. 13)	0, 0.5, 0.7 ppm; 0.3/0.6 ppm peaks; 0.4/0.8 ppm peaks; 0, 0.62, 0.86 mg/m^3; 0.37/0.74 mg/m^3; 0.49/0.98 mg/m^3.	At 0.3/0.6 ppm, increase in reported irritation in hypersensitive individuals. 0.4/0.8 ppm increase in reported irritation in hypersensitive individuals and tear film break-up time. 0.7 ppm statistically significant increase in nasal flow in hypersensitive males. *For hyposensitive males:* 0.4/0.8 ppm and 0.5 ppm increase in tear film break-up time.

NOAEL = no-observed-adverse-effect level; LOAEL = lowest-observed-adverse-effect level; BMC = benchmark concentration; BMCL = benchmark concentration level (lower 95 percent confidence limit).

TABLE 2—ACUTE MOE CALCULATIONS FOR WORKERS WHERE CENTRAL TENDENCY RISK OR HIGH-END RISK IS NO LONGER BELOW THE BENCHMARK FOR WORKERS OR OCCUPATIONAL NON-USERS

COU	Draft supplement central tendency MOE for acute inhalation (UF = 1)	Draft supplement high-end MOE for acute inhalation (UF = 1)	Risk evaluation central tendency MOE for acute inhalation (UF = 3)	Risk evaluation high-end MOE for acute inhalation (UF = 3)
Lawn and garden products	7.18	1.77	11.9	2.95
Oxidizing/reducing Agent	3.24	1.31	5.40	2.18
Adhesives and sealant chemicals in wood product manufacturing; plastic material (including structural and fireworthy aerospace interiors); construction (including roofing materials); paper manufacturing	2.00	0.10	2.3	0.20
Recycling	1.38	0.51	2.31	0.85
Laboratory chemicals	1.98	0.10	1.99	0.23

TABLE 3—ACUTE MOE CALCULATIONS FOR ONUS WHERE CENTRAL TENDENCY RISK IS NO LONGER BELOW THE BENCHMARK

COU	Draft supplement central tendency MOE for acute inhalation (UF = 1)	Draft supplement high end MOE for acute inhalation (UF = 1)	Risk evaluation central tendency MOE for acute inhalation (UF = 3)	Risk evaluation high end MOE for acute inhalation (UF = 3)
Laboratory chemicals	1.99	0.232	1.19	0.14
Recycling	1.38	0.51	2.31	0.85
Adhesives and sealant chemicals in wood product manufacturing; plastic material (including structural and fireworthy aerospace interiors); construction (including roofing materials); paper manufacturing	1.62	0.46	2.70	0.76

III. Request for Comment

EPA seeks feedback on the Draft Memorandum and associated documents, copies of which are available in the docket, and encourages all potentially interested parties, including individuals, governmental and non-governmental organizations, non-profit organizations, academic institutions, research institutions, and private sector entities to comment on the draft documents. To the extent possible, the Agency asks commenters to please cite any public data related to or that support comments provided, and to the extent permissible, describe any supporting data that is not publicly available. EPA is not seeking peer review for the Draft Memorandum as it relies extensively on multiple existing and relevant peer review reports (Ref. 10, Ref. 12, and Ref. 18).

EPA welcomes specific input on each section of the Draft Memorandum and related supported documents. The following information provided will also be considered for risk management of formaldehyde:

- Personal protective equipment (PPE) use, including the type of PPE worn for different workplace activities and task durations under the COU, circumstances where it may not be practicable for potentially exposed persons to wear PPE, and feasibility of exposure reduction to formaldehyde sufficient to address the unreasonable risk, including associated monitoring practices to assess exposure reductions;
- Dermal and respiratory workplace controls, such as eliminating dermal contact, engineering controls, and administrative controls that could address the unreasonable risk;

• Emission factors and weight fractions for commercial and consumer products or articles along with the respective uses and applications, and threshold or *de minimus* concentrations in products or articles.

IV. Next Steps

EPA will consider comments received on the Draft Memorandum and associated documents and announce the availability of the Updated Final Risk Calculation Memorandum and Revised Final Risk Evaluation for Formaldehyde Under the Toxic Substances Control Act (TSCA), if warranted. Under TSCA section 6, EPA must use the final risk evaluation as a basis to determine, based on the weight of scientific evidence, whether or not the chemical presents an unreasonable risk to health or the environment under the chemical's COUs. This includes risks to subpopulations who may be at greater risks than the general population, such as children and workers. TSCA prohibits EPA from considering non-risk factors (*e.g.,* costs/benefits) during risk evaluation.

If at the end of the risk evaluation process, EPA determines that a chemical presents an unreasonable risk to health or the environment, the chemical must immediately move to risk management action under TSCA section 6(a). EPA is required to implement, via regulation, regulatory restrictions on the manufacture (including import), processing, distribution, use or disposal of the chemical to eliminate the identified unreasonable risk. The Agency is given a range of risk management options under TSCA, including labeling, recordkeeping or notice requirements, actions to reduce human exposure or environmental release, and a ban of the chemical or of certain uses. Like the prioritization and risk evaluation processes, there is an opportunity for public comment on any proposed risk management actions.

For more information about the TSCA risk evaluation process for existing chemicals, go to *https://www.epa.gov/assessing-and-managing-chemicals-under-tsca*.

V. References

The following is a listing of the documents that are specifically referenced in this Notice and other relevant risk evaluation documents. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket.

1. Executive Order 14303. Restoring Gold Standard Science. **Federal Register** (90 FR 22601 May 29, 2025).
2. U.S. EPA. (2020). Use Report for Formaldehyde (CAS RN 50–00–0). Docket ID: EPA–HQ–OPPT–2018–0438.
3. EPA. High-Priority Substance Designations Under the Toxic Substances Control Act (TSCA) and Initiation of Risk Evaluation on High-Priority Substances; Notice of Availability. **Federal Register**. 84 FR 71924, December 30, 2019 (FRL–10003–15).
4. EPA. Draft Scopes of the Risk Evaluations to be Conducted for Seven Chemical Substances under the Toxic Substances Control Act. **Federal Register**. 85 FR 22733, April 23, 2020 (FRL–10008–05).
5. EPA. Final Scopes of the Risk Evaluations to Be Conducted for Twenty Chemical Substances Under the Toxic Substances Control Act; Notice of Availability. **Federal Register**. 85 FR 55281, September 4, 2020 (FRL–10013–90).
6. EPA. Formaldehyde; Draft Risk Evaluation Peer Review by the Science Advisory Committee on Chemicals (SACC); Notice of Availability, Public Meetings, and Request for Comment. **Federal Register**. 89 FR 18933, March 15, 2024 (FRL–11608–03–OCSPP).
7. EPA. Formaldehyde; Risk Evaluation Under the Toxic Substances Control Act (TSCA); Notice of Availability. **Federal Register**. 90 FR 316, Jan 3, 2025 (FRL–11608–04–OCSPP).
8. U.S. EPA. (2022). Draft Toxicological Review of Formaldehyde—Inhalation. (EPA/635/R–21/286a). Washington, DC: Center for Public Health and Environmental Assessment, Office of Research and Development.
9. U.S. EPA. (2024a). IRIS Toxicological Review of Formaldehyde (Inhalation). (EPA/635/R–24/162AF). Washington, DC: Center for Public Health and Environmental Assessment, Office of Research and Development. *https://iris.epa.gov/static/pdfs/0419tr.pdf*
10. NASEM. (2023). Review of EPA's 2022 Draft Formaldehyde Assessment. Washington, DC. *https://nap.nationalacademies.org/catalog/27153/review-of-epas-2022-draft-formaldehyde-assessment*
11. HSRB. (2022). Report of the U.S. Environmental Protection Agency Human Subjects Review Board. *https://www.epa.gov/system/files/documents/2023-03/HSRB%20Oct%20Report%20Final.pdf*
12. U.S. EPA. (2024b). Science Advisory Committee on Chemicals meeting minutes and final report No. 2024–01 (Docket ID: EPA–HQ–OPPT–2023–0613)—A set of scientific issues being considered by the Environmental Protection Agency regarding: Peer review of the 2024 Draft Risk Evaluation for Formaldehyde, May 20–23, 2024. (No. 2024–01). Washington, DC. *https://www.regulations.gov/document/EPA-HQ-OPPT-2023-0613-0298*
13. Mueller, JU; Bruckner, T; Triebig, G. (2013). Exposure study to examine chemosensory effects of formaldehyde on hyposensitive and hypersensitive males. Int Arch Occup Environ Health 86: 107–117. *http://dx.doi.org/10.1007/s00420-012-0745-9*
14. Lang, I; Bruckner, T; Triebig, G. (2008). Formaldehyde and chemosensory irritation in humans: A controlled human exposure study. Regul Toxicol Pharmacol 50: 23–36. *http://dx.doi.org/10.1016/j.yrtph.2007.08.012*
15. Kulle, TJ; Sauder, LR; Hebel, JR; Green, DJ; Chatham, MD. (1987). Formaldehyde dose-response in healthy nonsmokers. J Air Pollut Control Assoc 37: 919–924. *http://dx.doi.org/10.1080/08940630.1987.10466285*
16. Andersen, I; Mølhave, L. (1983). Controlled human studies with formaldehyde. In JE Gibson (Ed.), Formaldehyde toxicity (pp. 154–165). Washington, DC: Hemisphere Publishing.
17. HSRB. (2023a). Report of the U.S. Environmental Protection Agency Human Subjects Review Board. *https://www.epa.gov/system/files/documents/2023-05/HSRB%20May%20Final%20Agenda%205-16-23.pdf*
18. HSRB. (2023b). Report of the U.S. Environmental Protection Agency Human Subjects Review Board. *https://www.epa.gov/scientific-leadership/hsrb-july-26-2023*
19. Hanrahan, LP; Dally, KA; Anderson, HA; Kanarek, MS; Rankin, J. (1984). Formaldehyde vapor in mobile homes: A cross-sectional survey of concentrations and irritant effects. Am J Public Health 74: 1026–1027. *http://dx.doi.org/10.2105/ajph.74.9.1026*
20. U.S. EPA. (2024c). Human Health Hazard Assessment for Formaldehyde. Washington, DC: U.S. Environmental Protection Agency, Office of Pollution Prevention and Toxics. *https://www.regulations.gov/docket/EPA-HQ-OPPT-2018-0438*
21. U.S. EPA. Formaldehyde; Draft Risk Evaluation Peer Review by the Science Advisory Committee on Chemicals (SACC); Notice of Availability, Public Meetings and Request for Comment. **Federal Register**. 89 FR 18933, March 15, 2024 (FRL–11608–03–OCSPP).
22. Shusterman, D; Matovinovic, E; Salmon, A. (2006). Does Haber's law apply to human sensory irritation [Review]. Inhal Toxicol 18: 457–471. *http://dx.doi.org/10.1080/08958370600602322*
23. NRC. (2001). Standing Operating Procedures for Developing Acute Exposure Guideline Levels (AEGLs) for hazardous chemicals. Washington, DC: National Academies Press. *http://dx.doi.org/10.17226/10122*
24. WHO. (2010). Guidelines for indoor air quality: Selected pollutants. Geneva. *http://www.euro.who.int/__data/assets/pdf_file/0009/128169/e94535.pdf*

25. ECHA. (2019). Annex XV Restriction Report, Proposal for a Restriction: Formaldehyde and Formaldehyde Releasers. Helsinki, Finland: European Union, European Chemicals Agency. *https://echa.europa.eu/documents/10162/13641/rest_formaldehyde_axvreport_en.pdf/2c798a08-591c-eed9-8180-a3c5a0362e37*
26. UBA. (2016). Zur Frage eines Asthma auslösenden bzw. verschlechternden Potenzials von Formaldehyd in der Innenraumluft bei Kindern [Review]. Bundesgesundheitsblatt Gesundheitsforschung Gesundheitsschutz 59: 1028–1039. *http://dx.doi.org/10.1007/s00103-016-2388-6*
27. Liu, K; Huang, F; Hayward, SB; Wesolowski, J; Sexton, K. (1991). Irritant effects of formaldehyde exposure in mobile homes. Env Health Persp 94: 91–94.
28. U.S. EPA. (2025). Supporting Basis for the Revised Draft Unreasonable Risk Determination for Formaldehyde.
29. Kulle, TJ. (1993). Acute odor and irritation response in healthy nonsmokers with formaldehyde exposure. Inhal Toxicol 5: 323–332. *http://dx.doi.org/10.3109/08958379308998389*
30. Andersen, I. (1979). Formaldehyde in the indoor environment—health implications and the setting of standards. In PO Fanger; O Valbjorn (Eds.), Indoor Climate: Effects on Human Comfort, Performance, and Health in Residential, Commercial, and Light-Industry Buildings (pp. 65–87). Copenhagen, Denmark: Danish Building Research Institute.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: November 28, 2025.

Nancy B. Beck,

Principal Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2025–21776 Filed 12–2–25; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Sunshine Act Meetings

TIME AND DATE: 10 a.m., Thursday, December 11, 2025.

PLACE: You may observe this meeting in person at 1501 Farm Credit Drive, McLean, Virginia 22102–5090, or virtually. If you would like to observe, at least 24 hours in advance, visit *FCA.gov,* select ''Newsroom,'' then select ''Events.'' From there, access the linked ''Instructions for board meeting visitors'' and complete the described registration process.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The following matters will be considered:

- Approval of November 13, 2025, Minutes
- Quarterly Report on Economic Conditions and Farm Credit System Condition and Performance
- Semiannual Report on Office of Examination Operations

CONTACT PERSON FOR MORE INFORMATION: If you need more information or assistance for accessibility reasons, or have questions, contact Ashley Waldron, Secretary to the Board. Telephone: 703–883–4009. TTY: 703–883–4056.

Ashley Waldron,

Secretary to the Board.

[FR Doc. 2025–21816 Filed 12–1–25; 4:15 pm]

BILLING CODE 6705–01–P

FARM CREDIT SYSTEM INSURANCE CORPORATION

Board of Directors Meeting

SUMMARY: Notice of the forthcoming regular meeting of the Board of Directors of the Farm Credit System Insurance Corporation (FCSIC), is hereby given in accordance with the provisions of the Bylaws of the FCSIC.

DATES: 10 a.m., Wednesday, December 10, 2025.

ADDRESSES: You may observe the open portions of this meeting in person at 1501 Farm Credit Drive, McLean, Virginia 22102–5090, or virtually. If you would like to virtually attend, at least 24 hours in advance, visit *FCSIC.gov,* select ''News & Events,'' then select ''Board Meetings.'' From there, access the linked ''Instructions for board meeting visitors'' and complete the described registration process.

FOR FURTHER INFORMATION CONTACT: If you need more information or assistance for accessibility reasons, or have questions, contact Ashley Waldron, Secretary to the Board. Telephone: 703–883–4009. TTY: 703–883–4056.

SUPPLEMENTARY INFORMATION: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public. The following matters will be considered:

Portions Open to the Public

- Approval of October 8, 2025, Minutes
- Quarterly FCSIC Financial Reports
- Quarterly Report on Insured Obligations
- Quarterly Report on Annual Performance Plan

Portions Closed to the Public

- Quarterly Report on Insurance Risk
- Audit Plan for the Year Ended December 31, 2025
- Executive Session of the Audit Committee with Auditor

Ashley Waldron,

Secretary to the Board.

[FR Doc. 2025–21815 Filed 12–2–25; 8:45 am]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0918; FR ID 320495]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice; 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 February 2, 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: 3060–0918.

Title: CORES Update/Change Form, FCC Form 161.

Form Number: FCC Form 161.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit entities; Individuals or households; Not-for-profit institutions; and State, Local, or Tribal Governments.

Number of Respondents and Responses: 14,969 respondents; 14,969 responses.

Estimated Time per Response: 10 minutes (0.167 hours).

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in the Debt Collection Act of 1996 (DCCA), Public Law 104–134, Chapter 10, Section 31001.

Total Annual Burden: 2,500 hours.

Total Annual Costs: No Cost.

Needs and Uses: After respondents have registered in CORES and have been issued a FCC Registration Number (FRN), they may use FCC Form 161 to update and/or change their contact information, including name, address, telephone number, email address(es), fax number, contact representative, contact representative's address, telephone number, email address, and/or fax number. Respondents may also update their registration information in CORES on-line at *https://apps.fcc.gov/cores.* The Commission uses this information to collect or report on any delinquent debt arising from the respondent's business dealings with the FCC, including both ''feeable'' and ''nonfeeable'' services; and to ensure that registrants (respondents) receive any refunds due. Use of the CORES System is also a means of ensuring that the Commission operates in compliance with the Debt Collection Improvement Act of 1996.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2025–21818 Filed 12–2–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0016; FR ID 319918]

Information Collection Being Reviewed by the Federal Communications Commission 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 Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before February 2, 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 Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0016.

Title: FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule C (Former FCC Form 346); Sections 74.793(d) and 74.787, LPTV Out-of-Core Digital Displacement Application; Section 73.3700(g)(1)–(3), Post-Incentive Auction Licensing and Operations; Section 74.799, Low Power Television and TV Translator Channel Sharing; Section 74.720, Digital Low Power TV Distributed Transmission Systems

Form No.: FCC Form 2100, Schedule C.

Type of Review: Extension of a currently approved information collection.

Respondents: Business or other for-profit entities; Not for profit institutions; State, local or Tribal government.

Number of Respondents and Responses: 805 respondents and 805 responses.

Estimated Time per Response: 4.5 hours.

Frequency of Response: On occasion reporting requirement; third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in section 154(i), 303, 307, 308 and 309 of the Communications Act of 1934, as amended.

Total Annual Burden: 3,623 hours.

Annual Cost Burden: $4,156,288.

Needs and Uses: On January 19, 2021, the Commission adopted Amendment of section 73.3580 of the Commission's Rules Regarding Public Notice of the Filing of Applications; Modernization of Media Regulation Initiative; Revision of the Public Notice Requirements of section 73.3580, Second Report and Order, MB Docket Nos. 17–254, 17–105, & 05–6, FCC 20–65 (rel. May 13, 2020). The Commission adopted rules to allow low power television and television translator stations (collectively ''low power stations'') to seek authority to construct Distributed Transmission System (DTS) operations. Pursuant to new section 74.720 of the rules, low power stations may now propose DTS operations by filing an application for construction permit for minor modification—FCC Form 2100, Schedule C. This submission is also being made to extend the information collection for an additional three years.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2025–21808 Filed 12–2–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0912; FR ID 320050]

Information Collection Being Reviewed by the Federal Communications Commission 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 Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before February 2, 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 Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0912.

Title: Sections 76.501, 76.503 and 76.504, Cable Attribution Rules.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business and other for-profit entities.

Number of Respondents and Responses: 40 respondents; 40 responses.

Estimated Time per Response: 1 to 4 hours.

Obligation to Respond: On occasion reporting requirement.

Total Annual Burden: 100 hours.

Total Annual Costs: No costs.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Sections 4(i) and 613(f) of the Communications Act of 1934, as amended.

Needs and Uses: 47 CFR 76.501 Notes 2(f)(1) and 2(f)(3); 47 CFR 76.503 Note 2(b)(3); 47 CFR 76.504 Note 1(b)(1) requires parties with limited partnership interests, parties with interests in Registered Limited Liability Partnerships (''RLLPs''), or parties with interests in Limited Liability Companies (''LLCs'') attempting to insulate themselves from attribution to file a certification of ''non-involvement'' with the Commission. LLCs or RLLPs that submit the non-involvement certification are also required to submit a statement certifying that the relevant state authorization statute permits a partner/member to insulate itself in the manner required by our criteria.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2025–21817 Filed 12–2–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0816; FR ID 319873]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees. The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before January 2, 2026.

ADDRESSES: Comments should be sent to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the SUPPLEMENTARY INFORMATION below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the

Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0816.

Title: Local Telephone Competition and Broadband Reporting, Report and Order, FCC Form 477, (WC Docket No. 19–195, WC Docket No, 11–10, FCC 19–79).

Form Number: FCC Form 477.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; not-for-profit institutions; and state, local, or tribal governments.

Number of Respondents and Responses: 3,400 respondents; 6,800 responses.

Estimated Time per Response: 289 hours (average).

Frequency of Response: Semi-annual reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 4(i), 201, 218–220, 251–252, 271, 303(r), 332, and 403 of the Communications Act of 1934, as amended, and in section 706 of the Telecommunications Act of 1996, as amended, codified in section 1302 of the Broadband Data Improvement Act, 47 U.S.C. 1302.

Total Annual Burden: 1,965,200 hours.

Total Annual Cost: No cost.

Needs and Uses: FCC Form 477 provides an understanding of broadband and voice subscribership, and, through its critical connection to the Broadband Data Collection, the extent of broadband availability. The understanding of broadband subscribership and availability provided by these data are the foundation of the Commission's development of appropriate broadband policies, and enable the Commission to carry out its obligation under section 706 of the Telecommunications Act of 1996, as amended, to ''determine whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion.'' In addition, the information collected in Form 477 enhances the Commission's analysis and understanding of the extent of voice telephone services competition, which in turn supports the Commission's efforts to open all telecommunications markets to competition and to promote innovation and investment by all participants, including new entrants, as required by the Telecommunications Act of 1996.

The Commission staff uses the information to advise the Commission about the efficacy of its rules and policies adopted to implement the Telecommunications Act of 1996. The data are necessary to evaluate the status of local telecommunications competition and broadband availability. The Commission uses the data to prepare reports that help inform consumers and policy makers at the federal and state level on the availability and adoption of broadband services, as well as on developments related to competition in the voice telephone services market. The Commission also uses the data to support its analyses in a variety of rulemaking proceedings under the Communications Act, including those related to fulfilling its universal service mandate.

The Commission releases to the public the broadband availability and mobile voice availability data that it began collecting in 2014 as a result of the Order. This information is used by consumers, federal and state government agencies, analysts, and others to determine broadband service availability by provider, technology, and speed.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2025–21806 Filed 12–2–25; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2025–0783]

Meeting of the Advisory Committee on Immunization Practices; Amended Notice of Meeting

AGENCY: Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC) announces an amendment to the following meeting of the Advisory Committee on Immunization Practices (ACIP). The meeting is open to the public.

FOR FURTHER INFORMATION CONTACT: ACIP Secretariat, Advisory Committee on Immunization Practices, Centers for Disease Control and Prevention, 1600 Clifton Road NE, Mailstop H21–12, Atlanta, Georgia 30329–4027. Email: *ACIP@cdc.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given of a change in the meeting of the Advisory Committee on Immunization Practices (ACIP); December 4, 2025, from 9:00 a.m. to 5:30 p.m., EST and December 5, 2025, from 8 a.m. to 5 p.m., EST, in the original **Federal Register** notice.

Notice of the virtual meeting was published in the **Federal Register** on November 13, 2025, Volume 90, Number 217, pages 50944–50945.

The meeting notice is being amended to update the dates, which should read as follows:

The meeting will be held on December 4, 2025, from 8 a.m. to 5 p.m., EST and December 5, 2025, from 8 a.m. to 5 p.m., EST.

The Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2025–21774 Filed 12–2–25; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–6096–N]

RIN 0938–ZB89

Medicare, Medicaid, and Children's Health Insurance Programs; Provider Enrollment Application Fee Amount for Calendar Year 2026

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice announces a $750.00 calendar year (CY) 2026

application fee for institutional providers that are initially enrolling in the Medicare or Medicaid program or the Children's Health Insurance Program (CHIP); revalidating their Medicare, Medicaid, or CHIP enrollment; or adding a new Medicare practice location. This fee is required with any enrollment application submitted on or after January 1, 2026, and on or before December 31, 2026.

DATES: The application fee announced in this notice is effective on January 1, 2026.

FOR FURTHER INFORMATION CONTACT: Frank Whelan, (410) 786–1302.

SUPPLEMENTARY INFORMATION:

I. Background

In the February 2, 2011, **Federal Register** (76 FR 5862), we published a final rule with comment period titled ''Medicare, Medicaid, and Children's Health Insurance Programs; Additional Screening Requirements, Application Fees, Temporary Enrollment Moratoria, Payment Suspensions and Compliance Plans for Providers and Suppliers.'' This rule finalized, among other things, provisions related to the submission of application fees as part of the Medicare, Medicaid, and CHIP provider enrollment processes.

As provided in section 1866(j)(2)(C)(i) of the Social Security Act (the Act) and in 42 CFR 424.514, ''institutional providers'' that are initially enrolling in the Medicare or Medicaid programs or CHIP, revalidating their enrollment, or adding a new Medicare practice location are required to submit a fee with their enrollment application. An ''institutional provider'' for purposes of Medicare is defined at § 424.502 as ''any provider or supplier that submits a paper Medicare enrollment application using the CMS–855A, CMS–855B (not including physician and non-physician practitioner organizations), CMS–855S, or associated internet-based PECOS enrollment application.'' As we explained in the February 2, 2011 final rule (76 FR 5914), in addition to the providers and suppliers subject to the application fee under Medicare, Medicaid-only and CHIP-only institutional providers would include nursing facilities, intermediate care facilities for persons with intellectual disabilities (ICF/IID), and psychiatric residential treatment facilities; they may also include other institutional provider types designated by a state in accordance with their approved state plan.

As indicated in § 424.514 and § 455.460, the application fee is not required for either of the following:

- A Medicare physician or non-physician practitioner submitting a CMS–855I.
- A prospective or revalidating Medicaid or CHIP provider—

++ Who is an individual physician or non-physician practitioner; or

++ That is enrolled as an institutional provider in Title XVIII of the Act or another state's Title XIX or XXI plan and has paid the application fee to a Medicare contractor or another state.

II. Provisions of the Notice

Section 1866(j)(2)(C)(i)(I) of the Act established a $500 application fee for institutional providers in CY 2010. Consistent with section 1866(j)(2)(C)(i)(II) of the Act, § 424.514(d)(2) states that for CY 2011 and subsequent years, the preceding year's fee will be adjusted by the percentage change in the consumer price index (CPI) for all urban consumers (all items; United States city average, CPI–U) for the 12-month period ending on June 30 of the previous year. Consequently, each year since 2011 we have published in the **Federal Register** an announcement of the application fee amount for the forthcoming CY based on this formula. Most recently, in the December 2, 2024, **Federal Register** (89 FR 95215), we published a notice announcing a fee amount for the period of January 1, 2025, through December 31, 2025, of $730.00. The $730.00 fee amount for CY 2025 was used to calculate the fee amount for 2026 as specified in § 424.514(d)(2).

According to Bureau of Labor Statistics (BLS) data, the CPI–U increase for the period of July 1, 2024, through June 30, 2025, was 2.7 percent. (See *https://www.bls.gov/news.release/archives/cpi_07152025.htm*). As required by § 424.514(d)(2), the preceding year's fee of $730 will be adjusted by 2.7 percent. This results in a CY 2026 application fee amount of $749.71 ($730 × 1.027). As we must round this to the nearest whole dollar amount, the resultant application fee amount for CY 2026 is $750.

III. Collection of Information Requirements

This document does not impose information collection requirements (that is, reporting, recordkeeping, or third-party disclosure requirements). Accordingly, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995. However, it does reference previously approved information collections. The CMS–855A, CMS–855B, CMS–855I, and CMS–855S applications are approved under, respectively, OMB control numbers 0938–0685, 0938–1377, 0938–1355, and 0938–1056.

IV. Regulatory Impact Statement

A. Background and Review Requirements

We have examined the impact of this notice as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999), and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits, including potential economic, environmental, public health and safety effects, distributive impacts, and equity. A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). As explained in this section of the notice, we estimate that the total cost of the increase in the application fee will not exceed $100 million. Therefore, this notice does not reach the $100 million economic threshold and is not considered a major notice.

B. Costs

The costs associated with this notice involve the increase in the application fee amount that certain providers and suppliers must pay in CY 2026. The CY 2026 cost estimates are as follows:

1. Medicare

Based on CMS data, we estimate that in CY 2026 approximately—

- 12,518 newly enrolling institutional providers will be subject to and pay an application fee; and
- 33,863 revalidating institutional providers will be subject to and pay an application fee.

Using a figure of 46,381 (12,518 newly enrolling + 33,863 revalidating) institutional providers, we estimate an increase in the cost of the Medicare application fee requirement in CY 2026 of $927,620 (or 46,381 × $20 (or $750 minus $730)) from our CY 2025 projections.

2. Medicaid and CHIP

Based on CMS and state statistics, we estimate that approximately 30,000 (9,000 newly enrolling + 21,000 revalidating) Medicaid and CHIP institutional providers will be subject to an application fee in CY 2026. Using this figure, we project an increase in the cost of the Medicaid and CHIP application fee requirement in CY 2026 of $600,000 (or 30,000 × $20 (or $750 minus $730)) from our CY 2025 projections.

3. Total

Based on the foregoing, we estimate the total increase in the cost of the application fee requirement for Medicare, Medicaid, and CHIP providers and suppliers in CY 2026 to be $1,527,620 ($927,620 + $600,000) from our CY 2025 projections.

The RFA requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of less than $9 million to $47 million in any 1 year. Individuals and states are not included in the definition of a small entity. As we stated in the RIA for the February 2, 2011, final rule (76 FR 5952), we do not believe that the application fee will have a significant impact on small entities.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area for Medicare payment regulations and has fewer than 100 beds. We are not preparing an analysis for section 1102(b) of the Act because we have determined, and the Secretary certifies, that this notice would not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2025, that threshold was approximately $187 million. The Agency has determined that there will be minimal impact from the costs of this notice, as the threshold is not met under the UMRA.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has federalism implications. Since this notice does not impose substantial direct costs on state or local governments, the requirements of Executive Order 13132 are not applicable.

In accordance with the provisions of Executive Order 12866, this notice was reviewed by the Office of Management and Budget.

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Dr. Mehmet Oz, having reviewed and approved this document, authorizes Trenesha Fultz-Mimms, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Trenesha Fultz-Mimms,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2025–21877 Filed 12–2–25; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[OMB #: 0970–0406]

Proposed Information Collection Activity; ACF Performance Progress Report, ACF–OGM–SF–PPR–B

AGENCY: Office of Grants Management, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Grants Management (OGM), in the Administration for Children and Families (ACF) is requesting a 3-year extension of the form ACF–OGM–SF–PPR–B (Office of Management and Budget (OMB) #0970–0406, expiration 1/31/2026). There are minor changes proposed to this form to align with the requirements in 2 CFR 200.329 and reduce recipient burden by reducing the number of questions on the form. Additionally, the number of respondents has been reduced based on program office feedback.

DATES: *Comments due* February 2, 2026.

ADDRESSES: In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above. You can obtain copies of the proposed collection of information and submit comments by emailing *infocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The ACF OGM is proposing the continued collection of program performance data for ACF's discretionary grantees using the existing ACF–OGM–SF–PPR–B (OMB #0970–0406, expiration 1/31/2026). OMB grants policy requires recipients to report on performance. Specific citations are contained in 2 CFR part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

ACF requests to extend approval of the form with minor changes proposed to reduce respondent burden. Specifically, ACF proposes to remove four of the questions on the form. The remaining questions align directly with the requirements in 2 CFR 200.231. The form, developed by OGM, was created from the basic template of the OMB-approved reporting format of the Program Performance Report. OGM uses this data to ensure recipients are proceeding in a satisfactory manner in meeting the approved goals and objectives of the project, and to decide if funding should be continued for another budget period.

Respondents: ACF discretionary grantees. State governments, Native American Tribal governments, Native American Tribal Organizations, Local Governments, Universities, and Nonprofits with or without 501(c)(3) status with the Internal Revenue Service (IRS).

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
ACF–OGM–SF–PPR–B	2,000	2	.33	1,320

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: 2 CFR part 200.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2025–21789 Filed 12–2–25; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2023–D–2439]

QTc Information in Human Prescription Drug and Biological Product Labeling; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a guidance for industry entitled ''QTc Information in Human Prescription Drug and Biological Product Labeling.'' This guidance is intended to assist applicants with incorporating heart rate-corrected QT (QTc) interval prolongation-related information into the labeling of non-antiarrhythmic human prescription drug and biological products. The guidance provides recommendations on how and where to appropriately include the clinically relevant information on QTc interval prolongation in the labeling, in accordance with regulatory requirements for the content and format of human prescription drug labeling. This guidance finalizes the draft guidance of the same title issued on August 8, 2023.

DATES: The announcement of the guidance is published in the **Federal Register** on December 3, 2025.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov*.
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2023–D–2439 for ''QTc Information in Human Prescription Drug and Biological Product Labeling.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Laleh Amiri-Kordestani, Oncology Center of Excellence and Center for Drug Evaluation and Research, Food and Drug Administration, *OCE-Guidances@fda.hhs.gov;* or Phillip Kurs, Center for Biologics Evaluation and Research, Food and Drug Administration, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''QTc Information in Human Prescription Drug and Biological Product Labeling.'' This guidance is intended to assist applicants with incorporating heart rate-corrected QT (QTc) interval prolongation-related information into the labeling of non-antiarrhythmic human prescription drug and biological products. An undesirable property of some non-antiarrhythmic drugs is their ability to delay cardiac repolarization. A delay in cardiac repolarization creates an electrophysiological environment that favors the development of torsade de pointes (TdP), which can progress to ventricular fibrillation, leading to sudden death. While the degree of QTc interval prolongation is recognized as an imperfect biomarker for proarrhythmic risk, in general, there is a qualitative relationship between QTc interval prolongation and the risk of TdP, especially for drugs that cause prolongation of the QTc interval due to inhibition of the delayed rectifier potassium channel.

FDA and the International Council for Harmonisation recommend that applicants for most non-antiarrhythmic drugs with systemic bioavailability assess effect on cardiac repolarization early in clinical development including a clinical electrocardiographic evaluation. The QTc assessment in early clinical development may inform the frequency and continuation of electrocardiogram monitoring in late phase clinical trials. The guidance provides recommendations and examples on how and where to appropriately include the clinically relevant information on QTc interval prolongation in labeling, in accordance with regulatory requirements for the content and format of human prescription drug labeling.

This guidance finalizes the draft guidance entitled, ''QTc Information in Human Prescription Drug and Biological Product Labeling,'' issued on August 8, 2023 (88 FR 53501). FDA considered comments received on the draft guidance as the guidance was finalized. Changes from the draft guidance to the final guidance include adding a section providing recommendations for including QTc interval prolongation information in FDA-approved patient labeling and a section for updating QTc interval prolongation information in currently-approved labeling. In addition, minor revisions and editorial changes were made to improve clarity.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''QTc Information in Human Prescription Drug and Biological Product Labeling.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in 21 CFR 201.56 and 201.57 have been approved under OMB control number 0910–0572; the collections of information in 21 CFR 208 have been approved under OMB control number 0910–0393; the collections of information in 21 CFR part 312 have been approved under OMB control number 0910–0014; the collections of information in 21 CFR part 314 have been approved under OMB control number 0910–0001; and the collections of information in 21 CFR part 601 have been approved under OMB control number 0910–0338.

III. Electronic Access

Persons with access to the internet may obtain the guidance at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.regulations.gov.*

Lowell M. Zeta,

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

[FR Doc. 2025–21798 Filed 12–2–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–D–4634]

Monoclonal Antibodies: Streamlined Nonclinical Safety Studies; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Monoclonal Antibodies: Streamlined Nonclinical Safety Studies.'' The draft guidance provides recommendations for streamlined approaches to assess long-term safety from monoclonal antibodies that recognize a single molecular target (referred to as monospecific antibodies); describes when general toxicology studies are not warranted or may be limited to a short-term study; and addresses reproductive, developmental, and juvenile toxicity assessments. When finalized, the guidance is intended to assist sponsors in avoiding unnecessary use of animals, particularly non-human primates (NHPs), in furtherance of the 3R principles of reducing, refining, and replacing the use of animal testing.

DATES: Submit either electronic or written comments on the draft guidance by February 2, 2026 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any

confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2025–D–4634 for ''Monoclonal Antibodies: Streamlined Nonclinical Safety Studies.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Haleh Saber, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 2324, Silver Spring, MD 20993–0002, 301–796–1410, *haleh.saber@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Monoclonal Antibodies: Streamlined Nonclinical Safety Studies.'' This guidance, when finalized, is intended to assist sponsors in implementing streamlined approaches for nonclinical safety assessments of monoclonal antibodies that recognize a single molecular target (monospecific antibodies). Most antibodies are pharmacologically active in NHPs only and thus animal toxicology studies would include testing in NHPs. This draft guidance is intended to facilitate drug development for monospecific antibodies while avoiding unnecessary use of animals, particularly NHPs, consistent with the 3R principles of reducing, refining, and replacing animal testing. This draft guidance provides recommendations for streamlined approaches to assess long-term safety from monospecific antibodies; describes when general toxicology studies are not warranted or may be limited to a short-term study; and addresses reproductive, developmental, and juvenile toxicity assessments. The draft guidance provides examples of when a 3-month or longer animal toxicology study may not be warranted or when certain safety studies could be replaced with a weight-of-evidence (WoE) risk assessment and makes clear that a WoE risk assessment may include new approach methodologies.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Monoclonal Antibodies: Streamlined Nonclinical Safety Studies.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

As we develop final guidance on this topic, FDA will consider comments on costs or cost savings the guidance may generate, relevant for Executive Order 14192.

II. Paperwork Reduction Act of 1995

While this guidance contains no new collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 314 relating to the submission of nonclinical safety studies in new drug applications have been approved under OMB control number 0910–0001. The collections of information in 21 CFR part 312 relating to the submission of nonclinical safety studies in investigational new drug applications have been approved under OMB control number 0910–0014. The collections of information in section 351(a) of the PHS Act and 21 CFR part 601 relating to the submission of nonclinical safety studies in biologics license applications have been approved under OMB control number 0910–0338.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.regulations.gov, https://www.fda.gov/drugs/guidance-*

compliance-regulatory-information/guidances-drugs, or *https://www.fda.gov/regulatory-information/search-fda-guidance-documents.*

Lowell M. Zeta,

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

[FR Doc. 2025–21864 Filed 12–2–25; 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; RFA Panel: Topics in HIV and Substance Use.

Date: January 22, 2025.

Time: 09:00 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: Caitlin Elizabeth Angela Moyer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 443–4577, *caitlin.moyer@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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21823 Filed 12–2–25; 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: Brain Disorders and Clinical Neuroscience Integrated Review Group; Neural Basis of Psychopathology, Addictions and Sleep Disorders Study Section.

Date: January 6–7, 2026.

Time: 10:00 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: Todd Everett White, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–3962, *todd.white@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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21871 Filed 12–2–25; 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; Mentored Clinical Scientist Research Career Development Award.

Date: January 7, 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: Stephen A. Gallo, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, Rockville, MD 20852, 240–669–2858, *steve.gallo@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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21819 Filed 12–2–25; 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: Skeletal Muscle and Rehabilitation Sciences.

Date: January 7, 2026.

Time: 9:00 a.m. to 9:00 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: Erick Omar Hernandez Ochoa, Ph.D., MD, Scientific Review Officer, The Center for Scientific Review, The National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, *erick.hernandezochoa@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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21851 Filed 12–2–25; 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: Oncology 1—Basic Translational Integrated Review Group; Basic Mechanisms of Cancer Health Disparities Study Section.
Date: January 06, 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: Wing-hang Tong, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (302) 402–0360, *tongw@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21859 Filed 12–2–25; 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; Small Business: Anti-infective therapeutics, diagnostic immunology, and decontamination.
Date: January 27, 2026.
Time: 09:00 a.m. to 07:00 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: Samita Sarkar Andreansky, Scientific Review Officer, NIAID, AIDS Review Branch, BG 5601 Fishers Lane, Room 3E71 MSC 9834, 5601 Fishers Lane, Bethesda, MD 20892, (240) 669–2915 *samita.andreansky@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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21861 Filed 12–2–25; 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 B Integrated Review Group; HIV Coinfections and HIV Associated Cancers Study Section.
Date: January 28, 2025.
Time: 9:00 a.m. to 6:30 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Joshua D. Powell, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–5370, *josh.powell@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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21824 Filed 12–2–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory Child Health and Human Development Council, January 26–27, 2026, 12:00 p.m. to 05:00 p.m. to January 26, 2026,

12:00 p.m. to 05:00 p.m., *Eunice Kennedy Shriver* National Institute of Child, Health and Human Development National Institutes, 6710 B Rockledge Drive, Bethesda, MD 20817 which was published in the **Federal Register** on September 24, 2025, 90 FR 45955.

Scheduled two-day meeting changed to one day meeting. The meeting is open to the public. Second day rescheduled for March 20, 2025.

Dated: November 25, 2025.

Margaret N. Vardanian,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21866 Filed 12–2–25; 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–22–180: Maximizing Investigators' Research Award (MIRA).

Date: January 29–30, 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: Ezgi Kunttas-Tatli, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–594–7047, *ezgi.kunttas-tatli@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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21855 Filed 12–2–25; 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; RFA Panel: Accelerating the Pace of Substance Use Research Using Existing Data.

Date: January 14–15, 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: Sheila Piroozni, Ph.D., Scientific Review Officer, Division of Extramural Review, Scientific Review Branch, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 496–9350, *sheila.pirooznia@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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21840 Filed 12–2–25; 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; Small Business: Medical Imaging.

Date: January 14–15, 2026.

Time: 9:00 a.m. to 12:00 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: Saejeong J. Kim, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W640, Rockville, MD 20850, *saejeong.kim@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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21854 Filed 12–2–25; 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: Chemistry, Biochemistry and Biophysics.

Date: February 06, 2026.

Time: 10:00 a.m. to 06:00 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: Dennis Pantazatos, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–2381, *dennis.pantazatos@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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21845 Filed 12–2–25; 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: Population Sciences and Epidemiology Integrated Review Group; Reproductive, Perinatal and Pediatric Health Study Section.

Date: January 15, 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: Lisa Anne Deroo, MPH, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda MD 20892, (301) 480–4994, *lisa.deroo@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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21852 Filed 12–2–25; 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: Population Sciences and Epidemiology Integrated Review Group; Cardiovascular and Respiratory Diseases Study Section.

Date: January 9, 2026.

Time: 9:30 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: Raquel L. Velazquez-Kronen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Bethesda, MD 20892, (513) 301–9047, *velazquezrl@csr.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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21847 Filed 12–2–25; 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: Virology.

Date: December 11, 2025.

Time: 11:00 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: Yong Gao, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room #3G13B, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC, 9834 Rockville, MD 20892–9834, (240) 669–5048, *yong.gao@nih.gov*.

This notice is being published less than 15 days from the meeting date due to exceptional circumstances. As a result of the 43-day government shutdown, due to lapsed appropriations, the above meeting was canceled. This meeting was to assess the scientific and technical merit of NIH grant applications, required by statute to disburse NIH funds. The meeting must take place urgently so that evaluations of biomedical research applications addressing multiple major public health priorities can be submitted to the national advisory councils for timely funding recommendations.

(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 28, 2025.

David W Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21849 Filed 12–2–25; 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 Social Influences and Environmental Determinants of Health.

Date: January 6, 2026.

Time: 12:00 p.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: Sandhya Sanghi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000–E, Bethesda, MD 20892, 301–594–3393, *sandhya.sanghi@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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21865 Filed 12–2–25; 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; Adaptive Immunity Study Section.

Date: January 06–07, 2026.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Liying Guo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4198, Bethesda, MD 20892, 301–827–7728, *lguo@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21822 Filed 12–2–25; 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: Infectious Diseases and Immunology B Review Panel.

Date: December 18, 2025.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Diana Maria Ortiz-Garcia, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–5614, *diana.ortiz-garcia@nih.gov.*

This notice is being published less than 15 days from the meeting date due to exceptional circumstances. As a result of the 43-day government shutdown, due to lapsed appropriations, the above meeting was canceled. This meeting was to assess the scientific and technical merit of NIH grant applications, required by statute to disburse NIH funds. The meeting must take place urgently so that evaluations of biomedical research applications addressing multiple major public health priorities can be submitted to the national advisory councils for timely funding recommendations.

(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 28, 2025.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21850 Filed 12–2–25; 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: Oncology.

Date: January 27, 2026.

Time: 09:30 a.m. to 06:00 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: Reigh-Yi Lin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7846, Bethesda, MD 20892, (301) 827–6009, *lin.reigh-yi@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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21862 Filed 12–2–25; 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; Small Business: Drug Discovery and Development.

Date: January 26–27, 2026.

Time: 10:00 a.m. to 06:00 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: Sergei Ruvinov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301–435–1180, *ruvinser@csr.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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21873 Filed 12–2–25; 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; Small Business: Therapeutic Development for Alzheimer's Disease and Related Dementias (ADRD) and Neurodegenerative Disorders—Panel B.

Date: January 16, 2026.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Kathryn Partlow, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1016D, Bethesda, MD 20892, (301) 594–2138, *partlowkc@csr.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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21821 Filed 12–2–25; 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; RFA–HG–24–026: Building Partnerships and Broadening Perspectives to Advance Ethical, Legal, and Social Implications (ELSI) Research (BBAER) Program.

Date: January 12, 2026.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Rochelle Francine Hentges, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000C, Bethesda, MD 20892, (301) 402–8720, *hentgesrf@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21858 Filed 12–2–25; 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: Aging, Neurodegeneration, and Neurotoxicology.

Date: January 8–9, 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: Rahat Rani Khan, Ph.D., Scientific Review Officer, Office of Grants Management and Scientific Review, National Center for Advancing Translational Sciences, 6701 Democracy Blvd., Rm 1078, Bethesda, MD 20892, 301–594–7319, *Khanr2@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21868 Filed 12–2–25; 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: Epidemiology and Population Health.

Date: January 29, 2026.

Time: 10:00 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: Jingsheng Tuo, Ph.D., Scientific Review Officer, National Institute on Minority Health and Health Disparities, National Institutes of Health, 7201 Wisconsin Ave., Ste 533, Bethesda, MD 20892, (301) 451–5953, *jingsheng.tuo@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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21843 Filed 12–2–25; 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: Alzheimer's and Related Neurodegenerative Disorders Review.

Date: January 22, 2026.

Time: 9:30 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: Bo-Shiun Chen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–9223, *bo-shiun.chen@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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21869 Filed 12–2–25; 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; Small Business: Therapeutic Development for Alzheimer's Disease and Related Dementias (ADRD) and Neurodegenerative Disorders.

Date: January 27–28, 2026.

Time: 9:00 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: Kathryn Partlow, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1016D, Bethesda, MD 20892, (301) 594–2138, *partlowkc@csr.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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21872 Filed 12–2–25; 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 23–077: Collaborative Program Grant for Multidisciplinary Teams (RM1).

Date: January 12, 2026.

Time: 10:00 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: Sergei Ruvinov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301–435–1180, *ruvinser@csr.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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21838 Filed 12–2–25; 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; S10 Instrumentation: Flow Cytometers.

Date: February 11, 2026.

Time: 1:00 p.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: Jessica Smith, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301.402.3717, *jessica.smith6@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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21857 Filed 12–2–25; 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: Infectious Diseases and Immunology B Review Panel.

Date: December 15, 2025.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Seyhan Boyoglu Barnum, Ph.D., Scientific Review Officer, The Center for Scientific Review, The National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, *seyhan.boyoglu-barnum@nih.gov.*

This notice is being published less than 15 days from the meeting date due to exceptional circumstances. As a result of the 43-day government shutdown, due to lapsed appropriations, the above meeting was canceled. This meeting was to assess the scientific and technical merit of NIH grant applications, required by statute to disburse NIH funds. The meeting must take place urgently so that evaluations of biomedical research applications addressing multiple major public health priorities can be submitted to the national advisory councils for timely funding recommendations.

(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 28, 2025.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21848 Filed 12–2–25; 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: Social and Community Influences on Health Integrated Review Group; Social Psychology, Personality and Interpersonal Processes Study Section.

Date: January 8, 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: Abigail Alexander Haydon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–435–4806, *haydonaba@csr.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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21867 Filed 12–2–25; 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–22–180: Maximizing Investigators Research Award (MIRA).

Date: January 22–23, 2026.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Adam Lawrence Heuberger, Ph.D., Scientific Review Branch, National Institute of General Medical Sciences, National Institutes of Health, 6701 Rockledge Drive, Room 904–C, Bethesda, MD 20892, *adam.heuberger@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 28, 2025,

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21853 Filed 12–2–25; 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; Career Development and Transition Awards: Cell, Developmental, and Aging Biology.

Date: January 27, 2026.

Time: 9:30 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Konrad Jerzy Krzewski, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 5601 Fishers Lane, Room 3G53, Rockville, MD 20852, (240) 747–7526, *konrad.krzewski@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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21856 Filed 12–2–25; 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: Genes, Genomes, and Genetics Integrated Review Group; Genomics, Computational Biology and Technology Study Section.

Date: December 12, 2025.

Time: 9:00 a.m. to 8:00 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: Methode Bacanamwo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2200, Bethesda, MD 20892, 301–827–7088, *methode.bacanamwo@nih.gov*.

This notice is being published less than 15 days from the meeting date due to exceptional circumstances. As a result of the 43-day government shutdown, due to lapsed appropriations, the above meeting was canceled. This meeting was to assess the scientific and technical merit of NIH grant applications, required by statute to disburse NIH funds. The meeting must take place urgently so that evaluations of biomedical research applications addressing multiple major public health priorities can be submitted to the national advisory councils for timely funding recommendations.

(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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21860 Filed 12–2–25; 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: Applied Immunology and Disease Control Integrated Review Group; Transmission of Vector-Borne and Zoonotic Diseases Study Section.

Date: January 30, 2026.

Time: 09:00 a.m. to 09:00 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: Haruhiko Murata, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–3245, *muratah@csr.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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21820 Filed 12–2–25; 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: Healthcare Delivery and Methodologies Integrated Review Group; Clinical Data Management and Analysis Study Section.

Date: January 15, 2026.

Time: 8:30 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: Shivakumar V. Chittari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–408–9098, *chittari.shivakumar@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 28, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–21870 Filed 12–2–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2025–0910]

Notice of Partially Closed Federal Advisory Committee Meeting

AGENCY: Office of Partnership and Engagement, Department of Homeland Security.

ACTION: Notice.

SUMMARY: The Office of Partnership and Engagement is publishing this notice to announce that the Homeland Security Advisory Council will meet in person on Wednesday, December 10, 2025. This meeting will be partially closed to the public. This meeting will be led by the Secretary of Homeland Security to discuss new taskings for the Council and sensitive DHS Operations.

DATES: *Meeting Registration:* Registration to attend the meeting is required and must be received via email no later than 5 p.m. Eastern Daylight Time (EDT) on Monday, December 8, 2025. The meeting will take place from 9:00 a.m. to 12:30 p.m. EDT on Wednesday, December 10, 2025. The meeting will be open to the public via livestream from 9:00 a.m. to 10:00 a.m. EDT. The meeting will be closed to the public from 10:00 a.m. to 12:30 p.m. EDT. The meeting may end early if the Council has completed its business.

ADDRESSES: The Council meeting will be held at the Department of Homeland Security—St. Elizabeths Campus in Washington, DC. Members of the public may attend the open session via livestream following the process outlined below. For those attending the meeting you will be in listen-only mode.

FOR FURTHER INFORMATION CONTACT: Sara Perkins, Designated Federal Officer, Homeland Security Advisory Council at (202) 269–2419 or *HSAC@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Council provides organizationally independent, strategic, timely, specific, actionable advice, and recommendations to the Secretary of Homeland Security on matters related to homeland security. The Council serves strictly as an advisory body with the purpose of providing advice upon request of the Secretary.

Notice of this meeting is given under Section 10(a) of the Federal Advisory Committee Act, Public Law 92–463 (5 U.S.C. Ch. 10), which requires each Council meeting to be open to the public unless the President, or the head of the agency to which the advisory council reports, determines that a portion of the meeting may be closed to the public in accordance with 5 U.S.C. 552b(c).

Agenda: The Council will meet in an open session from 9:00 a.m. until 10:00 a.m. Eastern Daylight Time. The Council will discuss new taskings for the Council. The open session meeting may end early if the Council has completed its business.

Meeting instructions for virtual attendance. Members of the public may register to observe this Council meeting via livestream under the following procedures. Each individual must provide their full legal name and email

address no later than 5:00 p.m. Eastern Daylight Time on Monday, December 8, 2025, to Sara Perkins, Designated Federal Officer of the Homeland Security Advisory Council, via email to *HSAC@hq.dhs.gov.* Members of the public who have registered to observe will be provided the agenda, and livestream link. For more information about the Homeland Security Advisory Council, please visit our website: *https://www.dhs.gov/homeland-security-advisory-council.*

The Council is committed to ensuring all participants have equal access regardless of disability status. If you require a reasonable accommodation due to a disability to fully participate, please contact Sara Perkins at *HSAC@hq.dhs.gov* as soon as possible.

Basis for Partial Closure: In accordance with Section 10(d) of FACA, the Secretary of Homeland Security has determined this meeting must be partially closed as the disclosure of the information relayed would be detrimental to the public interest for the following reasons:

The Council will participate in a sensitive operational discussion containing For Official Use Only and Law Enforcement Sensitive information. This discussion will include information regarding threats facing the United States and how DHS plans to address those threats. The session is closed pursuant to 5 U.S.C. 552b(c)(9)(B) because the disclosure of this information could significantly frustrate implementation of proposed agency actions.

Dated: November 24, 2025.

Sara Perkins,

Designated Federal Officer, Homeland Security Advisory Council, Department of Homeland Security.

[FR Doc. 2025–21800 Filed 12–2–25; 8:45 am]

BILLING CODE 9112–FN–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

TSA Confirm.ID User Fee

AGENCY: Transportation Security Administration, DHS.

ACTION: Notice.

SUMMARY: On November 20, 2025, the Transportation Security Administration (TSA) published a notice announcing the launch of a fee-funded modernized alternative identity verification program for individuals who present at the TSA checkpoint without the required acceptable form of identification (AFOID), such as a REAL ID or passport. TSA is announcing the rebranding of the modernized program now identified as ''TSA Confirm.ID''. To address the government-incurred costs of operating the new program, including an updated review and revision of relevant population estimates and costs, TSA sets the TSA Confirm.ID program fee for individuals who choose to use the program to $45.00.

DATES: This notice is effective December 3, 2025.

FOR FURTHER INFORMATION CONTACT: ORCA Comms, TSA/RCA, Identity Management, Transportation Security Administration, 6595 Springfield Center Drive, Springfield, VA 20598–6047; 866–289–9673; or email at *ORCACommunications@tsa.dhs.gov.*

SUPPLEMENTARY INFORMATION: You can find an electronic copy of this Notice using the internet by accessing the Government Publishing Office's web page at *https://www.govinfo.gov/app/collection/FR* to view the daily published **Federal Register** edition or accessing the Office of the Federal Register's web page at *https://www.federalregister.gov.* Copies are also available by writing or contacting the individual in the **FOR FURTHER INFORMATION CONTACT** section, or by email at *ORCACommunications@tsa.dhs.gov.*

Abbreviations and Terms Used in This Document

AFOID—Acceptable Form of Identification
TDC—Travel Document Checker
TSA—Transportation Security Administration

I. Background

On November 20, 2025, TSA published a notice announcing the establishment of a modernized alternative identity verification program for individuals who do not present the required AFOID at the TSA checkpoint (November Notice).[1] TSA's primary method of identity verification is matching the information on an individual's travel documentation with a TSA AFOID that the individual presents at the checkpoint.[2] TSA expects individuals to present an AFOID at the Travel Document Checker (TDC). For individuals who do not present an AFOID, TSA may provide the individual with an opportunity to participate in an alternative identification process to access the sterile area of the airport.

This notice announces the rebranding of the modernized program announced in the November Notice, now identified as ''TSA Confirm.ID''. The rebranding does not change the parameters of the program. Registering for the TSA Confirm.ID program and payment of the non-refundable fee does not guarantee that an individual's identity will be verified or that the individual will be provided access to the sterile area of the airport. Individuals who verify their identity using the TSA Confirm.ID program may still be subject to additional screening or experience delays.

The TSA Confirm.ID program is a registered traveler program.[3] TSA is required to collect a non-refundable fee to cover the aggregate costs of any registered traveler program and impose the fee by notice published in the **Federal Register**.[4] The fee is designed to fully recover TSA's costs of providing the TSA Confirm.ID program—including the initial development and deployment of the program—to individuals who choose to participate. TSA will not refund the fee, in whole or in part, to individuals whose identities are verified or to individuals whose identities are not verified or who are unable to enter the sterile area based upon the results of the identity verification process.

II. Updated Fee Announcement

In the November Notice, TSA stated that it would impose and collect a fee of $18.00 per person at the time an individual registers and requests alternative identity verification using TSA-approved payment methods. TSA is updating the fee associated with the TSA Confirm.ID based on review and revision of relevant population estimates and costs. The Fee Report now includes a revised estimate of the population likely to use the TSA Confirm.ID program, the impact of the fee on individuals' decisions to obtain an AFOID instead of paying the fee and TSA's implementation costs, which affect the total fee necessary to recover the costs of the program. Using the updated estimates and a revised methodology that accounts for usage rates based on similar historical and implementation trends, TSA recalculated overall costs and determined that the fee necessary to cover the costs of the TSA Confirm.ID

[1] 90 FR 52427 (November 20, 2025).

[2] TSA provides a list of acceptable IDs on its website (*https://www.tsa.gov/travel/security-screening/identification*).

[3] *See* Department of Homeland Security Appropriations Act, 2006, Public Law 109–90, sec. 540, (119 Stat. 2064, 2088–89 (Oct. 18, 2005)) (codified at 49 U.S.C. 114 note).

[4] *Id.*

program is slightly more than $45.00. TSA is rounding down to a set fee of $45.00. The $45.00 fee applies per individual, per 10-day use (provided the individual can successfully verify their identity for each use during the 10-day period).[5]

As noted above, TSA has updated the fee development report that provides a detailed discussion of the TSA Confirm.ID program's expected costs, updated expected population, and updated fee determination. A copy of the fee development report can be accessed at TSA.gov. In addition to this notice, TSA will publish additional information regarding the TSA Confirm.ID program at TSA.gov. TSA may update this fee and availability of the program in the future through publication of a notice in the **Federal Register**. Collection of the fee will begin when TSA announces that individuals may register for the TSA Confirm.ID program at TSA.gov.

Ha Nguyen McNeill,

Senior Official Performing the Duties of the Administrator, Transportation Security Administration.

[FR Doc. 2025–21830 Filed 12–1–25; 4:15 pm]

BILLING CODE 9110–05–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[OMB Control Number 1010–0176; Docket ID: BOEM–2025–0003]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Renewable Energy on the Outer Continental Shelf and Alternate Uses of Existing Facilities on the Outer Continental Shelf

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Ocean Energy Management (BOEM, we) proposes this information collection request (ICR) to renew Office of Management and Budget (OMB) Control Number 1010–0176 with revisions.

DATES: Comments must be received by the OMB desk officer no later than January 2, 2026.

ADDRESSES: Submit your written comments on this ICR to the OMB's desk officer for the Department of the Interior at *www.reginfo.gov/public/do/PRAMain.* From the *www.reginfo.gov/public/do/PRAMain* landing page, find this information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments by parcel delivery service or U.S. mail to the BOEM Information Collection Clearance Officer Anna Atkinson, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, Virginia 20166; or by email to *anna.atkinson@boem.gov.* Please reference OMB Control Number 1010–0176 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Anna Atkinson by email at *anna.atkinson@boem.gov,* or by telephone at 703–787–1025. 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 of 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: In accordance with the Paperwork Reduction Act of 1995, BOEM provides the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps BOEM assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand BOEM's information collection requirements and provides the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period on the proposed ICR was published on April 25, 2025 (90 FR 17442). BOEM received 3 comments. One comment suggested reviewing the collection for safety concerns. Another comment recommended transitioning to all green energy. Another commenter supported clean and natural energy and did not want Georgia impacted with drilling. These comments do not change the purpose of or need for the ICR, nor do they affect the cost or hour burden.

As part of our continuing effort to reduce paperwork and respondent burdens, we again invite the public and other Federal agencies to comment on this revised information collection. We are especially interested in public comments addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of BOEM's functions, including whether or not the information will have practical utility;

(2) What can BOEM do to ensure that this information is processed and used in a timely manner?

(3) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(4) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(5) How might BOEM minimize the burden of the information collection 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 response.

Comments that you submit in response to this notice are a matter of public record and will be available for public review on *www.reginfo.gov.* BOEM will include or summarize each comment in its ICR to OMB for approval.

You should be aware that your entire comment—including your address, phone number, email address, or other personally identifiable information included in your comment—may be made publicly available at any time. Even if BOEM withholds your personally identifiable information in the context of this ICR, your comment is subject to the Freedom of Information Act (FOIA) (5 U.S.C. 552). Your information will only be withheld if a determination is made that one of the FOIA exemptions to disclosure applies. Such a determination will be made in accordance with the Department of the Interior's (DOI) FOIA implementing regulations (43 CFR part 2) and applicable law.

For BOEM to consider withholding from disclosure your personally identifiable information, you must identify, in a cover letter, any information contained your comment that, if released, would constitute a clearly unwarranted invasion of your personal privacy. You must also briefly describe any possible harmful consequences of the disclosure of information, such as embarrassment, injury, or other harm.

BOEM will make available for public inspection, in their entirety, all comments submitted by organizations and businesses, or by individuals identifying themselves as representatives of organizations or businesses.

[5] The same period of use was provided in the November Notice.

BOEM protects proprietary information in accordance with FOIA, DOI's implementing regulations (43 CFR part 2), and 30 CFR 581.7.

Abstract: The ICR addresses the paperwork requirements in the regulations under 30 CFR parts 585 and 586 issued pursuant to the Outer Continental Shelf Lands Act (OCS Lands Act), as amended (43 U.S.C. 1331 *et seq.*). The OCS Lands Act at subsection 8(p) (43 U.S.C. 1337(p)) authorizes the Secretary of the Interior to issue leases, easements, or rights-of-way on the OCS for activities that produce or support production, transportation, or transmission of energy from sources other than oil and gas, including renewable energy. Subsection 8(p) directs the Secretary to issue any necessary regulations to carry out the OCS renewable energy program.

The Secretary delegated this authority to BOEM. BOEM issued regulations for OCS renewable energy activities at 30 CFR parts 585 and 586. This notice concerns the reporting and recordkeeping elements required by these regulations.

Respondents are parties interested in obtaining a lease or grant for renewable energy activities on the OCS; lessees and grantees submitting plans for commercial and noncommercial renewable energy projects on the OCS, and, if such plans are approved, constructing, operating, maintaining, and decommissioning those projects; and applicants for, or holders of, rights-of-use and easement for alternate uses of existing facilities on the OCS.

BOEM must ensure that these activities are carried out in a manner that provides for, among other things, safety, protection of the environment, and consideration of other OCS users. In order to execute its duties, BOEM requires information regarding potential purchasers of leases, grants, and rights-of-way; their proposed activities; their financial assurance instruments to ensure accrued obligations are met; and their payments to the U.S. Treasury.

BOEM uses forms to collect information to ensure proper and efficient administration of OCS renewable energy leases and grants and to document the financial responsibility of lessees and grantees. Forms BOEM–0002, BOEM–0003, BOEM–0004, and BOEM–0006 are used, respectively, by renewable energy entities on the OCS to assign a grant interest, assign a lease interest, relinquish a lease or grant, and designate an operator. Form BOEM–0005 is used to document a surety's guarantee of lessees' and grantees' performance. BOEM maintains the submitted forms as official lease and grant records.

The current approved annual burdens for OMB Control Number 1010–0176 are equal to 9,876 burden hours, 200 annual responses, and $1,908,000 non-hour costs. BOEM is updating the overall burdens for this OMB control number. This update reflects recent increases in development activity and a more realistic assessment of conditional approvals that have increased the number and scope of compliance requirements compared to previous estimates.

BOEM sets conditions of approval for activities on the OCS to ensure compliance with regulations and project-specific requirements. BOEM has several projects under current leases that recently entered the planning phase; these annual burden hours were not counted in the last ICR renewal. BOEM is increasing the annual burden hours to reflect the increase related to the terms and conditions of approval of these projects. The adjustments to the numbers in the burden table for this revision are estimates based on BOEM's knowledge and expertise of the industry and requirements associated with offshore wind projects.

During the public outreach in 2025, industry representatives noted that annual burden hours were undercounted for requirements that support monitoring activities, training, survey efforts, and monthly status reporting. In addition, representatives shared that non-labor costs were undercounted, including those requirements associated with studies and vessel-supported activities.

As noted in the 60-day notice, BOEM is also rolling the annual burdens under OMB Control Number 1010–0195 into this revision of 1010–0176. In 2023 and 2024, BOEM had two final rules tied to 30 CFR 585 and 586 (88 FR 6376 and 89 FR 42602). BOEM used two OMB-approved control numbers, 1010–0176 and 1010–0195, to account for the information collections under those rules. Now, with this ICR, BOEM will consolidate these information collections under OMB Control Number 1010–0176 and will discontinue 1010–0195.

This ICR increases annual burdens by 71,228 hours to a total of 81,104 hours, based on BOEM's recent collection of data and information.

On January 20, 2025, the Presidential Memorandum ''Temporary Withdrawal of All Areas on the Outer Continental Shelf from Offshore Wind Leasing and Review of the Federal Government's Leasing and Permitting Practices for Wind Projects'' was issued. With the hold on wind leasing, BOEM will likely see a decrease in annual burden hours on future renewals of OMB Control Number 1010–0176. In this ICR, BOEM accounts for the leases moving through the approval process.

Title of Collection: 30 CFR part 585, Renewable Energy on the Outer Continental Shelf and 586, Alternate Uses of Existing Facilities on the Outer Continental Shelf.

OMB Control Number: 1010–0176.

Form Numbers:

- BOEM–0002, ''Outer Continental Shelf (OCS) Renewable Energy Assignment of Grant;''
- BOEM–0003, ''Assignment of Record Title Interest in Federal OCS Renewable Energy Lease;''
- BOEM–0004, ''Outer Continental Shelf (OCS) Renewable Energy Lease or Grant Relinquishment Application;''
- BOEM–0005, ''Outer Continental Shelf (OCS) Renewable Energy Lessee's, Grantee's, and Operator's Bond;'' and
- BOEM–0006, ''Outer Continental Shelf (OCS) Renewable Energy Lease or Grant Designation of Operator.''

Type of Review: Revision of a currently approved information collection.

Respondents/Affected Public: Companies interested in renewable energy-related uses on the OCS and holders of leases and grants under 30 CFR parts 585 and 586.

Total Estimated Number of Annual Responses: 483 responses.

Total Estimated Number of Annual Burden Hours: 81,104 hours.

Respondent's Obligation: Mandatory or required to retain or obtain a benefit.

Frequency of Collection: On occasion or annually.

Total Estimated Annual Non-hour Cost Burden: $43,198,584 non-hour cost burden.

The following table details the individual components and estimated hour burdens. In calculating the burdens, BOEM recognized that some of the required information collections are incurred by respondents in the normal course of their activities, like compiling and maintaining business records. BOEM considers some of the information collection activities to be usual and customary business practices and excluded those activities from its account in estimating the burden.

BURDEN TABLE

Section(s) in 30 CFR 585	Reporting and recordkeeping requirement [1]	Hour burden	Average number of annual responses	Annual burden hours
			Non-hour cost burdens	
Subpart A—General Provisions				
102(e)	Affected State and local governments enter into and participate in task forces, joint planning or coordination agreements after BOEM invitation.	275	6 meetings or agreements.	1,650
103; 586.104	Request general departures not specifically covered elsewhere in part 585.	24	5 requests	120
105(c); 586.105(c)	Make oral requests or notifications and submit written follow-up within 3 business days not specifically covered elsewhere in part 585.	24	3 requests	72
107; 108; 230(f); 302(a); 409(c); 586.107; 586.203–.213.	Submit evidence of qualifications to hold a lease or grant; submit required supporting information (electronically if required). Qualifications include demonstrating that you have the technical and financial capabilities to conduct the activities authorized by the lease or grant.	24	5 submissions	120
107(b)(1)	Request exception from exclusion or disqualification from participating in transactions covered by Federal non-procurement debarment and suspension system.	15	1 exception	15
106(b)(2), 107(b); 118(c); 315(b); 436; 527(f); 586.107.	Request reconsideration and/or hearing	Requirement not considered IC under 5 CFR 1320.3(h)(9).		0
109; 530(b)	Notify BOEM within 3 business days after learning of any action filed alleging respondent is insolvent or bankrupt.	2	1 notice	2
110	Notify BOEM in writing of merger, name change, or change of business form no later than 120 days after earliest of either the effective date or filing date.	Requirement not considered IC under 5 CFR 1320.3(h)(1).		0
112(b)(5)	Within 30 days of receiving bill, submit processing fee payments for BOEM document or study preparation to process applications and other requests.	1	1 submission	1
		1 payments × $4,000 = $4,000		
112(b)(2), (3)	Submit comments on proposed processing fee or request approval to perform or directly pay contractor for all or part of any document, study, or other activity, to reduce BOEM processing costs.	550	2 requests	1,100
112(b)	Perform, conduct, develop, etc., all or part of any document, study, or other activity; and provide results to BOEM to reduce BOEM processing fee.	2,500	1 submission	2,500
112(b)	Pay processing fee for all or part of any document, study, or other activity.	1 studies payments × $2,750,000 = $2,750,000		
118(a); 436(c); 112(b)(7)	Except as stated in paragraph (c), any party adversely affected by a final decision issued by BOEM under this part may appeal that decision to the Interior Board of Land Appeals (IBLA), under part 590 of this chapter and 43 CFR part 4, subpart E.	Exempt under 5 CFR 1320.4(a)(2), (c).		0
118(c)	Within 15 days of bid rejection, a bidder may request reconsideration of bid decision or rejection in writing to the Director. Appeals must be accompanied by a statement of reasons.	Requirement not considered IC under 5 CFR 1320.3(h)(9).		0
Subtotal			25 responses	5,580
			$2,754,000 non-hour costs	
Subpart C—Issuance of OCS Renewable Energy Leases				
200; 224; 231; 235; 236; 238	These sections contain references to information submissions, approvals, requests, applications, plans, payments, etc., the burdens for which are covered elsewhere in part 585.			0
210; 211(a–c); 212 thru 216	Submit nominations and general comments in response to **Federal Register** notices on Request for Interest in OCS Leasing, Call for Information and Nominations (Call), Area Identification, and Notices of Sale. Includes industry, State & local governments.	Not considered IC as defined in 5 CFR 1320.3(h)(4).		0
210; 211(a–c); 212 thru 216	Submit comments and required information in response to **Federal Register** notices on Request for Interest in OCS Leasing, Call for Information and Nominations (Call), Area Identification, and Notices of Sale. Includes industry, State & local governments.	24	1 comment	24
220 thru 223	Submit bid, payments, and required information in response to **Federal Register** Final Sale Notice.	5	1 bid	5

BURDEN TABLE—Continued

Section(s) in 30 CFR 585	Reporting and recordkeeping requirement [1]	Hour burden	Average number of annual responses	Annual burden hours
			Non-hour cost burdens	
225(b)	Within 10 business days, execute 3 copies of lease form and return to BOEM with required payments, including evidence that agent is authorized to act for bidder; if applicable, submit information to support delay in execution—competitive leases.	1	1 lease execution	1
225(f)	The winning bidder must pay the first 12 months' rent under § 585.503(a) within 45 calendar days after receiving a copy of the executed lease from BOEM.	8	1 payment	8
230; 231(a)	Submit unsolicited request and acquisition fee for a commercial or limited lease.	5	1 request	5
231(b)	Submit comments in response to **Federal Register** notice re-interest of unsolicited request for a lease.	24	5 comments	120
231(h)(1)	Within 10 business days of receiving lease documents, execute and return lease; file financial assurance and supporting documentation—noncompetitive leases.	2	1 lease	2
231(h)(2)	Within 45 days of receiving lease copies, submit payment of the first 12 months' rent.	Burdens covered by information collections approved for ONRR 30 CFR Chapter XII.		0
235(b); 236(b)	Request additional time to extend preliminary period of commercial or limited lease, including revised schedule for SAP, COP, or GAP submission.	1	3 requests	3
237(b)	Request lease be dated and effective 1st day of month in which signed ..	1	1 request	1
238	Submit request for development of commercial lease in phases. Request must be supported with details as to which portions of the lease will be reserved for subsequent phased development.	4	1 request	4
Subtotal			16 responses	173
Subpart D—ROW Grants and RUE Grants for Renewable Energy Activities				
306; 309; 315; 316	These sections contain references to information submissions, approvals, requests, applications, plans, payments, etc., the burdens for which are covered elsewhere in part 585.			0
302(a); 305; 306	Submit copies of a request for a new or modified ROW or RUE and required information, including qualifications to hold a grant, in format specified.	5	1 request	5
307; 308(a)(1)	Submit information in response to **Federal Register** notice of proposed ROW or RUE grant area or comments on notice of grant auction. Comment period will be 30 days.	24	100 comments	2,400
308(a)(2), (b); 316	Submit bid and payments in response to **Federal Register** notice of auction for a ROW or RUE grant. Successful bidder in an auction must pay the first year's rent, as provided in § 585.316.	5	12 bids	60
306, 309	Submit decision to accept or reject terms and conditions of noncompetitive ROW or RUE grant. ROW or RUE grant becomes effective on the date established by BOEM.	2	4 submissions	8
Subtotal			117 responses	2,473
Subpart E—Lease and Grant Administration				
400; 405; 409; 416, 433	These sections contain references to information submissions, approvals, requests, applications, plans, payments, etc., the burdens for which are covered elsewhere in part 585.			0
405(a)	If designated operator is not the lessee or grant holder, they must be identified in the SAP (under § 585.610(a)(3)), COP (under § 585.626(a)(2)), or GAP (under § 585.645(a)(2)), as applicable. If no operator is designated in a SAP, COP, or GAP, BOEM will deem the lessee or grant holder to be the operator.	1	1 designation	1
405(d)	Submit written notice of change of address	Requirement not considered IC under 5 CFR 1320.3(h)(1).		0
405(e); Form BOEM–0006	If designated operator (DO) changes, notify BOEM and identify new DO for BOEM approval within 72 hours.	2	2 notices	4

BURDEN TABLE—Continued

Section(s) in 30 CFR 585	Reporting and recordkeeping requirement [1]	Hour burden	Average number of annual responses	Annual burden hours
			Non-hour cost burdens	
408 thru 411; Forms BOEM–0002 and BOEM–0003.	Within 90 days after last party executes a transfer agreement, submit copies of a lease or grant assignment application, including originals of each instrument creating or transferring ownership of record title, eligibility and other qualifications; and evidence that agent is authorized to execute assignment, in format specified.	1	2 requests/submissions ..	2
413(d)	BOEM will default to using the terms and conditions in the most recently issued lease or grant to be consolidated for the new lease. BOEM will consider requests for modifications on a case-by-case basis and, in its discretion, approve such requests for good cause.	10	10 requests	100
416(a); 420(a), (b); 428(b)	Submit request for suspension and required information/payment no later than 90 days prior to lease or grant expiration.	10	1 request	10
416(b)	If unable to timely submit a COP or GAP, may request a suspension to extend the preliminary period of lease or grant. Request must include a revised schedule for submission of COP or GAP.	250	3 requests	750
426; 652(a); 235(a), (b)	Request lease or grant renewal no later than 180 days before termination date of your limited lease or grant, or no later than 2 years before termination date of operations term of commercial lease. Submit required information.	250	1 request	250
433	After your lease or grant terminates, you must make all payments due, including any accrued rentals and deferred bonuses; and perform any other outstanding obligations under the lease or grant within 6 months.	72	1 submission	72
435; 658(c)(2); Form BOEM–0004	Submit copies of application to relinquish lease or grant, in format specified. ONRR will bill for outstanding payments.	1	1 submission	1
436; 437	Provide information for reconsideration of BOEM decision to contract or cancel lease or grant area.	Requirement not considered IC under 5 CFR 1320.3(h)(9).		0
Subtotal			22 responses	1,190
Subpart F—Payments and Financial Assurance Requirements				
An * indicates the primary cites for providing bonds or other financial assurance, and the burdens include any previous or subsequent references throughout part 585 to furnish, replace, or provide additional bonds, securities, or financial assurance (including riders, cancellations, replacements). This subpart contains references to other information submissions, approvals, requests, applications, plans, etc., the burdens for which are covered elsewhere in part 585. In the future BOEM may require electronic filings of certain submissions.				0
500 thru 509; 586.211	Submit payer information, payments and payment information, and maintain auditable records according to ONRR regulations or guidance.	Burdens covered by information collections approved for ONRR 30 CFR Chapter XII.		0
506	Submit documentation of the gross annual generation of electricity produced by the generating facility on the lease—use same form as authorized by the EIA. Submit operating fee payments to ONRR.	Burden covered under DOE/EIA OMB Control Number 1905–0129.		0
510; 506(c)(1)	Submit to the BOEM Director, an application and required information for waiver or reduction of rental or other payment.	3	1 submission	3
*516; 525(a) thru (f)	Execute and provide a bond or other authorized financial assurance	3	6 bonds	18
*516(a)(1), (b), (c); 517; 525(a) thru (f).	Execute and provide commercial lease supplemental bonds	3	6 bonds	18
516(a)(2), (3); 521(c)	Execute and provide decommissioning bond or other financial assurance; schedule for providing the appropriate amount.	3	6 bonds	18
517(b)(1)	Submit comments on proposed adjustment to bond amounts	5	1 submission	5
517(b)(2)	Request bond reduction and submit evidence to justify	5	6 requests	30
*520; 521; 525(a) thru (e); Form BOEM–0005.	Execute and provide a bond or other authorized financial assurance	3	6 bonds	18
525(g)	Surety notice to lessee or ROW/RUE grant holder and BOEM within 5 business days after initiating surety insolvency or bankruptcy proceeding, or Treasury decertifies surety.	2	1 surety notices	2
*526; Form BOEM–0005	In lieu of surety bond, pledge other types of securities, including authority for BOEM to sell and use proceeds and submit required information (1 hour for form).	2	1 pledge	2

BURDEN TABLE—Continued

Section(s) in 30 CFR 585	Reporting and recordkeeping requirement [1]	Hour burden	Average number of annual responses	Annual burden hours
			Non-hour cost burdens	
526(c)	Provide annual certified statements describing the nature and market value, including brokerage firm statements/reports.	10	1 statement	10
*527	Demonstrate financial worth/ability to carry out present and future financial obligations, annual updates, and related or subsequent actions/records/reports, etc.	10	11 demonstrations	110
528	Provide third-party indemnity; financial information/statements; additional bond information; executed guarantor agreement and supporting information/documentation/agreements.	10	1 submission	10
528(d)(5)	If you or your operator fail to comply with any law, term, or regulation, your guarantor must either take corrective action or provide, within 7 calendar days or other agreed-upon time period, sufficient funds, up to the value of the guaranty, for BOEM to complete corrective action.	2	2 guarantor actions	4
528(d)(6); 532(b)	Guarantor/Surety requests BOEM terminate period of liability and notifies lessee or ROW/RUE grant holder, etc.	1	1 request	1
528(e)	Before the termination of your guaranty, you must provide an acceptable replacement in the form of a bond or other security.	3	6 submissions	18
*529	In lieu of surety bond, request authorization to establish decommissioning account, including written authorizations and approvals associated with account.	2	1 request	2
530	Notify BOEM promptly (within 3 business days) of lapse in bond or other security/action filed alleging lessee, surety or guarantor et al. is insolvent or bankrupt.	5	1 notice	5
531	If the value of your financial assurance is reduced below the required financial assurance amount because of a default or any other reason, you must provide additional financial assurance sufficient to meet the requirements of this subpart within 45 days or within a different period as specified by BOEM.	1	1 submission	1
533(a)(2)	Provide agreement from surety issuing new bond to assume all or portion of outstanding liabilities.	3	1 submission	3
536(b)	Within 10 business days following BOEM notice, lessee, grant holder, or surety agrees to and demonstrates to BOEM that lease will be brought into compliance.	16	1 demonstration	16
Subtotal			61 responses	294
	Subpart G—Plans and Information Requirements			
Two ** indicate the primary cites for Site Assessment Plans (SAPs), Construction and Operations Plans (COPs), and General Activities Plans (GAPs); and the burdens include any previous or subsequent references throughout part 585 to submission and approval. This subpart contains references to other information submissions, approvals, requests, applications, plans, etc., the burdens for which are covered elsewhere in part 585.				0
**600(a)(1); 601(a), (b); 605 thru 614; 238.	Within time specified after issuance of a competitive lease or grant, or within time specified after determination of no competitive interest, submit copies of SAP, including required information to assist BOEM to comply with NEPA/CZMA such as hazard info, air quality, SEMS, and all required information, certifications, requests, etc., in format specified.	192	1 SAP	192
**600(a)(2); 601(b); 606(b); 618; 620 thru 628; 632; 633.	If requesting an operations term for commercial lease, within time specified before the end of site assessment term, submit copies of COP, or FERC license application, including required information to assist BOEM to comply with NEPA/CZMA such as hazard info, air quality, SEMS, and all required information, surveys and/or their results, reports, certifications, project easements, supporting data and information, requests, etc., in format specified.	800	2 COP submittals	1,600
		11,285	6 projects complying with Terms and Conditions.	[1] 67,710
		6 projects complying with Terms and Conditions: $40,444,584.		
**600(a)(3); 601(c); 640 thru 648; 651; 238.	Within time specified after issuance of a competitive lease or grant, or within time specified after determination of no competitive interest, submit copies of GAP, including required information to assist BOEM to comply with NEPA/CZMA such as hazard info, air quality, SEMS, and all required information, surveys and reports, certifications, project easements, requests, etc., in format specified.	192	1 GAP	192

BURDEN TABLE—Continued

Section(s) in 30 CFR 585	Reporting and recordkeeping requirement [1]	Hour burden	Average number of annual responses	Annual burden hours
			Non-hour cost burdens	
** 601(b); 622; 628(f)(2); 634; 658(c)(3).	Submit revised or modified COPs, including project easements, and all required additional information.	40	1 revised or modified COP.	40
** 613(a), (d), (e); 617	Submit revised or modified SAPs and required additional information	50	1 revised or modified SAP.	50
612; 647	Submit copy of SAP or GAP consistency certification and supporting documentation, including noncompetitive leases.	1	2 leases	2
615	Prepare and submit to BOEM a report annually on November 1st of each year that summarizes your site assessment activities and the results of those activities.	43	2 reports	86
617(a)	Notify BOEM in writing before conducting any site assessment activities not approved, or provided for, in SAP; provide additional information if requested.	10	25 notices	250
618(c)	If, following the technical and environmental review of your submitted COP, BOEM determines that such facilities may not remain in place, you must initiate the decommissioning process, as provided in 30 CFR part 285, subpart I.	24	1 action	24
631	Request deviation from approved COP schedule	2	6 requests	12
633(b)	Submit annual, or at other time periods as BOEM determines, COP compliance certification, effectiveness statement, recommendations, reports, supporting documentation, etc.	45	1 certification	45
634(a)	Notify BOEM in writing before conducting any activities not approved or provided for in COP, and provide additional information if requested.	10	1 notice	10
** 642(b); 648; 655; 658(c)(3)	Submit revised or modified GAPs and required additional information	50	1 revised or modified GAP.	50
651	Before beginning construction of OCS facility described in GAP, complete survey activities identified in GAP and submit initial findings. [This only includes the time involved in submitting the findings; it does not include the survey time as these surveys would be conducted as good business practice.].	200	1 survey/report	200
653	Notify BOEM in writing within 30 days of completing installation activities under the GAP.	4	2 notices	8
653	Submit annual report summarizing findings from activities conducted under approved GAP.	43	4 reports	172
655(a)	Notify BOEM in writing before conducting any activities not approved or provided for in GAP, and provide additional information if requested.	10	1 notice	10
656	Notify BOEM any time approved GAP activities cease without an approved suspension.	4	4 notices	16
658(c)(1)	If after construction, cable or pipeline deviate from approved COP or GAP, notify affected lease operators and ROW/RUE grant holders of deviation and provide BOEM evidence of such notices.	3	1 notice/evidence	3
659, 700	Determine appropriate air quality modeling protocol, conduct air quality modeling, and submit 3 copies of air quality modeling report and 3 sets of digital files as supporting information to plans.	70	5 reports/information	350
Subtotal			69 responses	71,022
			$40,444,584 non-hour costs	
Subpart H—Environmental and Safety Management, Inspections, and Facility Assessments for Activities Conducted Under SAPs, COPs, and GAPs				
701(c), (d)	Notify BOEM if endangered or threatened species, or their designated critical habitat, may be in the vicinity of the lease or grant or may be affected by lease or grant activities.	1	150 notices	150
701(e), (f)	Submit information to ensure proposed activities will be conducted in compliance with the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA); including agreements and mitigating measures designed to avoid or minimize adverse effects and incidental take of endangered species or critical habitat.	18	3 submissions	54

BURDEN TABLE—Continued

Section(s) in 30 CFR 585	Reporting and recordkeeping requirement [1]	Hour burden	Average number of annual responses	Annual burden hours
			Non-hour cost burdens	
702(b), (c)	If requested, conduct further archaeological investigations, and submit report/information.	10	4 reports	40
702(d)	If applicable, submit payment for BOEM costs in carrying out National Historic Preservation Act responsibilities.	.5	2 payments	1
703	If required, conduct additional surveys to define boundaries and avoidance distances and submit report.	15	2 surveys/reports	30
605; 651	Submit safety management system description with the SAP, COP, or GAP.	16	2 submissions	32
Subtotal			163 responses	307

30 CFR 586—RUEs for Energy- and Marine-Related Activities Using Existing OCS Facilities

Section(s) in 30 CFR 586	Reporting and recordkeeping requirement	Hour burden	Average number of annual response	Annual burden hours
200–202	Contact owner of existing facility and/or lessee of the area to reach preliminary agreement to use facility and obtain concurring signatures; submit request to BOEM for an alternative use RUE, including all required information/modifications.	36	1 request	36
203(a)–(c)	Submit indication of competitive interest in response to **Federal Register** notice.	4	1 submission	4
203(c)	Submit description of proposed activities and required information in response to **Federal Register** notice of competitive offering.	5	3 submissions	15
203(f)	Lessee or owner of facility submits decision to accept or reject proposals deemed acceptable by BOEM.	1	1 submission	1
210(c)	Request renewal of Alternate Use RUE	6	1 request	6
211; 216(b)	Provide financial assurance as BOEM determines in approving RUE for an existing facility, including additional security if required.	1	1 submission	1
213	Submit request for assignment of an alternative use RUE for an existing facility, including all required information.	1	1 request	1
215	Request relinquishment of RUE for an existing facility	1	1 request	1
Subtotal			10 responses	65
Total Burden			483 responses	81,104
			$43,198,584 Non-Hour Cost Burdens.	

[1] The annual burden hour reflects the projects in construction phase complying with the COP terms and conditions annually.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Karen Thundiyil,

Director, Office of Regulatory Affairs, Bureau of Ocean Energy Management.

[FR Doc. 2025–21802 Filed 12–2–25; 8:45 am]

BILLING CODE 4340–98–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–458 and 731–TA–1154 (Third Review)]

Kitchen Appliance Shelving and Racks From China; Revised Schedule for the Subject Proceeding

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: November 25, 2025.

FOR FURTHER INFORMATION CONTACT: Juan-Carlos Pena-Flores (202–205–3169), 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 September 2, 2025, the Commission established a schedule for the conduct of the subject proceeding (90 FR 42443, September 2, 2025). Due to the lapse in appropriations and ensuing cessation of

Commission operations, the Commission is revising its schedule as follows: responses to the notice of institution are due November 18, 2025; comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review are due December 30, 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: December 1, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–21794 Filed 12–2–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–432 and 731–TA–1024–1028 (Fourth Review) and AA1921–188 (Sixth Review)]

Prestressed Concrete Steel Wire Strand From Brazil, India, Japan, Mexico, South Korea, and Thailand; Revised Schedule for the Subject Proceeding

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: November 26, 2025.

FOR FURTHER INFORMATION CONTACT: Jesse Sanchez (202–205–2402), 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 October 1, 2025, the Commission established a schedule for the conduct of the subject proceeding (90 FR 47337, October 1, 2025). Due to the lapse in appropriations and ensuing cessation of Commission operations, the Commission is revising its schedule as follows: responses to the notice of institution are due December 17, 2025; comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review are due January 27, 2026. The deadline for persons, including industrial users of the Subject Merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties, to file an entry of appearance, which was originally set for 21 days after the publication of the notice of institution on October 1, 2025 (90 FR 47337), has been tolled by 47 days.

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: December 1, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–21834 Filed 12–2–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–512 and 731–TA–1248 (Second Review)]

Carbon and Certain Alloy Steel Wire Rod From China; Revised Schedule for the Subject Proceeding

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: November 25, 2025.

FOR FURTHER INFORMATION CONTACT: Juan-Carlos Pena-Flores (202–205–3169), 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 August 4, 2025, the Commission established a schedule for the conduct of the subject proceeding (90 FR 45958, September 24, 2025). Due to the lapse in appropriations and ensuing cessation of Commission operations, the Commission is revising its schedule as follows: the staff report will be placed in the nonpublic record on November 19, 2025; comments are due on November 26, 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: December 1, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–21793 Filed 12–2–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Investigation Nos. 701–TA–459 and 731–TA–1155 (Third Review)]

Commodity Matchbooks From India; Revised Schedule for the Subject Proceeding

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: November 25, 2025.

FOR FURTHER INFORMATION CONTACT: Juan-Carlos Pena-Flores (202–205–3169), 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 October 1, 2025, the Commission established a schedule for the conduct of the subject proceeding (90 FR 47330, October 1, 2025). Due to the lapse in appropriations and ensuing cessation of Commission operations, the Commission is revising its schedule as follows: responses to the notice of institution are due December 17, 2025; comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review are due January 27, 2026. The deadline for persons, including industrial users of the Subject Merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties, to file an entry of appearance, which was originally set for 21 days after the publication of the notice of institution on October 1, 2025 (90 FR 47330), has been tolled by 47 days.

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 section 207.62 of the Commission's rules.

By order of the Commission.

Issued: December 1, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–21795 Filed 12–2–25; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1625]

Bulk Manufacturer of Controlled Substances Application: Kinetochem LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Kinetochem LLC has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before February 2, 2026. Such persons may also file a written request for a hearing on the application on or before February 2, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on October 15, 2025, Kinetochem LLC, 96 Market Street, Suite 102, Georgetown, Texas 78626–3618, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Psilocybin	7437	I
Psilocyn	7438	I

The company plans to bulk manufacture the listed controlled substances as Active Pharmaceutical Ingredients to its customers as well as for research and clinical trials. In reference to drug codes 7360 (Marihuana), and 7370 (Tetrahydrocannabinols), the company plans to bulk manufacture these drugs as synthetic. No other activities for these drug codes are authorized for this registration.

Thomas Prevoznik,

Deputy Assistant Administrator.

[FR Doc. 2025–21790 Filed 12–2–25; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1103–0102]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; COPS Progress Report

AGENCY: Office of Community Oriented Policing Services (COPS), Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The COPS, 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 February 2, 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 Cory D. Randolph, Office of Community Oriented Policing Services, Two Constitution Square, 145 N Street NE, Washington, DC 20530.

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: Information collection form for individuals applying for compensation under the Radiation Exposure Compensation Act.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a previously approved collection.

2. *The Title of the Form/Collection:* COPS Progress Report.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* OMB #1105–0102 DOJ Component: COPS.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* [Affected Public: Primary: State, Local, and Tribal Governments].

5. *Obligation to Respond:* Mandatory.

6. *Total Estimated Number of Respondents:* Approximately 4,800.

7. *Estimated Time per Respondent:* 25 minutes.

8. *Frequency:* Four (Semi-Annually).

9. Total Estimated Annual Time Burden—600 hours.

10. Total Estimated Annual Other Costs Burden—estimated at $20 per hour × 600 hours = $12,000 [This is captured in #7 of the 60 day notice as well as item 13 of the Supporting Statement A].

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: December 1, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025–21814 Filed 12–2–25; 8:45 am]

BILLING CODE 4410–AT–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 25–044]

Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel (ASAP). The ASAP will hold a special meeting to deliberate on new formal recommendations for 2025. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight.

DATES: Friday, December 19, 2025, 2:00 p.m. to 3:00 p.m., eastern time.

ADDRESSES: Public attendance will be virtual only. See dial-in information below under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Ms. Carol J. Hamilton, ASAP Executive Director, NASA Headquarters, Washington, DC 20546, (202) 358–1857 or *carol.j.hamilton@nasa.gov*.

SUPPLEMENTARY INFORMATION: As noted above, this meeting is only available telephonically. Any interested person must use a touch-tone phone to participate in this meeting. Any interested person may call the USA toll free conference call number 800–369–3107; passcode 9826308 and then the # sign. At the beginning of the meeting, members of the public may make a verbal presentation to the Panel limited to the subject of safety in NASA, not to exceed 5 minutes in length. To do so, members of the public must contact Ms. Carol J. Hamilton at *carol.j.hamilton@nasa.gov* or at (202) 358–1857 at least 48 hours in advance. Any member of the public is permitted to file a written statement with the Panel via electronic submission to Ms. Hamilton at the email address previously noted. Written statements should be limited to the subject of safety in NASA.

The agenda for the meeting includes deliberation on formal ASAP Recommendations to NASA.

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Jamie M. Krauk,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2025–21875 Filed 12–2–25; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2026–002]

Advisory Committee on the Records of Congress

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of Federal advisory committee meetings.

SUMMARY: We are announcing upcoming meetings of the Advisory Committee on the Records of Congress in accordance with the Federal Advisory Committee Act. The committee advises NARA on the full range of programs, policies, and plans for the Center for Legislative Archives.

DATES: The meetings will be on December 10, 2025, from 10:00 a.m. to 10:30 a.m. (ET) and December 11, 2025, from 2:30 p.m. to 3:00 p.m. (ET).

ADDRESSES: The meeting will be virtual.

FOR FURTHER INFORMATION CONTACT: James Wyatt, National Archives, Center for Legislative Archives, by email at *James.Wyatt@nara.gov* or by phone at 202–357–5016.

SUPPLEMENTARY INFORMATION: These virtual meetings are open to the public in accordance with the Federal Advisory Committee Act (5 U.S.C. app 2) and implementing regulations.

Meeting Information and Agenda

Wednesday, December 10, 2025, 9:30–11:00 a.m. (ET)

Join link: https://ushr.webex.com/ushr/j.php?MTID=m0de1a1e07d1b7cc2af68e7848ad5dd93
Meeting number: 2826 279 1477.
Meeting password: acrc.
Join by phone: +1–415–527–5035.
Access code: 2826 279 1477.

Agenda

1. Welcome and Opening Remarks of the Chair—Kevin F. McCumber, Clerk of the House
2. Recognition of Co-Chair—Jackie Barber, Secretary of the Senate
3. Approval of the Minutes of the Last Meeting
4. Adjournment

Thursday, December 11, 2025, 2:00–3:30 p.m. (ET)

Join link: https://ushr.webex.com/ushr/j.php?MTID=mfe3548c7a25e4f25b78a35f7b800d92a.

Meeting number: 2822 303 2772.

Meeting password: acrc.

Join by phone: +1–415–527–5035.

Access code: 2822 303 2772.

Agenda

1. Welcome and Opening Remarks of the Chair—Kevin F. McCumber, Clerk of the House
2. Recognition of Co-Chair—Jackie Barber, Secretary of the Senate
3. Approval of the Minutes of the Last Meeting
4. Adjournment

Merrily Harris,

Committee Management Officer.

[FR Doc. 2025–21835 Filed 12–2–25; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Advisory Committee

AGENCY: National Endowment for the Humanities.

ACTION: Notice of charter renewal for Humanities Panel Advisory Committee.

SUMMARY: Pursuant to the Federal Advisory Committee Act and its implementing regulations, the National Endowment for the Humanities (NEH) gives notice that it renewed the Charter for the Humanities Panel advisory committee for an additional two-year period on November 17, 2025. The Acting Chairman of NEH determined that the renewal of the Humanities Panel is necessary and in the public interest in connection with the performance of duties imposed upon the Acting Chairman of NEH by the National Foundation on the Arts and the Humanities Act of 1965, as amended.

FOR FURTHER INFORMATION CONTACT: Elizabeth Voyatzis, Committee Management Officer, 400 7th Street SW, 4th Floor, Washington, DC 20506; (202) 606–8322; *evoyatzis@neh.gov.*

Dated: December 1, 2025.

Kimberly Hylan,

Attorney Advisor, National Endowment for the Humanities.

[FR Doc. 2025–21809 Filed 12–2–25; 8:45 am]

BILLING CODE 7536–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: 3206–NEW, Request for Reduction or Cancellation of Federal Employees Group Life Insurance (FEGLI), RI 76–30

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Office of Personnel Management (OPM), Retirement Services offers the general public and other federal agencies the opportunity to comment on the review of an existing information collection request (ICR) without approval, Request for Reduction or Cancellation of Federal Employees Group Life Insurance (FEGLI), RI 76–30.

DATES: Comments are encouraged and will be accepted until February 2, 2026.

ADDRESSES: You may submit comments, identified by docket number and title, by the following method:

• *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

All submissions received must include the agency name and docket number for this document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent by email to *RSPublicationsTeam@opm.gov* or faxed to (202) 606–0910 or reached via telephone at (202) 936–0401.

SUPPLEMENTARY INFORMATION: Annuitants who are enrolled in the Federal Employees Group Life Insurance (FEGLI) Program can cancel or reduce their coverage. The form, RI 76–30, ensures that an individual is fully informed about the effect of cancellation of FEGLI coverage. A cancellation of enrollment within the FEGLI Program will inhibit the annuitant from ever re-enrolling as an annuitant. A reduction of coverage within the FEGLI Program (Basic Life Insurance, Option B-Additional Insurance, Option C-Family Insurance) will prohibit the annuitant from increasing their coverage as an annuitant. A request is not processed until the signed form is returned to OPM.

As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13) as amended (44 U.S.C. chapter 35), OPM is soliciting comments for this collection (OMB No. 3206–NEW). OPM is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of 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 submissions of responses.

Analysis

Agency: Office of Personnel Management, Retirement Services.

Title: Request for Reduction or Cancellation of Federal Employees Group Life Insurance (FEGLI).

OMB Number: 3206–NEW.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 5,000.

Estimated Time per Respondent: 10 minutes.

Total Burden Hours: 833.

U.S. Office of Personnel Management.

Alexys Stanley,

Federal Register Liaison.

[FR Doc. 2025–21777 Filed 12–2–25; 8:45 am]

BILLING CODE 6325–38–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2026–119 and K2026–119; MC2026–120 and K2026–120; MC2026–121 and K2026–121]

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:* December 8, 2025.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov*. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Public Proceeding(s)
III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests. The comment due date discussed below does not apply to Section III proceedings (Docket Nos. MC2026–121 and K2026–121).

II. Public Proceeding(s)

1. *Docket No(s).:* MC2026–119 and K2026–119; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1461 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 26, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Samuel Robinson; *Comments Due:* December 8, 2025.

2. *Docket No(s).:* MC2026–120 and K2026–120; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1462 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 26, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Kenneth Moeller; *Comments Due:* December 8, 2025.

III. Summary Proceeding(s)

1. Docket No(s).: MC2026–121 and K2026–121; Filing Title: USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 933, and Notice of Filing Materials Under Seal; Filing Acceptance Date: November 26, 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. 2025–21827 Filed 12–2–25; 8:45 am]

BILLING CODE 7710–FW–P

[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).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0073]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Form S–3—Registration Statement

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget request for extension of the previously approved collection of information discussed below.

Form S–3 (17 CFR 239.13) is used by issuers to register securities pursuant to the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). The information collected is intended to ensure the adequacy of information available to investors in connection with securities offerings. The information required by Form S–3 is mandatory, and Form S–3 is publicly available on the Commission's Electronic Data Gathering, Analysis, and Retrieval (''EDGAR'') system. We estimate that Form S–3 takes approximately 458.87 hours per response and is filed once per year by approximately 1,467 issuers, for a total of approximately 1,467 responses annually. We estimate that 25% of the 458.87 hours per response is carried internally by the issuer for annual reporting burden of 168,291 hours ((25% × 458.87 hours per response) × 1,467 responses). We estimate that 75% of the 458.87 hours per response is carried externally by outside professionals retained by the issuer at

an estimated rate of $600 per hour for a total annual cost burden of $302,923,031 ((75% × 458.87 hours per response) × $600 per hour × 1,467 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202508-3235-006* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by January 5, 2026.

Dated: December 1, 2025.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–21826 Filed 12–2–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0758]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 30e–3

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (SEC or ''Commission'') is submitting to the Office of Management and Budget (''OMB'') this request for the extension of the proposed collection of information.

Under Section 30 of the Investment Company Act of 1940, as amended (the ''Investment Company Act''), a registered investment company is required to transmit to its shareholders, at least semi-annually, reports containing financial statements and other financial information as the Commission may prescribe by rules and regulations. Rule 30e–3 under the Investment Company Act provides certain funds with an optional method to satisfy shareholder report transmission requirements by making such reports and certain other materials publicly accessible on a website, as long as they satisfy certain other conditions of the rule regarding (1) availability of the report and other materials; (2) notice to investors of the website availability of the report; and (3) delivery of paper copies of materials upon request.

Certain of the provisions of rule 30e–3 contain ''collection of information'' requirements within the meaning on the Paperwork Reduction Act. The collection of information is required pursuant to 17 CFR 270.30e–3. Reliance on the rule is voluntary. Responses to the disclosure requirements are not kept confidential.

We estimate that annually there are approximately 703 funds affected by rule 30e–3. We estimate that the total annual burden of complying with the information collection requirements in rule 30e–3 is approximately 1,406 burden hours. We estimate that there is an annual cost burden of approximately $5,129,008. These burden hour and cost estimates are based upon the Commission staff's experience and discussions with the fund industry. The estimates of average burden hours and costs are made solely for the purposes of the Paperwork Reduction Act. These estimates are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules.

Compliance with the collection of information requirements of the rule is necessary to obtain the benefit of relying on the rule. 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.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202509-3235-009* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by January 5, 2026.

Dated: December 1, 2025.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–21829 Filed 12–2–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104274; File No. SR–OCC–2025–019]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by The Options Clearing Corporation Concerning the Implementation of a Fee Holiday for the Period Beginning December 1, 2025, and Ending December 31, 2025

November 28, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 25, 2025, The Options Clearing Corporation (''OCC'') 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 primarily by OCC.

OCC filed the proposed rule change pursuant to Section 19(b)(3)(A)[3] of the Act and paragraph (f) or Rule 19b–4[4] thereunder, such that the proposed rule change was immediately effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

This proposed rule change would implement a fee holiday for the period beginning December 1, 2025, and ending December 31, 2025.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Founded in 1973, OCC operates as a central counterparty (''CCP'') under the

[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(f).

jurisdiction of both the SEC and the Commodity Futures Trading Commission (''CFTC''). As a registered clearing agency under the SEC's jurisdiction, OCC is the sole clearing agency for equity options listed on national securities exchanges. As a registered Subpart C DCO under the CFTC's jurisdiction, OCC clears and settles transactions in futures and options on futures. OCC also provides central counterparty clearing and settlement services for securities lending transactions. In its role as a CCP, OCC guarantees the performance of its Clearing Members for all transactions cleared by OCC by becoming the buyer to every seller and the seller to every buyer. Given OCC's critical role, OCC has been designated by the Financial Stability Oversight Council as a systemically important financial market utility (''SIFMU'') under Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, entitled the Payment, Clearing and Settlement Supervision Act of 2010 (''Clearing Supervision Act'').[5]

Beginning in January 2025, OCC increased its clearing fee to $0.025 per contract in part to cover increased capital expenditures and decreasing interest income. Over the past several years, OCC has incurred significant expenses due to investments in a modernized technology infrastructure tied to the development and future launch of OCC's new clearing system, Ovation. This new system will improve efficiency both for the industry and OCC. This has come with increased costs, however, with expense growth in cloud technology, hardware, software, data centers, and disaster recovery; headcount increases and wage inflation; and increased costs related to regulatory obligations. However, given the high clearing volumes over the first half of 2025, OCC's LNAFBE exceeds 110% of its Target Capital Requirement and appears likely to remain above that mark for the remainder of 2025 and 2026. OCC is therefore using the tools outlined in its Capital Management Policy and returning capital to market participants by implementing a fee holiday for December 2025.

1. Purpose

Background

As the sole clearing agency for standardized equity options listed on national securities exchanges registered with the Commission, and with respect to OCC's clearance and settlement of futures and stock loan transactions, OCC maintains policies and procedures to manage the risks borne by OCC as a central counterparty. One such risk that OCC manages is general business risk—that is, the risk of potential impairment to OCC's financial position resulting from a decline in revenues or an increase in expenses. To manage this risk and help to ensure that OCC can continue operations and services as a going concern if general business losses materialize, OCC has adopted its Capital Management Policy,[6] which provides the framework by which OCC manages its capital. Amending OCC's schedule of fees is one action used by OCC to manage its capital.

Pursuant to OCC's rule-filed Capital Management Policy, and as required by Exchange Act rules applicable to OCC,[7] OCC must maintain LNAFBE [8] sufficient to cover at least six months of operating expenses, among other measures (''Target Capital Requirement''). Because OCC is required to maintain such funds, the LNAFBE used to meet the Target Capital Requirement cannot be used to cover operational expenses and any increase in expenses must be covered by current revenue or cash held in excess of the Target Capital Requirement. The Capital Management Plan further sets 110% of the Target Capital Requirement as an early warning threshold. If LNAFBE falls below the early warning threshold, OCC management and board must discuss whether a fee increase is necessary.

In the filing to implement the 2025 fee increase (2025 Fee Filing''),[9] OCC projected that its LNAFBE would fall below OCC's Target Capital Requirement by the end of Q1 2025 and took action prior to hitting the early warning threshold. At the time, OCC stated it did not believe it would be prudent, given its designation as a SIFMU to allow its LNAFBE to decline past the Early Warning threshold prior to taking action to ensure that OCC maintains sufficient LNAFBE to satisfy its regulatory requirements and so that it may continue to operate as a going concern if it were to experience general business losses.[10] However, in the 2025 Fee Filing, OCC emphasized its commitment to aligning its revenues with its costs and capital needs and stated that, consistent with its past practice, if revenues exceed costs and OCC's LNAFBE is above the Early Warning threshold, OCC would consider utilizing tools to lower the cost of clearing for market participants, as provided under its Capital Management Policy.[11] Today, OCC is doing just that and instituting a fee holiday for December 2025.

Proposed Fee Holiday

OCC proposes to implement a fee holiday for the month of December 2025. OCC has in place policies and procedures, including the Capital Management Policy, to control costs and regularly review fees and operating expenses, including during its annual budgeting process. While, consistent with the Capital Management Policy, OCC set its clearing fees based on factors including OCC's annual budgeted or forecasted operating expenses and projected revenue, clearing volume, and therefore revenue, have outpaced projections and OCC currently has LNAFBE in excess of its early warning threshold. The fee holiday will allow OCC to return excess capital to market participants and clearing members while still maintaining sufficient capital to maintain compliance with the Capital

[5] 12 U.S.C. 5463.

[6] *See* Notice of Filing and Immediate Effectiveness of Proposed Rule Change Concerning Updates to OCC's Capital Management Policy, Exchange Act Release No. 101151 (Sep. 24, 2024), 89 FR 79668 (Sep. 30, 2024) (File No. SR–OCC–2024–012); Order Approving Proposed Rule Change to Establish OCC's Persistent Minimum Skin-In-The-Game, Exchange Act Release No. 92038 (May 27, 2021), 86 FR 29861 (June 3, 2021) (File No. SR–OCC–2021–003); Order Approving Proposed Rule Change, as Modified by Partial Amendment No. 1, Concerning a Proposed Capital Management Policy That Would Support the Option Clearing Corporation's Function as a Systemically Important Financial Market Utility, Exchange Act Release No. 88029 (Jan. 24, 2020), 85 FR 5500 (Jan. 30, 2020) (File No. SR–OCC–2019–007); see also Notice of Filing of Partial Amendment No. 1 and Notice of No Objection to Advance Notice, as Modified by Partial Amendment No. 1, Concerning a Proposed Capital Management Policy That Would Support the Options Clearing Corporation's Function as a Systemically Important Financial Market Utility, Exchange Act Release No. 87257 (Oct. 8, 2019), 84 FR 55194 (Oct. 15, 2019) (File No. SR–OCC–2019–805).

[7] *See* 17 CFR 240.17ad–22(e)(15)(ii).

[8] While the relevant rules under the Exchange Act do not define the term, the Commission-approved Capital Management Policy defines LNFABE as the level of cash and cash equivalents, no greater than shareholders' equity, less any approved adjustments. These approved adjustments exclude cash that would not be available to cover general business expenses, including (1) cash collected by OCC in an agency-related capacity, including the SEC Section 31 fees that OCC collects monthly and transmits to the Commission bi-annually on behalf of the options exchanges, and (2) OCC's Minimum Corporate Contribution, which is the minimum level of OCC funds (often referred to as ''skin-in-the-game'') maintained exclusively to cover credit losses or liquidity shortfalls arising from a Clearing Member default.

[9] Exchange Act Release No. 102437 (Feb. 18, 2025) (File No. SR–OCC–2025–002), 19b–4 Information, at 8, available at *https://www.sec.gov/files/rules/sro/occ/2025/34-102437-19b-4.pdf.*

[10] *See* 19b–4 Information, at 8 (File No. SR–OCC–2025–002), *available at https://www.sec.gov/files/rules/sro/occ/2025/34-102437-19b-4.pdf.*

[11] *Id.* at 20–21.

Management Policy and regulatory requirements.

In evaluating its current LNAFBE and projections for 2026, OCC determined that a fee holiday is warranted for December 2025. Based on recent volumes, OCC estimates that the fee holiday for the month of December will lead to approximately $59.4 million in lost revenue. Despite this, OCC believes it will remain above the 2025 early warning threshold ($314.6 million) as well as its projected early warning threshold for 2026 ($330.3 million). To make this determination, OCC evaluated revenue and LNAFBE under a wide range of volume scenarios including current average daily volume (''ADV''), 49 million ADV, and −2% ADV growth. In all scenarios, OCC remained above its early warning threshold through the end of 2026 even with the fee holiday.[12]

To enact the proposed changes, OCC would update its schedule of fees as set out below.

Current fee schedule (clearing fees)	Proposed fee schedule (fee holiday December 2025)
All Transactions $0.025/contract	*All transactions* $0.00/contract
Minimum Monthly Clearing Fee $200	$0.00

OCC proposes to make the removal of the $.025 fee per contract effective December 1, 2025. The removal of the minimum monthly fee of $200 will be made once OCC receives all necessary regulatory approvals. Effective the first trading day of 2026, clearing fees will revert to the fee schedule in effect before December 1, 2025 and OCC will remove the fee holiday from its schedule of fees.

2. Statutory Basis

OCC believes the proposed rule change is consistent with the Act [13] and the rules and regulations thereunder.

Compliance With Section 17A(b)(3)(D) of the Act

In particular, OCC believes that the proposed fee change is consistent with Section 17A(b)(3)(D) of the Act,[14] which requires that the rules of a clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges among its participants. OCC believes that the proposed fee holiday is reasonable because it is designed to decrease the cost of clearing while maintaining sufficient LNAFBE to cover OCC's operating expenses and address potential business or operational losses so that OCC can continue to meet its obligations as a SIFMU. The reasonableness of the proposal is supported by oversight, transparency, and OCC's past practice, wherever circumstances allow, to utilize tools to lower the cost of clearing for participants.

First, OCC's funding and operations are subject to oversight by OCC's Board and the Commission. OCC's annual budget, compensation for senior management, and capital initiatives are reviewed and approved by its Board-level CPC. As discussed above, OCC's Board is made up of a broad cross-section of options market participants, including public representatives, Clearing Member representatives from Clearing Members of various sizes, and options exchange representatives. At least a majority of the CPC is composed of independent directors, consistent with Commission Rule 17ad–25(e) [15] and the judgment of the Board.

OCC is also supervised by the Commission throughout the year. Pursuant to Section 807(a) of the Clearing Supervision Act, the Commission's Division of Examinations conducts annual examinations of OCC to determine, among other things, (1) the nature of the operations of, and the risks borne, by OCC; (2) the financial and operational risks presented by OCC to financial institutions, critical markets, or the broader financial system; and (3) the resources and capabilities of OCC to monitor and control such risks.[16] In addition, changes to OCC's rules, procedures and operations that could materially affect the nature or level of risk presented by OCC are also subject to review by the Commission, in consultation with the Federal Reserve, under Section 806(e) of the Clearing Supervision Act.[17] Furthermore, the SEC publishes such proposed changes for public comment.

Second, OCC's commitment to reasonable funding is further supported by the transparency it provides on an ongoing basis regarding its financial performance. Each year, OCC publishes its Annual Report, inclusive of its audited financial statements prepared in accordance with generally accepted accounting principles. OCC maintains a dedicated website that consolidates its annual reports in a readily accessible place.[18] On a quarterly basis, OCC also provides unaudited information concerning its total revenues, average daily contract volume and LNAFBE on its ''Schedule of Fees'' website to aid Clearing Members in assessing the risk associated with a potential Operational Loss Fee in accordance with OCC's capital replenishment plan under its Capital Management Policy.[19]

Third, OCC is committed to aligning its revenues with its costs and capital needs. Consistent with OCC's past practice, if revenues exceed costs and OCC's LNAFBE is above the Early Warning threshold, OCC would consider utilizing tools to lower the cost of clearing for market participants, as provided under its Capital Management Policy. Such tools may include fee decreases like those OCC implemented in 2020 and 2021,[20] fee holidays like the one OCC implemented from November through December of 2021 [21] and proposed to be implemented in December 2025, or fee refunds like the $156 million refund in 2020 and the $76.3 million refund in 2021.

Finally, OCC believes that the fee holiday would be equitably allocated because it applies equally to all transaction types and clearing members.

Compliance With Rule 17ad–22(e)(15)

In addition, OCC believes that the proposed rule change is consistent with Rule 17ad–22(e)(15), which requires that OCC establish, implement, maintain and enforce written policies and procedures reasonably designed to

[12] OCC has filed a chart showing projected cash outflows and LNAFBE compared to OCC's Target Capital Requirement as Exhibit 3 [sic] to File No. SR–OCC–019.

[13] 15 U.S.C. 78a, *et seq.*

[14] 15 U.S.C. 78q–1(b)(3)(D).

[15] 17 CFR 17ad–25(e).

[16] 12 U.S.C. 5466.

[17] 12 U.S.C. 5465(e).

[18] OCC's audited financials are *available https://www.theocc.com/company-information/documents-and-archives/annual-reports.*

[19] Schedule of Fees, OCC Capital Management Report, *available at https://www.theocc.com/company-information/schedule-of-fees.*

[20] *See* Exchange Act Release Nos. 89534 (Aug. 12, 2020), 85 FR 50858 (Aug. 18, 2020) (File No. SR–OCC–2020–009); 91920 (May 18, 2021), 86 FR 27916 (May 24, 2021) (File No. SR–OCC–2021–006).

[21] *See* Exchange Act Release Nos. 93195 (Sept. 29, 2021), 86 FR 55039 (Oct. 5, 2021) (File No. SR–OCC–2021–009); 93612 (Nov. 18, 2021), 86 FR 67108 (Nov. 24, 2021) (File No. SR–OCC–2021–012).

identify, monitor, and manage OCC's general business risk and hold sufficient LNAFBE to cover potential general business losses so that OCC can continue operations and services as a going concern if those losses materialize.[22] The Rule also requires OCC to hold LNAFBE equal to at least six months of OCC's current operating expenses, among other measures.[23] As described above, OCC will be able to continue to meet its ongoing obligations and hold the required amount of LNAFBE following the fee holiday. OCC estimates that the fee holiday will result in approximately $59.4 million in missed revenue. Nonetheless, based on a wide range of trading volume projections, OCC expects to remain above its Target Capital Requirement and early warning threshold throughout 2026 following the fee holiday.[24]

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act [25] requires that the rules of a clearing agency not to impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. OCC does not believe that the proposed rule change would have any impact or impose a burden on competition. OCC believes that the proposed rule change would not disadvantage or favor any particular user of OCC's services in relationship to another user because the proposed fee holiday would apply equally to all Clearing Members. Accordingly, OCC does not believe that the proposed rule change would have any impact or impose a burden on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been 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) of the Act [26] and paragraph (f) of Rule 19b–4 [27] 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.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.[28]

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-regulations/self-regulatory-organization-rulemaking*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–OCC–2025–019 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–OCC–2025–019. 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-regulations/self-regulatory-organization-rulemaking*). Copies of such filing will be available for inspection and copying at the principal office of OCC and on OCC's website at *https://www.theocc.com/Company-Information/Documents-and-Archives/By-Laws-and-Rules.*

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–OCC–2025–019 and should be submitted on or before December 24, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Stephanie Fouse,

Assistant Secretary.

[FR Doc. 2025–21775 Filed 12–2–25; 8:45 am]

BILLING CODE 8011–01–P

[22] 17 CFR 240.17ad–22(e)(15).

[23] 17 CFR 240.17ad–22(e)(15)(ii).

[24] OCC has filed Exhibit 3 [sic] to File No. SR–OCC–019 showing projected cash outflows and LNAFBE compared to OCC's Target Capital Requirement.

[25] 15 U.S.C. 78q–1(b)(3)(I).

[26] 15 U.S.C. 78s(b)(3)(A).

[27] 17 CFR 240.19b–4(f).

[28] Notwithstanding its immediate effectiveness, implementation of this rule change will be delayed until this change is deemed certified under CFTC Regulation 40.6.

[29] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0065]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Form S–1 Registration Statement

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') this request for extension of the previously approved collection of information discussed below.

Form S–1 (17 CFR 239.11) is used by domestic issuers who are not eligible to use other forms to register a public offering of their securities under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). The information collected is intended to ensure the adequacy of information available to investors in connection with securities offerings. The information required by Form S–1 is mandatory, and Form S–1 is publicly available on the Commission's Electronic Data Gathering, Analysis, and Retrieval (''EDGAR'') system. We estimate that Form S–1 takes approximately 642.56 hours per response and is filed once per year by approximately 908 issuers, for a total of approximately 908 responses annually. We estimate that 25% of the 642.56 hours per response is carried internally by the issuer for annual reporting burden of 145,861 hours ((25% × 642.56 hours per response) × 908 responses). We estimate that 75% of the 642.56 hours per response is carried externally by outside professionals retained by the issuer at an estimated rate of $600 per hour for a total annual cost burden of $262,550,016 ((75% × 642.56 hours per response) × $600 per hour × 908 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information

unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202508-3235-003* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by January 5, 2026.

Dated: December 1, 2025.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–21828 Filed 12–2–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission's Crypto Task Force will hold a public meeting on December 15, 2025, from 1 p.m. to 5 p.m. (ET).

PLACE: The roundtable will be held in the Auditorium at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This Sunshine Act notice is being issued because a majority of the Commission may attend the meeting. The meeting will begin at 1 p.m. (ET) and will be open to the public. Seating will be on a first-come, first-served basis. Doors will open at 12 p.m. (ET). Visitors will be subject to security checks. The meeting will be webcast on the Commission's website at *www.sec.gov*, and a recording will be posted at a later date.

MATTERS TO BE CONSIDERED: The Crypto Task Force will host a roundtable on financial surveillance and privacy. The roundtable is open to the public, who must register at this link. This roundtable was originally scheduled for October 17, 2025, but due to the lapse in appropriations, it was rescheduled. Any member of the public who registered for the October 17 roundtable will automatically be re-registered for the roundtable on this new date.

The agenda for the roundtable will focus on financial surveillance and privacy. Members of the public are able to communicate directly on this and other topics and request a meeting with the Crypto Task Force.

CONTACT PERSON FOR MORE INFORMATION: For further information, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Authority: 5 U.S.C. 552b.

Dated: December 1, 2025.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2025–21874 Filed 12–1–25; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35816]

Deregistration Under Section 8(f) of the Investment Company Act of 1940

November 28, 2025.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of November 2025. A copy of each application may be obtained via the Commission's website by searching for the applicable file number listed below, or for an applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at *https://www.sec.gov/edgar/searchedgar/companysearch.html.* You may also call the SEC's Office of Investor Education and Advocacy at (202) 551–8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the relevant applicant with a copy of the request by email, if an email address is listed for the relevant applicant below, or personally or by mail, if a physical address is listed for the relevant applicant below. Hearing requests should be received by the SEC by 5:30 p.m. on December 23, 2025, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.*

FOR FURTHER INFORMATION CONTACT: Shawn Davis, Assistant Director, at (202) 551–6413 or Chief Counsel's Office at (202) 551–6821; SEC, Division of Investment Management, Chief Counsel's Office, 100 F Street NE, Washington, DC 20549–8010.

AB Global Real Estate Investment Fund [File No. 811–07707]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On April 30, 2025, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of $14,914 incurred in connection with the liquidation were paid by the applicant's investment adviser.

Filing Dates: The application was filed on October 24, 2025.

Applicant's Address: 66 Hudson Boulevard East, 26th Floor, New York, New York 10001.

BIF Multi State Municipal Series Trust [File No. 811–05011]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On December 20, 2012, December 19, 2014, and July 6, 2016, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of $50,595 incurred in connection with the liquidation were paid by the applicant's investment adviser and its affiliates.

Filing Date: The application was filed on October 16, 2025.

Applicant's Address: BIF Multi State Municipal Series Trust, 100 Bellevue Parkway, Wilmington, Delaware 19809.

BNY Mellon Municipal Income, Inc. [File No. 811–05652]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to BNY Mellon AMT-Free Municipal Bond Fund, a series of BNY Mellon Municipal Funds, Inc., and on June 16, 2025, made a final distribution to its shareholders based on net asset value. Expenses of $400,000 incurred in connection with the reorganization were paid by the applicant.

Filing Date: The application was filed on October 10, 2025.

Applicant's Address: c/o BNY Mellon Investment Adviser, Inc., 240 Greenwich Street, New York, New York 10286.

General New York Municipal Money Market Fund [File No. 811–04870]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On October 28, 2024, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of $3,522.24 incurred in connection with the liquidation were paid by the applicant's investment adviser.

Filing Dates: The application was filed on October 1, 2025.

Applicant's Address: c/o BNY Mellon Investment Adviser, Inc., 240 Greenwich Street, New York, New York 10286.

Putnam Arizona Tax Exempt Income Fund [File No. 811–06258]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Putnam Tax Exempt Income Fund, and on July 24, 2017, made a final distribution to its shareholders based on net asset value. Expenses of $371,762 incurred in connection with the reorganization were paid by the fund's investment adviser, acquired fund, and acquiring fund.

Filing Date: The application was filed on October 2, 2025.

Applicant's Address: 100 Federal Street, Boston, Massachusetts 02110.

Virtus Convertible & Income 2024 Target Term Fund [File No. 811–23241]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On September 4, 2024, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of $35,000 incurred in connection with the liquidation were paid by the applicant.

Filing Date: The application was filed on October 16, 2025.

Applicant's Address: 101 Munson Street, Suite 104, Greenfield, Massachusetts 01301–9686.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Stephanie Fouse,

Assistant Secretary.

[FR Doc. 2025–21773 Filed 12–2–25; 8:45 am]

BILLING CODE 8011–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 312 (Sub-No. 6X); Docket No. AB 1000 (Sub-No. 5X)]

South Carolina Central Railroad Company, LLC—Abandonment Exemption—in Muscogee County, Ga.; Georgia Southwestern Railroad, Inc.—Discontinuance Exemption—in Muscogee County, Ga.

South Carolina Central Railroad Company, LLC (SCRF), and Georgia Southwestern Railroad, Inc. (GSWR) (collectively, Applicants), have jointly filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* for SCRF to abandon, and for GSWR to discontinue service over, approximately 2.17 miles of rail line, which includes the Dummy Line, extending from Milepost 0.60/Value Station 91+21 to the end of the line at Value Station 41+60, and the Georgia Power Lead Track, extending from Value Station 0+00/59+79 to the end of the line at Value Station 41+61 in Muscogee County, Ga. (collectively, the Line).[1] The Line has no stations and traverses U.S. Postal Service Zip Code 31901.

Applicants have certified that: (1) no local traffic has moved over the Line since 2016; (2) no overhead traffic exists on the Line because it is stub-ended; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line is pending with either the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(b) and 1105.8(c) (notice of environmental and historic reports), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to government agencies) have been met.

As a condition to these exemptions, any employee adversely affected by the abandonment or discontinuance of service shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received,[2] these exemptions will be effective on January 2, 2026, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[3] must be filed by December 12, 2025. Formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2) and interim trail use/railbanking requests under 49 CFR 1152.29 must be filed by December 15, 2025.[4] Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by December 23, 2025.

All pleadings, referring to Docket Nos. AB 312 (Sub-No. 6X) and AB 1000 (Sub-No. 5X), 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 Applicants' representative, Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. NW, Suite 1300 South, Washington, DC 20004.

If the verified notice contains false or misleading information, the exemptions are void ab initio.

SCRF has filed a combined environmental and historic report that addresses the potential effects, if any, of the abandonment on the environment and historic resources. OEA will issue a Draft Environmental Assessment (Draft EA) by December 8, 2025. The Draft EA will be available to interested persons on the Board's website, by writing to OEA, or by calling OEA at (202) 245–0294. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245–0245. Comments on environmental and historic preservation matters must be filed within 15 days after the Draft EA becomes available to the public.

Environmental, historic preservation, public use, or interim trail use/

[1] According to the Applicants, SCRF owns a perpetual freight easement for the Line and the physical assets are owned by the Georgia Department of Transportation (GDOT), but GDOT does not hold a residual common carrier obligation over the Line. *See State of Ga., Dep't of Transp.—Acquis. Exemption—S.C. Cent. R.R.,* FD 34057 (STB served Apr. 23, 2002).

[2] Persons interested in submitting an OFA must first file a formal expression of intent to file an offer, 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)(2)(i).

[3] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the effective date of the exemptions. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C.2d 377 (1989). Any request to stay should be filed as soon as possible so that the Board may take appropriate action before the effective date of the exemptions.

[4] Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

railbanking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), SCRF shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by SCRF's filing of a notice of consummation by December 3, 2026, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available at *www.stb.gov.*

Decided: November 28, 2025.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

Aretha Laws-Byrum,

Clearance Clerk.

[FR Doc. 2025–21772 Filed 12–2–25; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2025–0442]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Financial Responsibility for Licensed Launch Activities

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 25, 2025. The collection determines whether licensees have complied with financial responsibility requirements for maximum probable loss determination (MPL) analysis as set forth in FAA regulations. The information to be collected will be used to cover claims by a third party for bodily injury or property damage, and the United States, its agencies, and its contractors and subcontractors for covered property damage or loss, resulting from a Commercial space transportation permitted or licensed activity and/or is necessary because it fulfills a statutory requirement.

DATES: Written comments should be submitted by January 2, 2026.

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: by email at: Charles Huet, 800 Independence Avenue SW, Room 331, Washington, DC 20591.

By fax: 202–267–5463.

Charles.huet@faa.gov; phone: 202–267–7427.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0601.

Title: Financial Responsibility for Licensed Launch Activities.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 25, 2025 (90 FR 13653–13654).

This collection is applicable to operators requesting to conduct commercial launch operations as prescribed in 14 CFR parts 401, *et al.,* Commercial Space Transportation Licensing Regulation. A commercial space launch services provider must complete the Launch Operators License, Launch-Specific License or Experimental Permit to gain authorization for conducting commercial launch operations. The information will be collected per 14 CFR part 440 Appendix A. A permit or license applicant is required to provide the FAA information to conduct maximum probable loss determination. Also, it is a mandatory requirement that all commercial permitted and licensed launch applicants obtain financial coverage for claims by a third party for bodily injury or property damage. FAA is responsible for determining the amount of financial responsibility required using maximum probable loss determination. The following is a summary of the information required to conduct an MPL:

1. Mission description including: launch trajectory, orbital inclination; and orbit altitudes (apogee and perigee).
2. Flight sequence.
3. Staging events and the time for each event.
4. Impact locations.
5. Identification of the launch site facility, including the launch complex on the site, planned date of launch, and launch windows.
6. Launch vehicle descriptions including: general description of the launch vehicle and its stages, including dimensions; description of major systems, including safety systems.

Description of rocket motors and type of fuel used; and identification of all propellants to be used and their hazard classification under the hazardous materials.

7. Payload.
8. Flight safety system.

Respondents: Approximately 10 applicants.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 100 hours.

Estimated Total Annual Burden: 1,000 hours.

James A. Hatt,

Space Policy Division Manager, Commercial Space Transportation, Federal Aviation Administration.

[FR Doc. 2025–21801 Filed 12–2–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2025–0061]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the Information Collection Request (ICR) summarized below. Before submitting this ICR to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified in the ICR.

DATES: Interested persons are invited to submit comments on or before February 2, 2026.

ADDRESSES: Written comments and recommendations for the proposed ICR should be submitted on *www.regulations.gov* to Docket No. FRA–2025–0061. All comments received will be posted without change to the docket, including any personal information provided. Please refer to the assigned OMB control number (2130–0504) in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice, made available to the public, and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Ms. Arlette Mussington, Information Collection Clearance Officer, at email: *arlette.mussington@dot.gov* or telephone: (571) 609–1285 or Ms. Joanne Swafford, Information Collection Clearance Officer, at email: *joanne.swafford@dot.gov* or telephone: (757) 897–9908.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60 days' notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. Specifically, FRA invites interested parties to comment on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology. *See* 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public comment may reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations mandate. In summary, comments received will advance three objectives: (1) reduce reporting burdens; (2) organize information collection requirements in a ''user-friendly'' format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: Special Notice for Repairs.

OMB Control Number: 2130–0504.

Abstract: Under 49 CFR part 216, FRA and State inspectors may issue a Special Notice for Repairs to notify a railroad in writing of an unsafe condition involving a locomotive, car, or track. The railroad must notify FRA in writing when the equipment is returned to service or the track is restored to a condition permitting operations at speeds authorized for a higher class, specifying the repairs completed. FRA and State inspectors use this information to remove from service freight cars, passenger equipment, and locomotives until they can be restored to a serviceable condition. They also use this information to reduce the maximum authorized speed on a section of track until repairs can be made.

In this 60-day notice, FRA made no changes to the previously approved burden hours or responses.

Type of Request: Extension without change of a currently approved collection.

Affected Public: Businesses.

Form(s): FRA F 6180.8; FRA F 6180.8a.

Respondent Universe: 754 railroads.

Frequency of Submission: On occasion.

Reporting Burden:

Section [1]	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C) = A * B	Wage rate [2]	Total annual dollar cost equivalent (D) = C * wage rates
216.13 Special notice for repairs—locomotive						
—(b) RR reply to special notice for repair informing FRA that affected locomotive is returned to service—FRA Form F 6180.8.	754 railroads.	5 forms	15 minutes	1.25	$89.13	$111.41
216.14 Special notice for repairs—passenger equipment						
—(b) RR notification in writing that equipment is returned to service.	The estimated paperwork burden for this requirement is covered under OMB Control Number 2130–0544 (see §§ 238.15 through 238.19).					
216.15 Special notice for repairs—track class						
—(b) RR reply to special notice for repair informing FRA that affected track is restored to condition permitting operations at higher speeds—FRA Form F 6180.8a.	754 railroads.	1 form	15 minutes	0.25	89.13	22.28
216.17 Appeals						
—RR's right to appeal decision	FRA anticipates zero appeal requests during this 3-year ICR period.					

Section [1]	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C) = A * B	Wage rate [2]	Total annual dollar cost equivalent (D) = C * wage rates
216.21 Notice of track conditions						
—(b) Letter from RR to FRA Staff Director that affected track has been repaired and is ready for re-inspection.	754 railroads.	1 letter	1 hour	1	89.13	89.13
Total [3]	754 railroads.	7 responses	.....	3	.....	222.82

Total Estimated Annual Responses: 7.

Total Estimated Annual Burden: 3 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: $222.82.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does not display a currently valid OMB control number.

(Authority: 44 U.S.C. 3501–3520)

Christopher S. Van Nostrand,

Deputy Chief Counsel.

[FR Doc. 2025–21846 Filed 12–2–25; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2025–0063]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the Information Collection Request (ICR) summarized below. Before submitting this ICR to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified in the ICR.

DATES: Interested persons are invited to submit comments on or before February 2, 2026.

ADDRESSES: Written comments and recommendations for the proposed ICR should be submitted on *www.regulations.gov* to Docket No. FRA–2025–0063. All comments received will be posted without change to the docket, including any personal information provided. Please refer to the assigned OMB control number (2130–0586) in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice, made available to the public, and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Ms. Arlette Mussington, Information Collection Clearance Officer, at email: *arlette.mussington@dot.gov* or telephone: (571) 609–1285 or Ms. Joanne Swafford, Information Collection Clearance Officer, at email: *joanne.swafford@dot.gov* or telephone: (757) 897–9908.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60 days' notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. Specifically, FRA invites interested parties to comment on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology. *See* 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public comment may reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations mandate. In summary, comments received will advance three objectives: (1) reduce reporting burdens; (2) organize information collection requirements in a ''user-friendly'' format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: Bridge Safety Standards.

OMB Control Number: 2130–0586.[1]

Abstract: Section 11405, ''Bridge Inspection Reports,'' of the Fixing America's Surface Transportation Act (FAST Act) (Pub. L. 114–94, Dec. 4, 2015) provides a means for a State or a political subdivision of a State to obtain a public version of a bridge inspection report generated by a railroad for a bridge located within its respective jurisdiction. While the FAST Act specifies that requests for such reports are to be filed with the Secretary of Transportation, the responsibility for fulfilling these requests is delegated to FRA.[2] FRA developed a form titled ''Bridge Inspection Report Public Version Request Form'' (FRA F 6180.167) to facilitate such requests by States and their political subdivisions.

[1] Section 216.25, Issuance and review of emergency order is exempt from the PRA under 5 CFR 1320.4(a)(2) and has been removed from the table. This adjustment has no impact on burden hours.

[2] The dollar equivalent cost is derived from the 2023 Surface Transportation Board Full Year Wage A&B data series using employee group 200 (Professional Administrative Staff) hourly wage rate of $50.93. The total burden wage rate (straight time plus 75%) used in the table is $89.13 ($50.93 × 1.75 = $89.13).

[3] Totals may not add due to rounding.

[1] The burden associated with § 214.105(c)(4), formerly covered under OMB Control No. 2130–0535, is now combined with the burden under OMB Control No. 2130–0586.

[2] 49 CFR 1.89(a).

The collection of information set forth under 49 CFR part 237 normalized and established Federal requirements for railroad bridges.[3] In particular, the collection of information is used by FRA to confirm that track owners adopt and implement bridge management programs to inspect, maintain, modify, and repair properly all bridges that carry trains for which they are responsible. Track owners must conduct annual inspections of railroad bridges, as well as special inspections that must be carried out if natural or accidental events cause conditions that warrant such inspections.

Further, track owners must incorporate provisions for internal audits into their bridge management programs and must conduct internal audits of bridge inspection reports. FRA uses the information collected to ensure that track owners meet Federal standards for bridge safety and comply with all the requirements of part 237.

In addition, the collection of information set forth under 49 CFR 214.105(c) establishes standards and practices for bridge worker safety net systems. Safety nets and net installations must be drop-tested at the job site after initial installation and before being used as a fall-protection system, after major repairs, and at 6-month intervals if left at one site. If a drop-test is not feasible and is not performed, then the railroad or railroad contractor, or a designated certified person, must provide written certification the net complies with the safety standards under § 214.105. FRA and State inspectors use this information to enforce Federal regulations. The information maintained at the job site promotes safe bridge worker practices while providing flexibility at bridge work job sites.

In this 60-day notice, FRA makes no changes to the previously approved burden hours or responses.

Type of Request: Extension without change of a currently approved collection.

Affected Public: Businesses (railroads and track owners), States, the District of Columbia (DC), and political subdivisions of States.

Form(s): FRA F 6180.167.

Respondent Universe: 784 track owners, 50 States and DC, and 200 political subdivisions of States.

Frequency of Submission: On occasion and annual.

Reporting Burden:

Section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C) = A * B	Wage rate[4]	Total annual dollar cost equivalent (D) = C * wage rates
FAST Act, Section 11405						
—Written request or filing of Form FRA F 6180.167 ''Bridge Inspection Report Public Version Request Form'' by State or a political subdivision of a State.	50 States and DC and 200 State political subdivisions.	50 forms	5 minutes	4.17	[5]$101.75	$424.40
FAST Act, Section 11405—Submission of public version of bridge inspection report from railroads to FRA.	754 railroads	47 reports	1 hour	47	89.13	4,189.11
214.105 Fall protection systems standards and practices						
—(c)(4) Safety net systems certification records	754 railroads	3 certification records.	5 minutes	0.25	89.13	22.28
237.3 Responsibility for compliance						
—(b) Notifications to FRA of assignment of bridge responsibility and signed statement by assignee concerning bridge responsibility.	784 track owners	10 notifications	2 hours	20	89.13	1,782.60
237.9 Waivers						
—Waiver petitions	784 track owners	0.33 petitions	4 hours	1.32	89.13	117.65
237.31 Adoption of bridge management programs						
—Existing and new track owners bridge management program.	784 track owners	15 programs	24 hours	360	89.13	32,086.80
237.57 Designation of individuals						
—Designation of qualified railroad bridge engineers, inspectors, and supervisors.	784 track owners	200 records	15 minutes	50	89.13	4,456.50
237.73 Protection of bridges from over-weight and over-dimension loads						
237.73—Protection of bridges from over-weight and over-dimension loads—Issuance of instructions to railroad personnel by track owner.	784 track owners	100 written instructions.	2 hours	200	89.13	17,826.00

[3] 75 FR 41281 (July 15, 2010).

[4] The dollar equivalent cost is derived from the 2023 Surface Transportation Board Full Year Wage A&B data series using employee group 200 (Professional Administrative Staff) hourly wage rate of $50.93. The total burden wage rate (straight time plus 75%) used in the table is $89.13 ($50.93 × 1.75 = $89.13).

[5] For State respondents, the dollar equivalent cost is derived from the May 2024 Bureau of Labor Statistics (BLS) data for management occupations, NAICS 99920—State Government, excluding schools and hospitals, for State government employees. To calculate the total burdened wage rate, FRA multiplied the hourly mean wage rate of $58.14 by 75 percent for overhead costs ($58.14 per hour * 1.75 = $101.75).

[6] Totals may not add due to rounding.

Section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C) = A * B	Wage rate [4]	Total annual dollar cost equivalent (D) = C * wage rates
237.109 Bridge inspection records						
—Bridge inspection reports and records, including deficient condition reports.	784 track owners	100,000 inspection reports and records.	15 minutes ...	25,000	89.13	2,228,250.00
237.111 Review of bridge inspection reports						
—Bridge engineer and supervisor review of bridge inspection reports.	784 track owners	100,000 reviews ...	5 minutes	8,333.33	89.13	742,749.70
237.155 Documents and records						
237.155—Documents & records—Establishment of information technology security systems for electronic recordkeeping.	784 track owners	5 electronic recordkeeping systems.	80 hours	400	89.13	35,652.00
—(a)(4) Training of track owner's employees who use the system on the proper use of the electronic recordkeeping system.	784 track owners	50 training records	4 hours	200	89.13	17,826.00
Total [6]	784 track owners, 50 States and DC, and 200 political subdivisions.	200,480 responses	.....	34,616	.....	3,085,383.04

Total Estimated Annual Responses: 200,480.

Total Estimated Annual Burden: 34,616 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: $3,085,383.04.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does not display a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Christopher S. Van Nostrand,

Deputy Chief Counsel.

[FR Doc. 2025–21841 Filed 12–2–25; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2025–0062]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the Information Collection Request (ICR) summarized below. Before submitting this ICR to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified in the ICR.

DATES: Interested persons are invited to submit comments on or before February 2, 2026.

ADDRESSES: Written comments and recommendations for the proposed ICR should be submitted on *www.regulations.gov* to Docket No. FRA–2025–0062. All comments received will be posted without change to the docket, including any personal information provided. Please refer to the assigned OMB control number (2130–0525) in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice, made available to the public, and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Ms. Arlette Mussington, Information Collection Clearance Officer, at email: *arlette.mussington@dot.gov* or telephone: (571) 609–1285 or Ms. Joanne Swafford, Information Collection Clearance Officer, at email: *joanne.swafford@dot.gov* or telephone: (757) 897–9908.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60 days' notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. Specifically, FRA invites interested parties to comment on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology. *See* 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public comment may reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations mandate. In summary, comments received will advance three objectives: (1) reduce reporting burdens; (2) organize information collection requirements in a ''user-friendly'' format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: Certification of Glazing Materials.

OMB Control Number: 2130–0525.

Abstract: Title 49 CFR part 223 contains requirements for certification

and permanent marking of glazing materials by the manufacturer. The manufacturer must make test verification data available to railroads and to FRA upon request.

In this 60-day notice, after a thorough review, FRA is making multiple adjustments to its estimates that decrease the currently approved burden hours from 262 hours to 105 hours and decrease responses from 25,426 to 210. This burden decrease is the result of changes summarized below.

Section 223.3(c) applies to certain equipment used for excursion, educational, recreational, or private transportation purposes. It provides that a tool or other instrument may be used to remove or break an emergency window if the tool or other instrument is clearly marked and legible and understandable instructions are provided for its use. FRA is adjusting the burden estimate to reflect more accurately the estimated number of windows that will require these marked tools and instructions. This reduces the estimated burden by 100 hours.

In November 2022, FRA published a final rule titled Safety Glazing Standards; Codifying Existing Waivers and Adding Test Flexibility.[1] This rule amended safety glazing requirements for exterior windows on railroad equipment to codify long-standing waivers. Specifically, this rule excluded from compliance with part 223 all locomotives, cabooses, and passenger cars built or rebuilt prior to July 1, 1980, that are operated at speeds not exceeding 30 miles per hour, and which are used only where the risk of propelled or fouling objects striking the equipment is low. Because this rule means that railroads no longer need to submit waiver requests under §§ 223.11, 223.13 and 223.15, FRA has removed the previously reported waiver requests for these sections, reducing the total burden by 5 hours.

Lastly, under appendix A to part 223, which requires manufacturers to identify and mark each unit of glazing material produced, FRA has determined that this requirement is part of the manufacturing process. Because marking glazing during the manufacturing process is a usual and customary practice in this industry, the requirement to apply markings is properly excluded from coverage under the PRA, reducing the burden by 52 hours.

Type of Request: Extension without change (with changes in estimates) of a currently approved collection.

Affected Public: Businesses (railroads and manufacturers of glazing materials).

Form(s): N/A.

Respondent Universe: 25 railroads and 3 manufacturers.

Frequency of Submission: On occasion.

Reporting Burden:

CFR section	Respondent universe	Total annual responses	Average time per response (minutes)	Total annual burden hours	Wage[2] rates	Total cost equivalent
		(A)	(B)	(C) = A * B	(D)	(E) = C * D
223.3 Application						
—(c) Marked tools for locomotives, passenger cars, and cabooses built after 1945 used only for excursion, educational, recreational, or private transportation purposes in an intercity passenger or commuter train (generally, small hammers with instructions on use).	25 railroads	200 marked tools.	30	100	$69.60	$6,960
Appendix A to Part 223—Certification of Glazing Materials						
—(b)(16) Manufacturers to certify in writing that glazing material meets the requirements of this section.	3 manufacturers	10 certifications	30	5	89.13	445.65
—(c) Identification and marking of each unit of glazing material.	Identification and marking of each unit of material is done as part of the manufacturing process and is usual and customary practice. Therefore, there is no additional burden associated with this requirement.					
Total	25 railroads 3 manufacturers.	210 responses	.....	105	.....	7,405.65

Total Estimated Annual Responses: 210.

Total Estimated Annual Burden: 105 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: $7,405.65.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does not display a currently valid OMB control number.

(Authority: 44 U.S.C. 3501–3520)

Christopher S. Van Nostrand,

Deputy Chief Counsel.

[FR Doc. 2025–21839 Filed 12–2–25; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2022–0039; Notice 2]

Motor Coach Industries, Inc., Denial of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

[1] 87 FR 68913 (Nov. 17, 2022).

[2] The dollar equivalent cost is derived from the 2023 Surface Transportation Board Full Year Wage A&B data series using employee group 200 (Professional Administrative Staff) hourly wage rate of $50.93, and employee group 400 (Maintenance of Equipment and Stores) hourly wage rate of $39.77. The total burden wage rate (straight time plus 75%) used in the table is $89.13 ($50.93 × 1.75 = $89.13) and $69.60 ($39.77 × 1.75 = $69.90).

ACTION: Denial of petition.

SUMMARY: Motor Coach Industries, Inc. (MCI), MCI has determined that certain model year (MY) 1988–2022 MCI coaches do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 205, *Glazing Materials.* MCI filed an original noncompliance report dated March 22, 2022, and amended the report on April 14, 2022. MCI petitioned NHTSA on April 14, 2022, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety and submitted supplemental information on September 2, 2022. This document announces the denial of MCI's petition.

FOR FURTHER INFORMATION CONTACT: Jayton Lindley, Safety Compliance Engineer, Office of Vehicle Safety Compliance, NHTSA, (325) 655–0547.

SUPPLEMENTARY INFORMATION:

I. Overview: MCI determined that certain MCI motor vehicles do not fully comply with paragraph S5.1 of FMVSS No. 205, *Glazing Materials* (49 CFR 571.205).

MCI filed an original noncompliance report dated March 22, 2022, and amended the report on April 14, 2022, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* MCI petitioned NHTSA on April 14, 2022, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

Notice of receipt of MCI's petition was published with a 30-day public comment period, on February 21, 2023, in the **Federal Register** (88 FR 10640). No comments were received. To view the petition and all supporting documents, log onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2022–0039.''

II. Vehicles Involved: Approximately 15,454 of the following coaches, manufactured between January 4, 1988, and January 14, 2022, were reported by the manufacturer:

1. MY 2001–2021 MCI J4500
2. MY 1998–2013 MCI E4500
3. MY 2017–2021 MCI J3500
4. MY 2005–2021 MCI D4005
5. MY 2005–2022 MCI D4505
6. MY 2000–2007 MCI D4000
7. MY 2001–2020 MCI D4500
8. MY 1988–2001 MCI 102D3
9. MY 1988–2001 MCI 102DL3
10. MY 2001–2022 MCI D4000ISTV
11. MY 2000–2001 MCI 102D3ISTV
12. MY 1995–1999 MCI MC12PTV

III. Noncompliance: MCI explains that the subject vehicles were manufactured with a curb view window to the immediate right of the driver that has glazing rated AS–5 instead of AS–1 or AS–2, or one of the bullet resistant variations of glazing that are specified in ANSI/SAE Z26. l-1996, and therefore, do not comply with FMVSS No. 205.

IV. Rule Requirements: Paragraph S5.1 of FMVSS No. 205 includes the requirements relevant to this petition. Glazing materials for use in motor vehicles must conform to ANSI/SAE Z26.1–1996 (incorporated by reference, see § 571.5), unless FMVSS No. 205 provides otherwise. SAE Recommended Practice J673 (1993) (incorporated by reference, see § 571.5) is referenced in ANSI/SAE Z26.1–1996.

V. Summary of MCI's Petition: The following views and arguments presented in this section, are the views and arguments provided by MCI. They do not reflect the views of NHTSA. MCI describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

On April 14, 2022, MCI petitioned for a determination that the noncompliance is inconsequential to motor vehicle safety on the grounds that the lower curb view window is sufficiently transparent to allow the coach driver to see people or objects outside the coach and is equivalent to the transparency of compliant glazing.

MCI explains that FMVSS No. 205 and ANSI/SAE Z26.1–1996 do not permit AS–5 rated glazing to be installed at locations requisite for driving visibility. MCI says that NHTSA considers ''requisite for driving visibility'' to mean ''every item of glazing that is to the immediate left and right of the driver, as well as windshields.''

MCI's petition includes a schematic showing the exact location of the AS–5 rated curb view window on the subject coaches. MCI further explains that AS–5 rated glazing ''is not required to meet certain performance requirements that are applicable to AS–2 glazing.'' However, in their first petition, MCI contended that the AS–5 rated glazing installed in the curb view window of the subject coaches complies with the 70 percent light transmittance requirement described in Test 2 of ANSI/SAE Z26.1–1996.

MCI believes that the subject noncompliance is inconsequential to motor vehicle safety and argues that ''the actual field performance of the small curb view window has met the intent of the substantive requirements of FMVSS 205 for glazing requisite for driving visibility.'' MCI states ''there is no reasonable possibility that any vehicle occupant would impact that window in a collision. Moreover, there is no reasonable possibility that any person would be ejected through the curb view window in a collision, given its location and small size.'' For these reasons, MCI focused its analysis on a need to ensure a necessary degree of transparency in motor vehicle windows for driver visibility. In its April 2022 submission, MCI makes three claims in support of their contention that the curb view windows achieve this safety need pertaining to driver visibility.

First, MCI states that the curb view window in which the AS–5 rated glazing is installed, ''is not requisite for driving in the forward and reverse gears'' but may be used to assist with parking. MCI claims that ''the value of the small curb view window even for parking is very limited—essentially just to identify the location of the curb to the driver or identify a person or object between the coach and the curb.''

Second, MCI states that the glazing used in the curb view window meets the requirements for 70 percent light transmissibility, even though that is not required for AS–5 glazing. Thus, MCI claims, ''the need to ensure a necessary degree of transparency through the glazing is achieved.''

Third, MCI states that while AS–5 glazing is not required to meet certain abrasion resistance requirements of ANSI/SAE Z26.1–1996, ''the small curb view window has not unreasonably degraded its transmissibility through abrasion or other environmental exposures in actual field usage.'' MCI provided photos of a sample of the affected coaches with its petition to demonstrate that ''the small curb view window has retained good visibility, notwithstanding many years of service in challenging environmental conditions.'' Furthermore, MCI claims that the glazing used in the curb view window ''has not abraded excessively over time and remains safe for use.''

MCI further states that it has not received any customer complaints over the last 10 years but acknowledges that NHTSA does not consider an absence of complaints relevant when determining whether an instance of noncompliance is inconsequential to motor vehicle safety. MCI states that the safety risk of the subject noncompliance ''is the potentially reduced visibility through glazing that degrades from

environmental exposure.'' However, MCI claims it has effectively demonstrated that ''the glazing in this particular location has remained adequately transparent even after years of service in harsh environmental conditions.'' Therefore, MCI believes; ''in this case, the absence of complaints supports the photographic evidence accompanying this petition.''

At the time of its initial file of petition on April 14, 2022, MCI expressed its belief that it would be able to document that the AS–5 rated glazing on the subject coaches permits 70% light transmittance. This belief was based on inspections of actual coaches and observations that the visibility through the lower curb view window was comparable to visibility through the upper window with AS–2 rated glazing. Photographs of the visibility of individuals and objects through the lower curb view window from the vantage of the coach driver were included with the petition.

MCI filed a supplemental petition on September 2, 2022, after it undertook testing of the subject glazing in an effort to quantify the light transmittance through the glazing under the procedures specified by ANSI Z26.1–1996. After its testing, MCI disclosed that the lower curb view window in the subject coaches does not permit 70% light transmittance. The light transmittance when measured under the procedures specified by ANSI Z26.1–1996 was approximately 20%. However, MCI continues to believe that, due to the relative darkness of the stairwell area inside the coach when compared with the relative brightness of the ambient environment outside the coach under most, if not all, conditions, the lower curb window provides the coach driver with a view of the exterior of the coach that is essentially equivalent to compliant glazing. In other words, the coach driver will see mainly the light from outside, which makes the individuals or objects outside the coach visible to the driver.

MCI concludes by stating its belief that the noncompliance is inconsequential to motor vehicle safety and its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

VII. NHTSA's Analysis: In determining the inconsequentiality of a noncompliance, NHTSA focuses on the safety risk to individuals who experience the type of event against which a recall would otherwise protect.[1] In general, NHTSA does not consider the absence of complaints or injuries when determining if a noncompliance is inconsequential to safety. The absence of complaints does not mean vehicle occupants have not experienced a safety issue, nor does it mean there will not be safety issues in the future.[2]

The subject MCI coaches were manufactured with a curb view window in the lower portion of the front door of the coach. The curb view window glazing material is rated AS–5, as defined in ANSI/SAE Z26.1–1996. FMVSS No. 205 incorporates by reference the American National Standard for Safety Glazing Materials for Glazing Motor Vehicles and Motor Vehicle Equipment Operating on Land Highways-Safety Standard ANSI/SAE Z26.1–1996 (ANSI Z26.1). FMVSS No. 205 therefore specifies performance requirements for various types of glazing and specifies the locations in vehicles in which each item of glazing may be used.

First, NHTSA is not persuaded by MCI's claim that the lower curb window is not requisite for driving visibility. The petitioner states instead that one of the purposes of the window is to facilitate parking along a curb. Parking involves driving in the forward and/or reverse gears, so visibility needed for parking is visibility needed for driving. Furthermore, NHTSA has two interpretations discussed in more detail, below, which involve glazing of similar design/purpose that NHTSA found to be requisite for driving visibility.

In 2008, California Highway Patrol (CHP) inspected the right-front, swing-open, entry door and lower curb-side view glazing on a 2008 MCI motor coach and noted that the curb-side view window was labeled AS–5. CHP asked NHTSA for an interpretation of whether AS–5 glazing is permitted in the lower curb-side view glazing on buses. The Agency explained in the 2009 interpretation letter[3] in response to Mr. Cris Morgan of CHP that lower curb-side view glazing on doors to the right or left of the driver are considered windows that are requisite for driving visibility. Therefore, AS–5 glazing is not permitted on buses in windows to the immediate right or left of the driver.

On an April 23, 2001, the agency issued an interpretation letter[4] to Mr. Thomas F. Brown concerning peep windows in Mack Trucks. The peep window was a small, separate fixed window located below the passenger door's main window, near the bottom of the door, which could be used to analyze and react to traffic situations near the passenger door of a medium or heavy-duty truck. NHTSA determined that the peep window was at a level requisite for driving visibility.

The lower curb-side view window on the 2008 MCI motor coach and the peep window on the Mack Truck are in a similar location and provide similar visibility to the curb view window on the MCI motor coaches at issue here.

NHTSA agrees with the petitioner that one of the safety considerations in evaluating this petition should be that the curb view window helps a driver safely operate the vehicle by, among other things, allowing visibility of the curb, a person, or an object that might be located between the coach and the curb.

NHTSA is not persuaded by the petitioner's arguments that failing to meet the light transmittance and abrasion resistance for this glazing is inconsequential to safety. MCI stated in its supplemental petition that the lower curb view window in the subject coaches does not permit 70% light transmittance. The light transmittance when measured under the procedures specified by ANSI Z26.1–1996 was approximately 20%. The Agency is not persuaded by MCI's argument that the relative darkness of the stairwell inside the coach when compared with the relative brightness of the ambient environment outside the coach will provide the coach driver with a clear view of the exterior of the coach in most if not all conditions. NHTSA can foresee that in evening hours or poor weather conditions the visibility through the affected window may be impacted due to the use of AS–5 glazing, which is more prone to abrasion and has reduced light transmittance. This could prove

[1] *See Gen. Motors, LLC; Grant of Petition for Decision of Inconsequential Noncompliance,* 78 FR 35355 (June 12, 2013) (finding noncompliance had no effect on occupant safety because it had no effect on the proper operation of the occupant classification system and the correct deployment of an air bag); *Osram Sylvania Prods. Inc.; Grant of Petition for Decision of Inconsequential Noncompliance,* 78 FR 46000 (July 30, 2013) (finding occupant using noncompliant light source would not be exposed to significantly greater risk than occupant using similar compliant light source).

[2] *See Morgan 3 Wheeler Limited; Denial of Petition for Decision of Inconsequential Noncompliance,* 81 FR 21663, 21666 (Apr. 12, 2016); *see also United States* v. *Gen. Motors Corp.,* 565 F.2d 754, 759 (D.C. Cir. 1977) (finding defect poses an unreasonable risk when it ''results in hazards as potentially dangerous as sudden engine fire, and where there is no dispute that at least some such hazards, in this case fires, can definitely be expected to occur in the future'').

[3] *See https://www.nhtsa.gov/interpretations/08-004149-19-nov-08-sa.*

[4] *See https://www.regulations.gov/document/NHTSA-2001-9605-0001.*

especially consequential to safety if a small child or animal is standing outside the small curb view window in hours of reduced ambient light.

In addition, AS–5 glazing is not required to meet other performance requirements that are applicable to AS–2 glazing and this may potentially further degrade its ability to provide a minimum level of safety in this application. NHTSA does not accept MCI's assertion that it is not reasonably possible for an occupant to impact the curb view window in a collision. After making this claim, MCI's analysis focuses on only one of the performance requirements for AS–2 glazing—Test no. 2: Luminous Transmittance. In fact, there are several performance requirements that AS–5 glazing is not required to meet but are applicable to AS–2 glazing. Specifically, AS–5 glazing is not required to meet Tests no. 1: Light Stability; no. 2: Luminous Transmittance; no. 6: Impact, Ball, 3.05 m (10 ft.); no. 7: Fracture Test; no. 8: Impact, Shot Bag, 2.44 m (8 ft.); and, no. 18: Abrasion Resistance, each of which AS–2 tempered glazing must meet. The required tests under AS–5 glazing are for the rigid plastic glazing but not for the tempered glass. The petition ignores the other performance requirements inapplicable to AS–5 glazing without providing sufficient analysis or evidence to explain why these other requirements are irrelevant in this instance.

In summary, the curb view window in this petition is similar to the glazing described in the interpretations discussed above and is requisite for driving visibility. The Agency's findings in its evaluation of this petition are consistent with the Agency's interpretations letters of 2009 to Mr. Cris Morgan and of 2001 to Mr. Thomas F. Brown which indicate that AS–5 glazing is not permitted in windows to the immediate right or left of the driver. Further, MCI provided insufficient evidence that the other performance requirements outlined in FMVSS No. 205 are irrelevant to the safety analysis.

VII. NHTSA's Decision: In consideration of the foregoing, NHTSA has decided that MCI has not met its burden of persuasion that the subject FMVSS No. 205 noncompliance is inconsequential to motor vehicle safety. Accordingly, MCI's petition is hereby denied and MCI is consequently obligated to provide notification of and free remedy for that noncompliance under 49 U.S.C. 30118 and 30120.

(Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Eileen Sullivan,

Associate Administrator for Enforcement.

[FR Doc. 2025–21778 Filed 12–2–25; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Environmental Taxes

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Information Collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before February 2, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Include ''OMB Control No. 1545–1361'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: View the latest drafts of the tax forms related to the information collection listed in this notice at *https://www.irs.gov/draft-tax-forms.* Requests for additional information or copies of this collection should be directed to Kerry Dennis, (202) 317–5751.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information. *Comments are invited on:* (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Environmental Taxes.

OMB Control Number: 1545–1361.

Regulation Project Number: T.D. 8622.

Abstract: These regulations impose reporting and recordkeeping requirements necessary to implement Internal Revenue Code sections 4681 and 4682 relating to the tax on chemicals that deplete the ozone layer and on products containing such chemicals. The regulation affects manufacturers and importers of ozone-depleting chemicals, manufacturers of rigid foam insulation, and importers of products containing or manufactured with ozone-depleting chemicals manufacture, import, export, sell, or use ODCs. In addition, the regulation affects persons, other than manufacturers and importers of ozone-depleting chemicals, holding such chemicals for sale or for use in further manufacture on January 1, 1990, and on subsequent tax-increase dates. This regulation provides reporting and recordkeeping rules relating to taxes imposed on exports of ozone-depleting chemicals (ODCs), taxes imposed on ODCs used as medical sterilant or propellants in metered-dose inhalers, and floor stocks taxes on ODCs. The rules affect persons, other than manufacturers and importers of ozone-depleting chemicals, holding such chemicals for sale or for use in further manufacture on January 1, 1990, and on subsequent tax-increase dates. This regulation provides reporting and recordkeeping rules relating to taxes imposed on exports of ozone-depleting chemicals (ODCs), taxes imposed on ODCs used as a medical sterilant or propellants in metered-dose inhalers, and floor stocks taxes on ODCs.

Current Actions: There is no change to the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 150,350.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 75,265 hours.

Dated: November 26, 2025.

Kerry Dennis,

Tax Analyst.

[FR Doc. 2025–21831 Filed 12–2–25; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL REGISTER

Vol. 90 Wednesday,
No. 230 December 3, 2025

Part II

The President

Proclamation 10994 of November 25, 2025

Federal Register
Vol. 90, No. 230
Wednesday, December 3, 2025

Presidential Documents

Title 3—

The President

Proclamation 10994 of November 25, 2025

Thanksgiving Day, 2025

By the President of the United States of America

A Proclamation

In 1789, just years after America's triumph over tyranny in the Revolutionary War, President George Washington established the first National Day of Thanksgiving, declaring ''the duty of all Nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and favor.'' Decades later, in the midst of the bloody Civil War, President Abraham Lincoln implored the Nation to join in unity for ''a day of Thanksgiving and Praise to our beneficent Father who dwelleth in the Heavens.'' In every generation since, this spirit of reverence, trust, and gratitude has preserved our way of life and made America the strongest, greatest, and most resilient Nation the world has ever known.

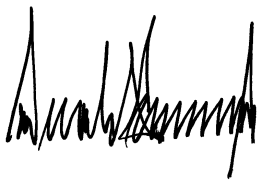
From the pilgrims who settled our continent and the patriots who won our independence on the battlefield to the pioneers who tamed the west and the warriors who have preserved our freedom in distant lands, the spirit of gratitude and grit embodied by those who celebrated the first Thanksgiving more than 400 years ago have stood at the very heart of what it means to be an American.

This year, God has bestowed abundant blessings all across our land and indeed the entire world. As we give thanks to Him, we continue to advance our Nation through strong leadership and commonsense policy. As a result, the American economy is roaring back, we are making progress on lowering the cost of living, a new era of peace is sweeping around the world, our sovereignty is being swiftly restored, and the American spirit is coming back greater and more powerful than ever before.

As we prepare to celebrate 250 glorious years of American independence, this Thanksgiving, we summon the faith, resolve, and unflinching fortitude of the giants of American history who came before us. We vow to build a future that echoes their sacrifice. Above all, we offer our endless gratitude to Almighty God for His love, grace, and infinite blessings.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Thursday, November 27, 2025, as a National Day of Thanksgiving. I encourage all Americans to gather, in homes and places of worship, to offer a prayer of thanks to God for our many blessings.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of November, in the year of our Lord two thousand twenty-five, and of the Independence of the United States of America the two hundred and fiftieth.



[FR Doc. 2025–21910
Filed 12–2–25; 11:15 am]
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