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Contents

Federal Register

Vol. 90, No. 241

Thursday, December 18, 2025

Administrative Conference of the United States
NOTICES
Hearings, Meetings, Proceedings, etc.:
Assembly of the Administrative Conference of the United States, 59089

Agriculture Department
NOTICES
Performance Review Board Members, 59089–59091

Air Force Department
NOTICES
Environmental Impact Statements; Availability, etc.:
SpaceX Starship-Super Heavy at Cape Canaveral Space Force Station, FL; Record of Decision, 59094–59095

Antitrust Division
NOTICES
Proposed Settlement Agreement, Stipulation, Order, and Judgment, etc.:
United States et al. v. Constellation Energy Corp. et al., 59205–59223

Centers for Disease Control and Prevention
NOTICES
Award of a Single Source Unsolicited Grant:
University of Southern Denmark, 59124–59125
Requests for Nominations:
Board of Scientific Counselors, National Center for Injury Prevention and Control, 59123–59124

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Office of Management and Budget Review Placement and Transfer of Unaccompanied (Alien) Children into Office of Refugee Resettlement Care Provider Facilities; Correction, 59126–59127
Office of Refugee Resettlement Services for Survivors of Torture Program Data Points and Performance Progress Report, 59126
Personal Responsibility Education Program Innovative Strategies Local Evaluation Support: Final Evaluation Report Template, 59125–59126

Civil Rights Commission
NOTICES
Hearings, Meetings, Proceedings, etc.:
New Jersey Advisory Committee, 59091
Rhode Island Advisory Committee, 59092
South Carolina Advisory Committee, 59092

Coast Guard
RULES
Safety Zone:
Chicago River (Main Branch), Chicago, IL, 59051

Commerce Department
See International Trade Administration
See National Oceanic and Atmospheric Administration

Commodity Futures Trading Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery, 59093–59094

Comptroller of the Currency
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Securities Exchange Act Disclosure Rules, 59322–59323

Defense Department
See Air Force Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Examination of Records by Comptroller General and Contract Audit, 59121–59122
Reporting Purchases from Sources Outside the United States, 59122

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
National Assessment of Educational Progress 2027, 59095–59096

Energy Department
See Energy Information Administration
See Federal Energy Regulatory Commission

Energy Information Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 59096–59098

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Arizona: Infrastructure Requirements for the 2012 Fine Particulate Matter National Ambient Air Quality Standard, 59051–59057
New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants:
Delegation of Authority to Louisiana, 59061–59069
New Source Performance Standards:
Delegation of Authority to Oklahoma, 59057–59061
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production, 59114
New Source Performance Standards for Flexible Vinyl and Urethane Coating and Printing, 59113–59114

Federal Aviation Administration
PROPOSED RULES
Airspace Designations and Reporting Points:
Chandler and Phoenix, AZ, 59081–59083
Morganton, NC, 59083–59084
Airworthiness Directives:
Airbus Helicopters Deutschland GmbH (AHD) Helicopters, 59078–59081
NOTICES
Intent to Designate as Abandoned:
Stephen M. Hill Supplemental Type Certificate No. SA1584SW, 59320–59321

Federal Communications Commission
RULES
Wireless Emergency Alerts and The Emergency Alert System; Correction, 59071
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 59114–59119
Meetings; Sunshine Act, 59116–59117

Federal Deposit Insurance Corporation
NOTICES
Termination of Receivership, 59119–59120

Federal Emergency Management Agency
NOTICES
Flood Hazard Determinations, 59137–59157

Federal Energy Regulatory Commission
RULES
Implementation of the Executive Order Entitled Zero-Based Regulatory Budgeting to Unleash American Energy; Partial Recission, 59046
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 59099–59100, 59105–59106, 59110–59113
Application:
Fall River Rural Electric Cooperative, Inc.; Waiver Period for Water Quality Certification, 59104
Grand River Dam Authority, 59111–59112
Valatie Falls Hydro Power, Inc., 59098–59099
Combined Filings, 59100–59102, 59104–59108
Environmental Assessments; Availability, etc.:
Fall River Electric Cooperative, Inc., 59108
Northwest Pipeline, LLC; Wild Trail Project, 59102–59103
Rockies Express Pipeline LLC; Proposed Decatur Lateral Project, 59103–59104
Environmental Issues:
Leaf River Energy Center LLC; Leaf River Capacity Expansion Project, 59108–59110

Federal Mine Safety and Health Review Commission
NOTICES
Meetings; Sunshine Act, 59120

Federal Procurement Policy Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Examination of Records by Comptroller General and Contract Audit, 59121–59122
Reporting Purchases from Sources Outside the United States, 59122

Federal Railroad Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 59321–59322

Federal Reserve System
NOTICES
Change in Bank Control:
Acquisitions of Shares of a Bank or Bank Holding Company, 59120

Federal Retirement Thrift Investment Board
RULES
Curing Missed Loan Payments, 59042–59043

Food and Drug Administration
NOTICES
Guidance:
Questions and Answers Regarding Mandatory Cosmetics Recalls, 59129–59130
Use of Real-World Evidence to Support Regulatory Decision-Making for Medical Devices, 59127–59129

General Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Examination of Records by Comptroller General and Contract Audit, 59121–59122
Reporting Purchases from Sources Outside the United States, 59122

Government Ethics Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Legal Expense Fund, 59122–59123

Health and Human Services Department
See Centers for Disease Control and Prevention
See Children and Families Administration
See Food and Drug Administration
See National Institutes of Health

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency
See U.S. Customs and Border Protection
NOTICES
Determination:
Illegal Immigration Reform and Immigrant Responsibility Act, 59157–59158

Housing and Urban Development Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Standards for Success Reporting, 59159–59160
Veterans Housing Rehabilitation and Modification and Pilot Program, 59160–59161

Interior Department
See Land Management Bureau
See National Park Service
See Surface Mining Reclamation and Enforcement Office

Internal Revenue Service
RULES
Base Erosion and Anti-Abuse Tax Rules for Qualified Derivative Payments on Securities Lending Transactions, 59046–59051
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 59323
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Burden Related to Disclaiming an Interest in Property Received by Gift or Inheritance, 59323–59324

International Trade Administration
NOTICES
Certain Tariff-Related Elements of the Framework for a United States–Switzerland–Liechtenstein Agreement on Fair, Balanced, and Reciprocal Trade, 59281–59317

International Trade Commission
NOTICES
Investigations; Determinations, Modifications, and Rulings, etc.:
Certain Electrolyte Containing Beverages and Labeling and Packaging Thereof, 59203–59205
Chromium Trioxide from India and Turkey, 59203
Polypropylene Corrugated Boxes from China and Vietnam, 59202
Quartz Surface Products from India and Turkey, 59202–59203

Justice Department
See Antitrust Division

Land Management Bureau
RULES
Federal Onshore Oil and Gas Statewide Bonds:
Extension of Phase-In Deadline, 59069–59071

Management and Budget Office
See Federal Procurement Policy Office

Merit Systems Protection Board
RULES
Practices and Procedures, 59041–59042

National Aeronautics and Space Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Examination of Records by Comptroller General and Contract Audit, 59121–59122
Reporting Purchases from Sources Outside the United States, 59122

National Institutes of Health
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Special Volunteer and Guest Researcher Assignment; Office of Intramural Research, Office of the Director, 59135–59136
Controlled-Access Data Policy and Proposed Revisions to Genomic Data Sharing Policy, 59131–59135
Hearings, Meetings, Proceedings, etc.:
Center for Scientific Review, 59130–59131
Eunice Kennedy Shriver National Institute of Child Health and Human Development, 59130
Eunice Kennedy Shriver National Institute of Child, Health and Human Development; Amendment, 59131
National Institute of Dental and Craniofacial Research, 59136

National Oceanic and Atmospheric Administration
NOTICES
Hearings, Meetings, Proceedings, etc.:
North Pacific Fishery Management Council, 59093
Taking or Importing of Marine Mammals:
Marine Geophysical Survey of the East Pacific Rise in the Eastern Tropical Pacific Ocean, 59330–59360

National Park Service
NOTICES
Inventory Completion:
Autry Museum of the American West, Los Angeles, CA, 59193–59194
Center for the History of Medicine in the Francis A. Countway Library of Medicine, Harvard University, Boston, MA, 59179–59180
David A. Fredrickson Archaeological Collections Facility at Sonoma State University, Rohnert Park, CA, 59182–59186
Department of Anthropology, University of South Florida, Tampa, FL, 59173–59175, 59194–59195
Department of Anthropology, University of South Florida, Tampa, FL, and Florida Department of State, Tallahassee, FL, 59196
Haffenreffer Museum of Anthropology, Brown University, Bristol, RI, 59172
Merced College, Merced, CA, 59186–59187
Mercyhurst University, Erie, PA, 59162–59163
New York State Office of Parks, Recreation and Historic Preservation, Waterford, NY, 59177
Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA, 59173, 59180–59181
San Diego State University, San Diego, CA, 59196–59198
San Francisco State University, San Francisco, CA, 59195–59196
Santa Barbara Museum of Natural History, Santa Barbara, CA, 59168–59169
Shiloh Museum of Ozark History, Springdale, AR, 59187–59188
Sonoma State University, Rohnert Park, CA, 59198–59199, 59201
Tennessee Department of Environment and Conservation Division of Archaeology, Nashville, TN, 59184–59185
U.S. Army Corps of Engineers, Walla Walla District, Walla Walla, WA, 59190–59192
University of Kansas, Lawrence, KS, 59177–59179
University of Wisconsin Oshkosh, Oshkosh, WI, 59169–59170
University of Wisconsin–Madison Department of Anthropology, Madison, WI, 59200–59201
Washington State Parks and Recreation Commission, Olympia, WA, 59164–59165
Western Michigan University, Institute for Intercultural and Anthropological Studies, Kalamazoo, MI, 59201–59202
Yale Peabody Museum, Yale University, New Haven, CT, 59189–59190
Repatriation of Cultural Items:
Augustana University, Sioux Falls, SD, 59170–59171
Berkshire Museum, Pittsfield, MA, 59161–59162
California State University San Bernardino, San Bernardino, CA, 59186
Concord Museum, Concord, MA, 59171–59172

Fine Arts Center at Colorado College, Colorado Springs, CO, 59181–59182
Fine Arts Museums of San Francisco, San Francisco, CA, 59179
Indianapolis Museum of Art, Inc. D.B.A. Newfields, Indianapolis, IN, 59163–59164
Maidu Museum and Historic Site, Roseville, CA, 59192
Missouri Historical Society, St. Louis, MO, 59165
Museum of Science, Boston, Boston, MA, 59192–59193
Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA, 59162, 59199–59200
Pennsylvania Historical and Museum Commission, State Museum of Pennsylvania, Harrisburg, PA, 59166–59167
Pennsylvania Historical and Museum Commission, The State Museum of Pennsylvania, Harrisburg, PA, 59194
Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, Norman, OK, 59188–59189
South Carolina Institute of Archaeology and Anthropology, University of South Carolina, Columbia, SC, 59167–59168
University of California, Santa Barbara, Repository for Archaeological and Ethnographic Collections, Santa Barbara, CA, 59165–59166
University of Florida, Florida Museum of Natural History, Gainesville, FL, 59168
University of Michigan, Ann Arbor, MI, 59166
Wilson Museum, Castine, ME, 59175–59177
Yale Peabody Museum, Yale University, New Haven, CT, 59190

Neighborhood Reinvestment Corporation
NOTICES
Meetings; Sunshine Act, 59223–59224

Nuclear Regulatory Commission
NOTICES
Licenses; Exemptions, Applications, Amendments, etc.:
Constellation Energy Generation, LLC; Dresden Nuclear Power Station, Units 2 and 3; Record of Decision, 59224–59225

Personnel Management Office
PROPOSED RULES
Ensuring Consistent and Rigorous Standards for Senior Executive Service Candidate Development Programs, 59072–59078

Postal Regulatory Commission
PROPOSED RULES
Service Performance Reporting, 59086–59088

Presidential Documents
PROCLAMATIONS
Special Observances:
Bill of Rights Day (Proc. 10997), 59361–59364
EXECUTIVE ORDERS
Fentanyl; Designation as Weapon of Mass Destruction (EO 14367), 59365–59366

Securities and Exchange Commission
RULES
Commission Rules and Forms; Technical Amendments, 59043–59046
NOTICES
Self-Regulatory Organizations; Proposed Rule Changes:
Cboe BZX Exchange, Inc., 59247–59251
Cboe C2 Exchange, Inc., 59242–59247
Cboe EDGX Exchange, Inc., 59275–59279
Cboe Exchange, Inc., 59234–59237
Fixed Income Clearing Corp., 59225–59234, 59268–59272
ICE Clear Credit LLC, 59251–59254, 59272–59275
Investors Exchange LLC, 59266–59268
Miami International Securities Exchange, LLC, 59237–59240
MIAX Emerald, LLC, 59260–59263
MIAX PEARL, LLC, 59240–59242
MIAX Sapphire, LLC, 59263–59266
Nasdaq PHLX LLC, 59256–59259
The Nasdaq Stock Market LLC, 59254–59256, 59259–59260

Small Business Administration
NOTICES
Conflict of Interest Exemptions:
AE Ventures Fund III LP, 59279
Disaster Declaration:
Alaska, 59280
Surrender of License of Small Business Investment Company:
AAVIN Mezzanine Fund, LP, 59279
Diamond State Ventures III, LP, 59279

State Department
NOTICES
Culturally Significant Objects Imported for Exhibition:
Caravaggio's Boy with a Basket of Fruit in Focus, 59280
Gainsborough: The Fashion of Portraiture, 59280

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
North Dakota Reclamation Plan, 59084–59086

Surface Transportation Board
NOTICES
Quarterly Rail Cost Adjustment Factor, 59280–59281

Trade Representative, Office of United States
NOTICES
Certain Tariff-Related Elements of the Framework for a United States–Switzerland–Liechtenstein Agreement on Fair, Balanced, and Reciprocal Trade, 59281–59317
Determination:
Trade Surplus in Certain Sugar and Syrup Goods and Sugar-Containing Products of Chile, Morocco, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, Peru, Colombia, and Panama, 59318–59320

Transportation Department
See Federal Aviation Administration
See Federal Railroad Administration

Treasury Department
See Comptroller of the Currency
See Internal Revenue Service
NOTICES
Insurance Marketplace Aggregate Retention Amount Calculation for Calendar Year 2026 under the Terrorism Risk Insurance Program, 59324–59325

U.S. Customs and Border Protection
NOTICES
Revocation of Customs Brokers' National Permits, 59136–59137

Veterans Affairs Department
NOTICES
Current Scientific Literature and Historical Detailed Claims Data Regarding Exposure to Per- and Polyfluoroalkyl Substances and Kidney Cancer, 59325–59326
Hearings, Meetings, Proceedings, etc.:
Advisory Committee on Minority Veterans, 59326–59327

Separate Parts In This Issue

Part II
Commerce Department, National Oceanic and Atmospheric Administration, 59330–59360

Part III
Presidential Documents, 59361–59366

Reader Aids

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

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CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR
Proclamations:
10997.....59363
Executive Orders:
14367.....59365
5 CFR
1201.....59041
1655.....59042
Proposed Rules:
412.....59072
14 CFR
Proposed Rules:
39.....59078
71 (2 documents) 59081, 59083
17 CFR
230.....59043
270.....59043
274.....59043
18 CFR
2.....59046
26 CFR
1.....59046
30 CFR
Proposed Rules:
934.....59084
33 CFR
165.....59051
39 CFR
Proposed Rules:
3055.....59086
40 CFR
52.....59051
60 (2 documents) 59057, 59061
61.....59061
63.....59061
81.....59051
43 CFR
3100.....59069
47 CFR
10.....59071

Rules and Regulations

Federal Register
Vol. 90, No. 241
Thursday, December 18, 2025

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

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

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Practices and Procedures

AGENCY: Merit Systems Protection Board.

ACTION: Final rule.

SUMMARY: The Merit Systems Protection Board (MSPB or Board) is amending its rules of organization and procedure in this part to reflect the closure of its New York Field Office, and a change of address for its Washington Regional Office.

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

FOR FURTHER INFORMATION CONTACT: Gina K. Grippando, Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW, Washington, DC 20419; phone: (202) 653–7200; fax: (202) 653–7130; or email: *mspb@mspb.gov*.

SUPPLEMENTARY INFORMATION: On October 1, 2024, MSPB closed its New York Field Office. Appendix II of this part is amended to reflect the closure of the New York Field Office, and that all geographic areas previously served by the New York Field Office will now be served by the Board's Northeastern Regional Office.

Effective November 13, 2025, MSPB's Washington Regional Office moved to a different location. Appendix II of this part is amended to reflect the Washington Regional Office's new address.

The Board is publishing this as a final rule pursuant to 5 U.S.C. 1204(h).

I. Procedural Requirements

A. Administrative Procedure Act

Pursuant to 5 U.S.C. 553(b)(B), MSPB finds that there is good cause to issue this final rule without prior notice and comment. The notice and comment requirements of section 553(b) do not apply to interpretive rules, general statements of policy, or rules of agency organization, procedure, or practice. This final rule merely reflects the closure of one office within MSPB and the physical move of another and thus relates solely to agency organization. No substantive changes in existing law or policy are effected by this amendment. Under these circumstances, notice and comment rulemaking is unnecessary and not required by any public interest.

Similarly, pursuant to 5 U.S.C. 553(d)(3), MSPB finds that there is good cause to make this final rule effective immediately upon publication. Again, this rule merely reflects the closure of one office within MSPB and the physical move of another.

B. Regulatory Impact Analysis: Executive Order 12866

The MSPB has determined that this is not a significant regulatory action under E.O. 12866. Therefore, no regulatory impact analysis is required.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires an agency to prepare a regulatory flexibility analysis for rules unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency is required to first publish a proposed rule. *See* 5 U.S.C. 603(a) and 604(a). As discussed above, notice and comment rulemaking is unnecessary for this change due to the lack of any substantive change to existing law or policy. Thus, the RFA does not apply to this final rule.

D. Paperwork Reduction Act

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. Chapter 35).

E. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801, *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 5 CFR Part 1201

Administrative practice and procedure.

Accordingly, for the reasons set forth above, 5 CFR part 1201 is amended as follows:

PART 1201—PRACTICES AND PROCEDURES

■ 1. The authority citation for part 1201 continues to read as follows:

Authority: 5 U.S.C. 1204, 1305, and 7701, and 38 U.S.C. 4331, unless otherwise noted.

■ 2. Revise Appendix II to part 1201 to read as follows:

Appendix II to Part 1201—Appropriate Regional or Field Office for Filing Appeals

All submissions shall be addressed to the Regional Director, if submitted to a regional office, or the Chief Administrative Judge, if submitted to a field office, Merit Systems Protection Board, at the addresses listed below, according to geographic region of the employing agency or as required by § 1201.4(d) of this part. Address of Appropriate Regional or Field Office and Area Served:

1. Atlanta Regional Office, 401 West Peachtree Street NW, 10th floor, Atlanta, Georgia 30308–3519, Facsimile No.: (404) 730–2767, (Alabama; Florida; Georgia; Mississippi; South Carolina; and Tennessee).

2. Central Regional Office, 230 South Dearborn Street, 31st Floor, Chicago, Illinois 60604–1669, Facsimile No.: (312) 886–4231, (Illinois; Indiana; Iowa; Kansas City, Kansas; Kentucky; Michigan; Minnesota; Missouri; Ohio; and Wisconsin).

3. Northeastern Regional Office, 1601 Market Street, Suite 1700, Philadelphia, PA 19103, Facsimile No.: (215) 597–3456, (Connecticut; Delaware; Maine; Maryland—except the counties of Montgomery and Prince George's; Massachusetts; New Hampshire; New Jersey; New York; Pennsylvania; Puerto Rico; Rhode Island; Vermont; Virgin Islands; and West Virginia).

4. Washington Regional Office, 1615 M Street NW, Washington, DC 20419, Facsimile No.: (703) 313–2031, (Maryland—counties of Montgomery and Prince George's; North Carolina; Virginia; Washington, DC; and all overseas areas not otherwise covered).

5. Western Regional Office, 1301 Clay Street, Suite 1380N, Oakland, California 94612–5217, Facsimile No.: (510) 273–7136, (Alaska; California; Hawaii; Idaho; Nevada; Oregon; Washington; and Pacific overseas areas).

5a. Denver Field Office, 165 South Union Blvd., Suite 318, Lakewood, Colorado 80228–2211, Facsimile No.: (303) 969–5109, (Arizona; Colorado; Kansas—except Kansas City; Montana; Nebraska; New Mexico; North Dakota; South Dakota; Utah; and Wyoming).

6. Dallas Regional Office, 1100 Commerce Street, Room 620, Dallas, Texas 75242–9979,

Facsimile No.: (214) 767–0102, (Arkansas; Louisiana; Oklahoma; and Texas).

Gina K. Grippando,

Clerk of the Board.

[FR Doc. 2025–23250 Filed 12–17–25; 8:45 am]

BILLING CODE 7400–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR Part 1655

RIN 322–AA01

Curing Missed Loan Payments

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Final rule.

SUMMARY: The Federal Retirement Thrift Investment Board (FRTIB) amends its regulations regarding the methods available to participants to cure missed loan payments. This final rule will permit resumed payroll deductions for TSP loans to automatically apply to missed payments, giving participants more flexibility to cure missed payments.

DATES: The effective date is December 18, 2025.

FOR FURTHER INFORMATION CONTACT: *For press inquiries:* James Kaplan at (202) 809–2625. *For information about this final rule:* Elizabeth Harris at (202) 942–1600.

SUPPLEMENTARY INFORMATION: The FRTIB administers the TSP, which was established by the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99–335, 100 Stat. 514. The TSP is a retirement savings plan for Federal civilian employees and members of the uniformed services. It is similar to cash or deferred arrangements established for private-sector employees under section 401(k) of the Internal Revenue Code (26 U.S.C. 401(k)). The provisions of FERSA that govern the TSP are codified, as amended, largely at 5 U.S.C. 8351 and 8401–80.

I. Background

When a TSP participant who is employed by the federal government has an outstanding loan from their TSP account, their loan payments are automatically made via payroll deductions. Loan payments might be missed if payroll deductions are interrupted due to a temporary change in payroll status, a transfer to another federal agency with a different pay schedule, or other circumstances. When that happens, the participant must make up the missed payment within a certain period of time called a cure period.

In the past, if a participant's payroll deductions were interrupted, they were required to make up the missed payment via personal check, money order, or direct debit. When their payroll deductions restarted, those resumed payments only counted for that current month, not for the month that was missed. For example, if a participant missed a June payment, but payroll deductions resumed in July, the July deduction would only cover July's payment. The participant would still owe June's payment, and if they did not make a payment via personal check, money order, or direct debit by the end of the cure period, the IRS would treat the loan as in default.

This final rule amends Title 5, Part 1655 of the Code of Federal Regulations to make the loan payment process more flexible. Now, when payroll deductions resume after an interruption, the first deduction will apply to the missed payment. The next regularly scheduled deduction will then be considered as the next required payment. In the example above, the July deduction would apply to June payment, the August deduction would apply to the July payment, and so on. This effectively shifts the schedule forward by one month on a rolling basis and gives the participant extra time to make up any missed payments before a default occurs. This cycle continues, with each new payment covering the prior missed one, so the participant remains one payment behind. This cycle continues until (1) a one-time make up payment is made via personal check, money order, or direct debit, (2) a default is triggered because the loan has reached its maximum term, or (3) a default is triggered because additional payments are missed. This gives the participant flexibility on when to make up a missed payment, but it does not extend the term of loan.

II. Response to Public Comments

On May 12, 2025, the FRTIB published a proposed rule to amend its regulations (90 FR 20132, May 12, 2025). We received five comments. One comment was outside the scope of this rule, three comments supported the proposed rule, and one comment identified minor grammatical changes intended to improve the clarity of the rule. We have adopted the recommended grammatical changes.

In addition to supporting the proposed rule, one commentor recommended clarifying that the TSP's cure period aligns with the maximum timeframe allowable under the Internal Revenue Code. In response, we have amended the definition of ''cure period'' in section 1655.1. The term ''cure period'' is now defined by reference to the maximum timeframe allowable under Treasury Regulation § 1.72(p)–1.

For the reasons described above, the FRTIB is adopting the proposed rule as final, without substantive change. The final rule differs from the proposed rule only in minor edits intended to improve clarity.

Regulatory Flexibility Act

This regulation will not have a significant economic impact on a substantial number of small entities. This regulation will affect Federal employees and members of the uniformed services who participate in the Thrift Savings Plan, which is a Federal defined contribution retirement savings plan created under the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99–335, 100 Stat. 514, and which is administered by the FRTIB.

Paperwork Reduction Act

This final regulation does not require additional reporting under the criteria of the Paperwork Reduction Act.

Unfunded Mandates Reform Act of 1995

Pursuant to the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 602, 632, 653, and 1501–1571, the effects of this regulation on State, local, and Tribal governments and the private sector have been assessed. This regulation will not compel the expenditure in any one year of $100 million or more by State, local, and Tribal governments, in the aggregate, or by the private sector. Therefore, a statement under 2 U.S.C. 1532 is not required.

Submission to Congress and the General Accountability Office

Pursuant to 5 U.S.C. 801(a)(1)(A), the FRTIB submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Government Accountability Office before publication of this rule in the **Federal Register**. This rule is not a major rule as defined at 5 U.S.C. 804(2).

List of Subjects in 5 CFR Part 1655

Credit, Government employees, Pensions, Retirement.

Ravindra Deo,

Executive Director, Federal Retirement Thrift Investment Board.

For the reasons stated in the preamble, the FRTIB amends 5 CFR part 1655 as follows:

PART 1655—LOAN PROGRAM

■ 1. The authority citation for part 1655 continues to read as follows:

Authority: 5 U.S.C. 8432d, 8433(g), 8439(a)(3) and 8474.

■ 2. Amend § 1655.1, in paragraph (b), by revising the definition of ''Cure period'' as follows:

§ 1655.1 Definitions.

* * * * *

(b) * * *

Cure period means the maximum period permitted under 26 CFR 1.72(p)–1 during which a missed loan payment may be made to prevent the loan from being declared a deemed distribution or loan offset.

* * * * *

■ 3. Amend § 1655.14 by revising paragraph (e) and the last sentence of paragraph (g) to read as follows:

§ 1655.14 Loan payments.

* * * * *

(e) *Missed payment.* In the case of a participant who has not separated from Government service, if a payment is not made when due, the TSP record keeper will notify the participant of the missed payment.

(1) *Making up the missed payment.* The participant may make up the missed payment using one of the following methods:

(i) A personal check,

(ii) Guaranteed funds, or

(iii) Direct debit.

(2) *Deemed distribution.* If the participant has not made a payment in accordance with paragraph (e)(1) of this section and has not resumed payroll deductions by the end of the cure period described in § 1655.1, the TSP record keeper will declare the loan to be a deemed distribution in accordance with § 1655.15(a).

(3) *Resuming payroll deductions.* When payroll deductions resume, the first deduction shall be applied to the earliest missed payment. Each subsequent regularly scheduled deduction shall be applied to the next missed payment. This process shall continue on a rolling basis, such that the participant remains behind in payments until:

(i) A make up payment is submitted for each missed payment in accordance with paragraph (e)(1) of this section;

(ii) The loan reaches its maximum term and a deemed distribution of the remaining missed payment(s) is declared under § 1655.15(a); or

(iii) Additional missed payments trigger a deemed distribution under § 1655.15(a).

* * * * *

(g) * * * If the participant does not make up all missed payments by the end of the cure period described in § 1655,1, the TSP record keeper will declare the outstanding loan balance and accrued interest to be a loan offset in accordance with § 1655.15(b).

[FR Doc. 2025–23253 Filed 12–17–25; 8:45 am]

BILLING CODE 6760–01–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230, 270, and 274

[Release Nos. 33–11398; IC–35821]

Technical Amendments to Commission Rules and Forms

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; technical amendments.

SUMMARY: The Securities and Exchange Commission (''Commission'') is adopting amendments to correct certain errors and address outdated references in various rules under the Securities Act of 1933 and the Investment Company Act of 1940, as well as in Form N–CEN.

DATES: This rule is effective December 18, 2025.

FOR FURTHER INFORMATION CONTACT: Amanda Hollander Wagner, Senior Special Counsel, or Brian McLaughlin Johnson, Assistant Director, Investment Company Regulation Office, at (202) 551–6792, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–8549.

SUPPLEMENTARY INFORMATION: The Commission is amending the following rules:

Commission reference		CFR citation (17 CFR)
Securities Act of 1933 (''Securities Act'') [1]	Rule 498	§ 230.498
Investment Company Act of 1940 (''Act'' or ''Investment Company Act'') [2]	Rule 0–11	§ 270.0–11
Investment Company Act	Rule 30e–2	§ 270.30e–2
Investment Company Act	Rule 35d–1	§ 270.35d–1
Investment Company Act	Form N–CEN	§ 274.101

Table of Contents

I. Discussion
A. Rule 498
B. Rule 0–11
C. Rule 30e–2
D. Rule 35d–1
E. Form N–CEN
Statutory Authority

I. Discussion

We are adopting amendments to correct errors and to address outdated references in certain Commission rules and Form N–CEN. Specifically, we are adopting amendments to rule 498 under the Securities Act to update the definition of ''exchange-traded fund'' to provide additional specificity in light of subsequent Commission action, and to remove outdated requirements that have been rendered moot by subsequent Commission action. We are also adopting amendments to correct erroneous or outdated cross-references in rules 0–10, 30e–2, and 35d–1 under the Investment Company Act, as well as in Form N–CEN.

A. Rule 498

We are adopting amendments to address outdated references in rule 498. Open-end management investment companies (''open-end funds'') may choose to rely on rule 498 to use a summary prospectus to satisfy their prospectus delivery obligations under certain conditions.[3] The open-end funds that may rely on rule 498 include exchange-traded funds (''ETFs''), as defined in the rule. Paragraph (a)(2) of rule 498 defines ''exchange-traded

[1] 15 U.S.C. 77a *et seq.*

[2] 15 U.S.C. 80a–1 *et seq.* Unless otherwise noted, all references to statutory sections are to the Investment Company Act, and all references to rules under the Investment Company Act are to title 17, part 270 of the Code of Federal Regulations [17 CFR part 270].

[3] See section 5(b)(2) of the Securities Act [15 U.S.C. 77e(b)(2)]; rule 498.

fund'' to mean ''a Fund or a Class, the shares of which are traded on a national securities exchange, and that has formed and operates pursuant to an exemptive order granted by the Commission or in reliance on an exemptive rule adopted by the Commission.'' In September 2019, the Commission adopted new rule 6c–11 under the Investment Company Act to allow ETFs that satisfy certain conditions to operate without obtaining an exemptive order from the Commission.[4] We are adopting an amendment to the language in paragraph (a)(2) of rule 498 that replaces the reference to ''an exemptive rule adopted by the Commission'' with a direct reference to rule 6c–11. This amendment will result in specificity to the particular exemptive rule for ETFs that the Commission has adopted, compared to a more-general reference.

We are also adopting amendments to remove outdated requirements in rule 498, which have been rendered moot by subsequent Commission action. Rule 498 includes requirements for a legend that must appear on the cover page or at the beginning of a summary prospectus.[5] Among other things, these legend requirements specify that, if a fund relies on rule 30e–3 under the Act to transmit a report to shareholders, the legend must also include the website address where the report is available. In 2022, the Commission adopted amendments to rule 30e–3 that exclude open-end funds from the scope of the rule.[6] These amendments were effective on July 24, 2024 (18 months following the amendments' effective date of January 24, 2023).[7] Rule 498 applies only to open-end funds. As a result, no funds that use summary prospectuses under rule 498 are currently relying on rule 30e–3 to transmit shareholder reports, and therefore the language in the rule 498 legend requirements that references rule 30e–3 is moot. We are therefore removing this language from the legend requirements of rule 498.[8]

Language about notices to shareholders provided by funds that are relying on rule 30e–3 also appears in rule 498's ''greater prominence'' requirements.[9] Specifically, for funds that use summary prospectuses, the fund's summary prospectus must be given greater prominence than any materials that accompany the summary prospectus, with certain exceptions (including the notice to shareholders provided under rule 30e–3). The language in the ''greater prominence'' requirements that references rule 30e–3 is moot, and therefore we are removing this language from the ''greater prominence'' requirements of rule 498.[10]

B. Rule 0–11

We are adopting amendments to correct an outdated cross-reference in rule 0–11 under the Investment Company Act. Rule 0–11, ''Customer identification programs,'' references the requirements of 31 U.S.C. 5318(*l*) and the implementing regulation thereunder. Rule 0–11 currently refers, in multiple locations, to the implementing regulation as ''31 CFR 103.131'' and ''31 CFR part 103.'' These citations to the implementing regulation are outdated. In 2010, the Financial Crimes Enforcement Network (''FinCEN'') issued a final rule to move the Bank Secrecy Act regulations to a new chapter in the Code of Federal Regulations.[11] At the time, the Commission did not make conforming edits to rule 0–11 to reflect updated references. The amendments we are adopting make these conforming edits.

C. Rule 30e–2

We are adopting amendments to correct an erroneous cross-reference in rule 30e–2 under the Investment Company Act. Rule 30e–2 requires registered unit investment trusts that invest substantially all of their assets in shares of a management investment company to send their unitholders annual and semiannual reports containing financial information on the underlying company. Paragraph (a) of this rule refers to this requirement by referencing rule 30e–1 under the Investment Company Act, which provides requirements for reports to stockholders of management companies. However, one of the references in this paragraph also erroneously refers to rule 30d–1 under the Act, which provides requirements for filing copies of reports to shareholders with the Commission (as opposed to rule 30e–1, which addresses the information to be included in such reports and other requirements necessary to satisfy obligations under section 30(e) of the Act).[12] We are changing this erroneous reference instead to refer to rule 30e–1.

D. Rule 35d–1

We are adopting amendments to correct an erroneous cross-reference in rule 35d–1 under the Investment Company Act. Rule 35d–1 addresses the names of registered investment companies and business development companies that the Commission defines as materially misleading or deceptive. In 2023, the Commission adopted amendments to rule 35d–1 that, among other things, modernize the requirements for certain notices to shareholders that must be sent under the rule.[13] These requirements are set forth in paragraph (d) of rule 35d–1, as amended. Instead of referring to paragraph (d), an earlier paragraph of rule 35d–1, which references the notice requirements under the rule, erroneously refers to paragraph (e).[14] We are changing this erroneous reference instead to refer to paragraph (d).

E. Form N–CEN

We are adopting amendments to correct an outdated citation in Form N–CEN. Item C.12.a of Form N–CEN requires Form N–CEN filers to provide certain information about each person that provided custodial services during the reporting period. With respect to the custodian, Item C.12.a.vii requires the filer to check a box indicating the type of custody (*e.g.,* bank, member national securities exchange, self custody, etc.). One option that a filer may check under this item is ''insurance company sponsor,'' which includes as a citation ''rule 26a–2 (17 CFR 270.26a–2).'' In 2020, the Commission adopted amendments to—and also rescinded—certain rules governing variable life insurance contracts and variable annuity contracts as a result of the enactment of the National Securities Market Improvement Act of 1996 (''NSMIA''), which modified Investment

[4] *See* Exchange-Traded Funds, Investment Company Act Release No. 33646 (Sept. 25, 2019) [84 FR 57162 (Oct. 24, 2019)].

[5] *See* rule 498(b)(1)(v)(A).

[6] *See* Tailored Shareholder Reports for Mutual Funds and Exchange-Traded Funds; Fee Information in Investment Company Advertisements, Investment Company Act Release No. 34731 (Oct. 26, 2022) [87 FR 72758 (Nov. 25, 2022)] (''2022 Tailored Shareholder Reports Adopting Release'').

[7] *See id.* at section II.J.

[8] Specifically, we are removing the following language from rule 498(b)(1)(v)(A): If a Fund relies on § 270.30e–3 of this chapter to transmit a report, the legend must also include the website address required by § 270.30e–3(c)(1)(iii) of this chapter if different from the website address required by this paragraph (b)(1)(v)(A).

[9] *See* rule 498(f)(2).

[10] Specifically, we are removing the current reference to ''a Notice under § 270.30e–3 of this chapter'' from rule 498(f)(2).

[11] *See* Transfer and Reorganization of Bank Secrecy Act Regulations, Financial Crimes Enforcement Network, Department of the Treasury [75 FR 65806 (Oct. 26, 2010)].

[12] *See* rule 30e–2(a) (referring to § 270.30d–1 as well as § 270.30e–1).

[13] *See* Investment Company Names, Investment Company Act Release No. 35000 (Sept. 20, 2023) [88 FR 70436 (Oct. 27, 2023)].

[14] *See* rule 35d–1(a)(2)(ii) (referring to the paragraph that includes requirements for the required notice as ''paragraph (e)'').

Company Act section 26.[15] These amendments and rescissions reflected that these rules no longer followed statutory requirements.[16] The Commission rescinded rule 26a–2 at that time, as NSMIA added Investment Company Act section 26(e) (later renumbered as section 26(f)), which codified those parts of rule 26a–2 that permit an insurance company to maintain custody of separate account assets. The Commission did not, however, make a conforming edit to Form N–CEN at that time to remove the reference to rule 26a–2 and replace it with a reference to section 26(f). The amendments we are adopting make this conforming edit.

Statutory Authority

The Commission is adopting these amendments under the authority set forth in the Securities Act, particularly sections 5, 6, 7, 10, and 19 thereof [15 U.S.C. 77a *et seq.*] and the Investment Company Act, particularly sections 8, 30, 31, 34, 35, 38, 59, and 64 thereof [15 U.S.C. 80a *et seq.*].

List of Subjects

17 CFR Part 230

Reporting and recordkeeping requirements, Securities.

17 CFR Parts 270 and 274

Investment companies, Reporting and recordkeeping requirements, Securities.

Text of Rule and Form Amendments

For reasons set forth in the preamble, the Commission is amending title 17, chapter II of the Code of Federal Regulations as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

■ 1. The authority citation for part 230 continues to read, in part, as follows:

Authority: 15 U.S.C. 77b, 77b note, 77c, 77d, 77f, 77g, 77h, 77j, 77r, 77s, 77z–3, 77sss, 78c, 78d, 78j, 78*l,* 78m, 78n, 78*o,* 78*o*–7 note, 78t, 78w, 78*ll*(d), 78mm, 80a–8, 80a–24, 80a–28, 80a–29, 80a–30, and 80a–37, and Pub. L. 112–106, sec. 201(a), sec. 401, 126 Stat. 313 (2012), unless otherwise noted.

* * * * *

Sections 230.400 to 230.499 issued under secs. 6, 8, 10, 19, 48 Stat. 78, 79, 81, and 85, as amended (15 U.S.C. 77f, 77h, 77j, 77s).

* * * * *

■ 2. Amend § 230.498 by revising paragraphs (a)(2), (b)(1)(v)(A), and (f)(2) to read as follows:

§ 230.498 Summary Prospectuses for open-end management investment companies.

(a) * * *

(2) *Exchange-Traded Fund* means a Fund or a Class, the shares of which are traded on a national securities exchange, and that has formed and operates pursuant to an exemptive order granted by the Commission or in reliance on § 270.6c–11 of this chapter.

* * * * *

(b) * * *

(1) * * *

(v) * * *

(A) The legend must provide a website address, other than the address of the Commission's electronic filing system; toll free (or collect) telephone number; and email address that investors can use to obtain the Statutory Prospectus and other information. The website address must be specific enough to lead investors directly to the Statutory Prospectus and other materials that are required to be accessible under paragraph (e)(1) of this section, rather than to the home page or other section of the website on which the materials are posted. The website could be a central site with prominent links to each document. The legend may indicate, if applicable, that the Statutory Prospectus and other information are available from a financial intermediary (such as a broker-dealer or bank) through which shares of the Fund may be purchased or sold.

* * * * *

(f) * * *

(2) *Greater prominence.* If paragraph (c) or (d) of this section is relied on with respect to a Fund, the Fund's Summary Prospectus shall be given greater prominence than any materials that accompany the Fund's Summary Prospectus, with the exception of other Summary Prospectuses, Statutory Prospectuses, or a Notice of internet Availability of Proxy Materials under § 240.14a–16 of this chapter.

* * * * *

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

■ 3. The general authority citation for part 270 continues to read, in part, as follows:

Authority: 15 U.S.C. 80a–1 *et seq.,* 80a–34(d), 80a–37, 80a–39, 1681w(a)(1), 6801–6809, 6825, and Pub. L. 111–203, sec. 939A, 124 Stat. 1376 (2010), unless otherwise noted.

* * * * *

■ 4. Revise § 270.0–11 to read as follows:

§ 270.0–11 Customer identification programs.

Each registered open-end company is subject to the requirements of 31 U.S.C. 5318(*l*) and the implementing regulation at 31 CFR 1024.220, which requires a customer identification program to be implemented as part of the anti-money laundering program required under subchapter II of chapter 53 of title 31, United States Code and the implementing regulations issued by the Department of the Treasury at 31 CFR part 1024. Where 31 CFR 1024.220 and this chapter use different definitions for the same term, the definition in 31 CFR 1024.220 shall be used for the purpose of compliance with 31 CFR 1024.220. Where 31 CFR 1024.220 and this chapter require the same records to be preserved for different periods of time, such records shall be preserved for the longer period of time.

■ 5. Amend § 270.30e–2 by revising paragraph (a) to read as follows:

§ 270.30e–2 Reports to shareholders of unit investment trusts.

(a) At least semiannually every registered unit investment trust substantially all the assets of which consist of securities issued by a management company must transmit to each shareholder of record (including record holders of periodic payment plan certificates), a report containing all the applicable information and financial statements or their equivalent, required by § 270.30e–1 to be included in reports of the management company for the same fiscal period. Each of these reports must be transmitted within the period allowed the management company by § 270.30e–1 for transmitting reports to its shareholders.

* * * * *

■ 6. Amend § 270.35d–1 by revising paragraph (a)(2)(ii) to read as follows:

§ 270.35d–1 Investment company names.

(a) * * *

(2) * * *

(ii) The policy described in paragraph (a)(2)(i) of this section is a fundamental policy, or the fund has adopted a policy to provide the fund's shareholders with at least 60 days' prior notice of any change in the policy described in paragraph (a)(2)(i) of this section, and any change in the fund's name that

[15] *See* Updated Disclosure Requirements and Summary Prospectus for Variable Annuity and Variable Life Insurance Contracts, Release No. 33–10765 (Mar. 11, 2020) [85 FR 25964 (May 1, 2020)], at n.979 and accompanying text; *see also* National Securities Market Improvement Act of 1996 (Pub. L. 104–290, 110 Stat. 3416 (1996)).

[16] *See* Updated Disclosure Requirements and Summary Prospectus for Variable Annuity and Variable Life Insurance Contracts, Release No. 33–10569 (Oct. 30, 2018) [83 FR 61730 (Nov. 30, 2018)] (proposing release), at nn.634–635 and accompanying text.

accompanies the change, that meets the provisions of paragraph (d) of this section; and

* * * * *

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

■ 7. The general authority citation for part 274 continues to read, in part, as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 78c(b), 78l, 78m, 78n, 78n–1, 78o(d), 80a–8, 80a–24, 80a–26, 80a–29, and sec. 939A, Pub. L. 111–203, 124 Stat. 1376, unless otherwise noted.

* * * * *

Note: Form N–CEN is attached as Appendix A to this document. Form N–CEN will not appear in the Code of Federal Regulations.

■ 8. Amend Form N–CEN (referenced in § 274.101) by revising Item C.12.a.vii.8.

Appendix A—Form N–CEN

Form N–CEN

* * * * *

Item C.12. Custodians.

a. * * *

vii. * * *

8. Insurance company sponsor—section 26(f) (15 U.S.C. 80a–26(f)): ____

* * * * *

Dated: December 15, 2025.

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2025–23248 Filed 12–17–25; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 2

[Docket No. RM25–14–001]

Implementation of the Executive Order Entitled ''Zero-Based Regulatory Budgeting To Unleash American Energy''; Partial Recission

AGENCY: Federal Energy Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The Commission is partially rescinding a direct final rule that inserted a conditional sunset date into certain regulations. The Commission is rescinding the sunset provision from one regulation because it received a significant adverse comment in response to an identical proposed rule which was published concurrently with the direct final rule.

DATES: This rule is effective January 20, 2026.

FOR FURTHER INFORMATION CONTACT: Karin Herzfeld, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8459, *karin.herzfeld@ferc.gov*.

SUPPLEMENTARY INFORMATION:

1. In the Direct Final Rule [1] (90 FR 48397, October 21, 2025), the Commission stated that if any significant adverse comments are received on any part of the Direct Final Rule, the Commission will publish a document that rescinds any such part of this action and will address the comments received in a subsequent final rule as a response to the companion proposed rule.

2. The Commission received a significant adverse comment on the amendment to insert a conditional sunset provision in 18 CFR 2.27 (Availability of North American Energy Standards Board (NAESB) Smart Grid Standards as non-mandatory guidance); therefore, the Commission is rescinding that amendment to 18 CFR 2.27.

3. As stated in the Direct Final Rule, the Commission will address the comment received on the companion proposed rule in a subsequent final rule. The Commission will not initiate a second comment period on this action.

List of Subjects in 18 CFR Part 2

Electric utilities, Natural gas, Pipelines, Reporting and recordkeeping requirements.

By the Commission.

Issued: December 15, 2025.

Debbie-Anne A. Reese,

Secretary.

In consideration of the foregoing, the Commission amends part 2, chapter I, title 18, Code of Federal Regulations, as follows:

PART 2—GENERAL POLICY AND INTERPRETATIONS

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

Authority: 5 U.S.C. 601; 15 U.S.C. 717–717z, 3301–3432; 16 U.S.C. 792–828c, 2601–2645; 42 U.S.C. 4321–4370h, 7101–7352.

[1] *Implementation of the Executive Order Entitled ''Zero-Based Regulatory Budgeting to Unleash American Energy,* 193 FERC ¶ 61,002 (2025) (Direct Final Rule).

§ 2.27 [Amended]

■ 2. Amend § 2.27 by removing paragraph (g).

[FR Doc. 2025–23294 Filed 12–17–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 10041]

RIN 1545–BR20

Base Erosion and Anti-Abuse Tax Rules for Qualified Derivative Payments on Securities Lending Transactions

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final rule.

SUMMARY: This document contains final regulations regarding the base erosion and anti-abuse tax imposed on certain large corporate taxpayers with respect to certain payments made to foreign related parties. The final regulations relate to how qualified derivative payments with respect to securities lending transactions are determined and reported. The final regulations affect corporations with substantial gross receipts that make payments to foreign related parties.

DATES:

Effective date: The final regulations are effective December 17, 2025.

Applicability dates: For dates of applicability, *see* §§ 1.59A–10 and 1.6038A–2(g).

FOR FURTHER INFORMATION CONTACT: Sheila Ramaswamy at (202) 317–6938 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Authority

This document contains additions and amendments to 26 CFR part 1 (Income Tax Regulations) under sections 59A and 6038A of the Internal Revenue Code (Code) (''the final regulations''). The additions and amendments are issued pursuant to the express delegations of authority to the Secretary of the Treasury (or his delegate) provided under sections 59A(i) and 6038A(b)(2). The final regulations are also issued under the express delegation of authority under section 7805(a) of the Code.

Background

This document contains final regulations under sections 59A and

6038A. The base erosion and anti-abuse tax (''BEAT'') of section 59A imposes on each applicable taxpayer a tax equal to the base erosion minimum tax amount for the taxable year, which is the excess of a specified percentage of the modified taxable income of the applicable taxpayer minus the applicable taxpayer's regular tax liability under section 26(b) of the Code reduced (but not below zero) by certain credits. *See* section 59A(b)(1) and (2).

The applicable taxpayer determines its modified taxable income by computing its taxable income without regard to any base erosion tax benefit with respect to any base erosion payment or the base erosion percentage of any net operating loss deduction allowed under section 172 of the Code for the taxable year. *See* section 59A(c)(1). Generally, a base erosion payment is any deductible amount paid or accrued by an applicable taxpayer to a foreign person (as defined in section 6038A(c)(3)) that is a related party of the applicable taxpayer and the base erosion tax benefit is the deduction allowed under Chapter 1 of the Code for the taxable year for the base erosion payment. *See* section 59A(d)(1), (c)(2) and (f). Qualified derivative payments (''QDPs''), as defined in section 59A(h)(2)(A), are not treated as base erosion payments if they are properly reported to the IRS. *See* section 59A(h)(1) and (h)(2)(B).

On January 10, 2025, the Treasury Department and the IRS published proposed regulations under sections 59A and 6038A (REG–107895–24) in the **Federal Register** (90 FR 3085). The proposed regulations would address how taxpayers determine and report qualified derivative payment amounts with respect to securities lending transactions. Two comments were submitted in response to the proposed regulations, but only one of those comments addressed the proposed regulations. The Summary of Comments and Explanation of Revisions section of this preamble discusses this comment. All written comments received in response to the proposed regulations are available at *https:www.regulations.gov* or upon request. A public hearing on the proposed regulations was not held because there were no requests to speak.

Summary of Comments and Explanation of Revisions

Proposed § 1.59A–6(b)(3)(iii)(A) would provide that mark-to-market gains and losses from the securities leg of an intercompany securities lending transaction are not treated as QDPs. As proposed, taxpayers would not be required to include those amounts in their QDP reporting. A conforming amendment in proposed § 1.59A–3(b)(2)(iv) would provide that mark-to-market gains and losses from the securities leg of a securities lending transaction are not taken into account when determining the amount of a taxpayer's base erosion payment.

Proposed § 1.59A–6(b)(3)(iv) would provide rules for determining whether a taxpayer made a substitute payment or other payment pursuant to a securities lending transaction to a foreign related party. Specifically, the rule would provide that a taxpayer may determine the amount of a substitute payment or other payment that it has paid to a foreign related party by using the amount actually paid by the taxpayer to the foreign related party if the taxpayer can specifically identify each recipient of the substitute payment or other payment. If the taxpayer cannot determine the recipient of those payments, the rule would provide a method that treats the substitute payments or other payments that a taxpayer pays with respect to borrowed securities as having been paid first to foreign related parties (but not in excess of the total amount of the payments received by the foreign related parties from all payors).

The comment recommended that the final regulations provide definitions for terms used in the regulations such as ''qualified derivative payment,'' ''substitute payment,'' ''other amounts that relate to the securities lending transaction,'' ''mark-to-market gains and losses,'' ''securities leg of a securities lending transaction,'' and ''cash collateral'' to reduce ambiguity. The comment asserted that the ambiguity could potentially lead to substitute payments being misclassified as QDPs rather than base erosion payments. The comment also requested additional examples illustrating the classification of substitute payments.

In response to this comment, the final regulations include cross-references to §§ 1.861–2(a)(7) and 1.861–3(a)(6) to clarify the meaning of the term ''substitute payment.''

Although proposed § 1.59A–3(b)(2)(iv)(B) indicates by exclusion that ''other amounts that relate to the securities lending transaction'' refers to payments relating to the transaction other than mark-to-market gains or losses and the delivery of securities to or receipt of securities from the lender, greater clarity that substitute payments and borrow fees are included in this term may be helpful. Therefore, for consistency purposes, §§ 1.59A–3(b)(2)(iv)(B) and 1.59A–6(b)(3)(iii) of the final regulations have been modified to use the term ''items of income, gain, loss, or deduction during the taxable year'' and explain that this term refers to amounts such as substitute payments and borrow fees that relate to the securities lending transaction and does not include the delivery or receipt of securities. The final regulations also clarify that the term ''mark-to-market gains and losses'' with respect to a securities lending transaction refers to the recognition of gain or loss on the transaction as if the taxpayer's position in the securities lending position were sold for its fair market value on the last business day of the taxable year, as described in § 1.59A–6(b)(1)(i).

Proposed § 1.59A–6(b)(3)(iii) would provide cross-references to §§ 1.861–2(a)(7) and 1.861–3(a)(6) for the definition of a ''securities lending transaction.'' Sections 1.861–2(a)(7) and 1.861–3(a)(6) define the term ''securities lending transaction'' as ''a transfer of one or more securities that is described in section 1058(a) or a substantially similar transaction.'' These cross-references were intended to indicate that ''securities leg of a securities lending transaction'' refers to the components of the transaction that relate to the transfer of a security. The final regulations have been modified to clarify that the securities leg of a securities lending transaction refers to the rights, obligations, and transfers of securities and payments under the transaction other than the obligation to provide or right to receive cash collateral and interest (sometimes referred to as rebate) thereon.

Some of the terms cited by the comment are already defined in other parts of the regulations or are commonly understood industry terms. For example, the term ''qualified derivative payment'' is defined in section 59A(h)(2)(A) and § 1.59A–6(b); therefore, no additional definition is required. Additionally, ''cash collateral'' is a commonly understood industry term that does not require a definition and is already used in the existing regulations at § 1.59A–6(d)(2)(iii)(B).

The final regulations do not adopt the comment to include examples illustrating the classification of substitute payments. The Treasury Department and IRS are of the view that additional examples would not add clarity because the final regulations now cross-reference regulations illustrating the meaning of a substitute payment, and the examples in proposed § 1.59A–6(b)(3)(iii)(B) clearly indicate the types of payments that are referenced by the term ''substitute payment.''

The final regulations also make clarifying edits to the specific

identification method in proposed § 1.59A–6(b)(3)(iv)(B). As noted previously, the proposed regulations would have provided that a taxpayer may determine the amount of substitute payments or other payments with respect to the securities leg of a securities lending transaction that it has paid to a foreign related party by using the amount actually paid by the taxpayer to the foreign related party if the taxpayer can specifically identify each recipient of the substitute payment or other payment. This proposed rule was intended to be available to a taxpayer only if the taxpayer is able to identify all of the recipients of the substitute payments and other payments that taxpayer made with respect to the securities leg of a securities lending transaction during the taxable year. The final regulations clarify this rule and expand the situations when a taxpayer may use the specific identification method. Specifically, a taxpayer may use the specific identification method of § 1.59A–6(b)(3)(iv)(B) to determine the amount of the substitute payments or other payments with respect to the securities leg of a securities lending transaction that it has paid to foreign related parties only if the taxpayer can specifically identify all recipients of the substitute payments or other payments paid by the taxpayer or the taxpayer can specifically identify the payor for all substitute payments or other payments with respect to the securities leg of a securities lending transaction received by foreign related parties. If a taxpayer has paid any substitute payment or other payment for which it cannot determine the recipient and cannot specifically identify the payor for all substitute payments received by foreign related parties, the final regulations provide that the taxpayer must use the alternative method provided in § 1.59A–6(b)(3)(iv)(C).

The comment also recommended that the final regulations provide additional clarifying examples illustrating mark-to-market adjustments and the operation of the allocation method of proposed § 1.59A–6(b)(3)(iv). The Treasury Department and the IRS consider the examples that were provided in proposed § 1.59A–6(b)(3)(iii)(B) to be sufficiently illustrative of the mechanics of mark-to-market adjustments; therefore, the clarity of these rules will not be improved by adding additional examples in the final regulations. The Treasury Department and the IRS agree, however, that an example illustrating the allocation method would be helpful. Therefore, the final regulations include an example of the allocation method in § 1.59A–6(b)(3)(iv)(D).

Finally, the comment requested additional transition relief with respect to the reporting requirements of § 1.6038A–2(b)(7)(ix) such as a two-year phased implementation. The comment suggested that in the first phase, the IRS could adopt reduced reporting requirements or grant safe harbor treatment for systems unable to capture detailed data immediately to allow time for internal systems upgrades and process testing before requiring full compliance. As an alternative, the comment suggested permitting taxpayers to submit evidence of system limitations as the basis for temporary relief, while establishing clear compliance milestones. The final regulations do not adopt this comment. Instead, the final regulations retain the transition relief provided in the proposed regulations, which delays the applicability date of § 1.6038A–2(b)(7)(ix). The rules relating to QDP reporting apply to payments made in taxable years beginning on or after January 1, 2027. It is expected that this delayed applicability date will give taxpayers sufficient time to build and update the systems needed to track QDPs.

Applicability Date

The preamble to the proposed regulation explained that proposed §§ 1.59A–3(b)(2)(iv) (application of BEAT netting rule to securities lending transactions) and 1.59A–6(b)(3)(ii) through (iv) (QDP rules relating to securities lending transactions) would apply to taxable years beginning on or after the date that final regulations are filed with the **Federal Register**. The text of proposed § 1.59A–10(c), however, mistakenly provided that proposed §§ 1.59A–3(b)(2)(iv) and 1.59A–6(b)(3)(iii) and (iv) would apply to taxable years beginning on or after January 10, 2025, which was the date that the proposed regulations were filed with the **Federal Register**. Consistent with the preamble to the proposed regulations, the final regulations provide that §§ 1.59A–3(b)(2)(iv) and 1.59A–6(b)(3)(iii) and (iv) apply to taxable years beginning on or after December 17, 2025. However, taxpayers may choose to apply these final rules to a taxable year beginning on or after January 10, 2025, and before December 17, 2025. Section 1.6038A–2(b)(7)(ix) (rules relating to QDP reporting) applies to payments made in taxable years beginning on or after January 1, 2027.

Special Analysis

I. Regulatory Planning and Review—Economic Analysis

These final regulations are not subject to review under section 6(b) of Executive Order 12866 pursuant to the Memorandum of Agreement (July 4, 2025) between the Treasury Department and the Office of Management and Budget regarding review of tax regulations.

II. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (PRA) generally requires that a Federal agency obtain the approval of the Office of Management and Budget (OMB) before collecting information from the public, whether such collection of information is mandatory, voluntary, or required to obtain or retain a benefit. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget. These final regulations do not create or impose any additional information collection requirements in the form of reporting, recordkeeping requirements, or third-party disclosure statements. The collection requirements are within Form 8991 and its instructions which are included in the OMB Control Number 1545–0123.

III. Regulatory Flexibility Act

Generally, the final regulations affect only aggregate groups of corporations with average annual gross receipts of at least $500 million and that make payments to foreign related parties. Generally, only large businesses have both substantial gross receipts and make payments to foreign related parties. In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) the Secretary hereby certifies that these final regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis under the Regulatory Flexibility Act is not required.

IV. Section 7805(f)

Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business, and no comments were received.

V. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 requires

that agencies assess anticipated costs and benefits and take certain other actions before issuing a final rule that includes any Federal mandate that may result in expenditures in any one year by a State, local, or Tribal government, in the aggregate, or by the private sector, of $100 million in 1995 dollars, updated annually for inflation. The final regulations do not include any Federal mandate that may result in expenditures by State, local, or Tribal governments, or by the private sector in excess of that threshold.

VI. Executive Order 13132: Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial, direct compliance costs on State and local governments, and is not required by statute, or preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. The final regulations do not have federalism implications and do not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive order.

Drafting Information

The principal authors of these final regulations are D. Peter Merkel and Sheila Ramaswamy of the Office of Associate Chief Counsel (International). However, other personnel from the Treasury Department and the IRS participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, the Treasury Department and IRS amend 26 CFR part 1 as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

§ 1.59A–2 [Amended]

■ **Par. 2.** Section 1.59A–2 is amended by removing the language ''§ 1.59A–3(b)(2)(iii)'' from the last sentence of paragraph (e)(3)(vi) and adding the language ''§ 1.59A–3(b)(2)(iv)'' in its place.

■ **Par. 3.** Section 1.59A–3 is amended by revising paragraph (b)(2)(iv) to read as follows:

§ 1.59A–3 Base erosion payments and base erosion tax benefits.

* * * * *

(b) * * *

(2) * * *

(iv) *Amounts paid or accrued with respect to mark-to-market positions*—(A) *In general.* For any transaction with respect to which the taxpayer applies the mark-to-market method of accounting for U.S. Federal income tax purposes, the rules set forth in § 1.59A–2(e)(3)(vi) apply to determine the amount of the base erosion payment.

(B) *Application of the base erosion and anti-abuse tax (''BEAT'') netting rule to securities lending transactions.* Notwithstanding paragraph (b)(2)(iv)(A) of this section, mark-to-market gains and losses from the securities leg of a securities lending transaction as defined in §§ 1.861–2(a)(7) and 1.861–3(a)(6) are not taken into account when applying § 1.59A–2(e)(3)(vi) for purposes of determining the amount of a taxpayer's base erosion payment. Mark-to market gains and losses from the securities leg of a securities lending transaction are the ordinary gains and losses that a taxpayer recognizes with respect to the transaction by treating the taxpayer's position in the transaction as having been sold for its fair market value on the last business day of the taxable year (and any additional times as required by the Internal Revenue Code or the taxpayer's method of accounting). *See* § 1.59A–6(b)(1)(i). When determining the amount of the taxpayer's base erosion payment, items of income, gain, loss, or deduction that relate to the securities leg of a securities lending transaction, such as substitute payments defined in §§ 1.861–2(a)(7) and 1.861–3(a)(6) and borrow fees, must be taken into account on a consistent basis that does not result in the duplication or omission of these amounts. For purposes of the immediately preceding sentence, the term *items of income, gain, loss, or deduction that relate to the securities leg of a securities lending transaction* does not include delivery of the securities to, or receipt of securities from, the lender. This paragraph (b)(2)(iv)(B) applies to a taxpayer that is either the borrower or lender with respect to the securities lending transaction.

* * * * *

■ **Par. 4.** Section 1.59A–6 is amended by adding paragraphs (b)(3)(iii) and (iv) to read as follows:

§ 1.59A–6 Qualified derivative payment.

* * * * *

(b) * * *

(3) * * *

(iii) *Special rule for mark-to-market gains and losses on the securities leg of a securities lending transaction*—(A) *In general.* The amount of any qualified derivative payment with respect to the securities leg of a securities lending transaction as defined in §§ 1.861–2(a)(7) and 1.861–3(a)(6) that is excluded from the denominator of the base erosion percentage is determined under § 1.59A–3(b)(2)(iv)(B). The securities leg of a securities lending transaction refers to the rights, obligations, and transfers of securities and payments under the transaction other than the obligation to provide or right to receive cash collateral and interest thereon. Pursuant to § 1.59A–3(b)(2)(iv)(B), mark-to-market gains and losses on a securities leg of a securities lending transaction are not included in determining the amount of the qualified derivative payment with respect to that security. Thus, the amount of the qualified derivative payment with respect to the securities leg of a securities lending transaction is determined by taking into account only other items of income, gain, loss, or deduction during the taxable year that relate to the securities leg, such as substitute payments defined in §§ 1.861–2(a)(7) and 1.861–3(a)(6) and borrow fees. This paragraph (b)(3)(iii)(A) applies to a taxpayer that is either the borrower or lender with respect to the securities lending transaction.

(B) *Examples.* The following examples illustrate the application of this paragraph (b)(3)(iii).

(*1*) *Example 1: Securities loan*—(*i*) *Facts.* FP is a foreign corporation that owns all of the shares of DC, a domestic corporation. FP is a foreign related party of DC under § 1.59A–1(b)(12). DC is a registered securities dealer. On September 1 of year 1, DC enters into a securities lending transaction with FP in which it borrows stock from FP. DC provides cash collateral for the loan and receives a rebate on that collateral from FP. On September 1, year 1, the stock has a value of $100x. On November 1, year 1, a dividend of $1x is paid by the issuer on the stock. DC pays a substitute dividend of $1x to FP on November 1, year 1 under the terms of the securities loan. There are no other payments made or received in year 1. On December 31, year 1, the stock has a value of $106x. DC is required to mark-to-market the securities leg of the securities lending transaction for U.S. Federal income tax purposes. DC is a calendar year taxpayer.

(*ii*) *Analysis.* DC has a deduction of $1x as a result of the substitute dividend it pays to FP. Assuming that the securities lending transaction otherwise

meets the requirements of this section (including reporting the information required by § 1.6038A–2(b)(7)(ix)), the amount of DC's qualified derivative payment with respect to the securities lending transaction is $1x. Payments with respect to the cash collateral are not treated as part of the securities lending transaction. *See* paragraph (d)(2)(iii)(B) of this section. With respect to the securities leg of the securities lending transaction, DC has a mark-to-market loss of ($6x). Under paragraph (b)(3)(iii)(A) of this section, the amount of this mark-to-market loss is not included when determining the amount of the qualified derivative payment. Under § 1.59A–3(b)(2)(iv)(B), DC's ($6x) mark-to-market loss on the securities leg of the securities lending transaction also is not taken into account in determining the base erosion tax benefit amount for purposes of the numerator of the base erosion percentage. The ($6x) loss is taken into account in the denominator of the base erosion percentage, while the $1x substitute dividend payment is not taken into account for that purpose because it is a qualified derivative payment. *See* § 1.59A–2(e)(3)(ii)(C) and (e)(3)(vi). The amount of the qualified derivative payment would be the same if the lender paid a rebate on the cash collateral in year 1, without regard to whether the parties agree to pay and receive a net payment reflecting the difference between the amount of the rebate and the amount of the substitute payment.

(*2*) *Example 2: Securities loan.* The facts are the same as in paragraph (b)(3)(iii)(B)(*1*) of this section (*Example 1*) except that on December 31, year 1, the stock has a value of $94x. With respect to the securities leg of the securities lending transaction, DC has a mark-to-market gain of $6x. Under paragraph (b)(3)(iii)(A) of this section, the amount of this mark-to-market gain is not included when determining the amount of the qualified derivative payment. DC has a deduction of $1x as a result of the substitute dividend payment it makes to FP. Assuming that the securities lending transaction otherwise meets the requirements of this section (including reporting the information required by § 1.6038A–2(b)(7)(ix)), the amount of DC's qualified derivative payment with respect to the securities lending transaction is $1x. Neither the $6x gain nor the $1x substitute dividend payment, which is a qualified derivative payment, are taken into account in the denominator of the base erosion percentage.

(iv) *Rule for determining the amount of a substitute payment or other payment paid with respect to a securities lending transaction to a foreign related party*—(A) *In general.* When a taxpayer makes a substitute payment as defined in § 1.861–2(a)(7) or § 1.861–3(a)(6) or other payment with respect to the securities leg of a securities lending transaction, the taxpayer must determine whether the substitute payment or other payment is paid to a foreign related party. The amount of the substitute payment or other payment paid by the taxpayer to a foreign related party is determined under either paragraph (b)(3)(iv)(B) or (C) of this section.

(B) *Specific identification method.* The taxpayer may determine the amount of the substitute payments or other payments with respect to the securities leg of a securities lending transaction that it has paid to foreign related parties by using the amount actually paid by the taxpayer to the foreign related parties if the taxpayer can specifically identify all recipients of the substitute payments or other payments paid by the taxpayer during the taxable year with respect to the securities leg of a securities lending transaction or the taxpayer can specifically identify the payor for all substitute payments or other payments received by foreign related parties during the taxable year with respect to the securities leg of a securities lending transaction.

(C) *Alternative method.* If the taxpayer has paid any substitute payment or other payment with respect to the securities leg of a securities lending transaction to which the taxpayer cannot apply paragraph (b)(3)(iv)(B) of this section, the taxpayer must use the methodology provided in this paragraph (b)(3)(iv)(C).

(*1*) *Step 1: Determining the total amount of substitute payments and other payments received by foreign related parties.* The taxpayer must determine the total amount of substitute payments and other payments with respect to the securities leg of a securities lending transaction received by all foreign related parties of the taxpayer during the taxable year.

(*2*) *Step 2: Determining the total amount of substitute payments and other payments paid by taxpayer.* The taxpayer must determine the total amount of substitute payments and other payments with respect to the securities leg of a securities lending transaction paid by the taxpayer during the taxable year.

(*3*) *Step 3: Determining the amount of substitute payments and other payments paid by the taxpayer to foreign related parties.* The amount of substitute payments and other payments with respect to the securities leg of a securities lending transaction paid by the taxpayer is treated as being paid first to foreign related parties of the taxpayer up to the total amount of substitute payments and other payments with respect to the securities leg of a securities lending transaction received by foreign related parties. Any amount of substitute payments and other payments with respect to the securities leg of a securities lending transaction paid by the taxpayer that exceeds the amount of substitute payments and other payments received by foreign related parties is treated as paid to unrelated parties for purposes of this paragraph (b)(3)(iv)(C)(*3*).

(D) *Example*—(*1*) *Facts.* FP is a foreign corporation that owns all of the shares of DC, a domestic corporation, and all of the shares of several foreign subsidiaries. FP and its foreign subsidiaries are foreign related parties of DC under § 1.59A–1(b)(12). DC is a registered securities dealer. DC enters into securities lending transactions pursuant to which it borrows securities both from foreign affiliates that are members of the FP controlled group and from unrelated customers. DC obtains the securities from a common pool of available securities that includes securities from DC's U.S. customer accounts as well as securities held by members of the FP controlled group for their own account and for the account of customers. DC is unable to determine from its records either the identities of the counterparties from which DC has borrowed securities or whether it has entered into a securities lending transaction with a foreign affiliate. In year 1, DC makes substitute payments of $500x in aggregate with respect to the securities lending transactions. DC's foreign affiliates receive substitute payments in year 1 totaling $100x. Because DC cannot determine whether it has entered into a securities lending transaction with a foreign affiliate, DC does not know what portion of the $100x received by DC's foreign affiliates was paid by DC.

(*2*) *Analysis.* Because DC is unable to determine the actual amount of substitute payments it has paid to DC's foreign affiliates, DC cannot use the specific identification method of paragraph (b)(3)(iv)(B) of this section to determine the amount of substitute payments it has paid to foreign related parties for QDP reporting purposes. Instead, DC must use the alternative method set forth in paragraph (b)(3)(iv)(C) of this section to determine the amount of substitute payments treated as made to foreign related party recipients. Under Step 1, DC determines that its foreign affiliates have received

substitute payments of $100x. Under Step 2, DC determines that it has paid substitute payments totaling $500x. Under Step 3, DC is treated as having paid substitute payments to its foreign affiliates of $100x, up to the total amount of substitute payments they received in year 1. The remaining $400x of substitute payments paid by DC is treated as having been paid to unrelated parties for purposes of paragraph (b)(3)(iv)(C)(*3*) of this section.

* * * * *

■ **Par. 5.** Section 1.59A–10 is amended by revising paragraph (a) and adding paragraph (c) to read as follows:

§ 1.59A–10 Applicability date.

(a) *General applicability date.* Sections 1.59A–1 through 1.59A–9, other than the provisions described in the first sentence of paragraph (b) of this section or in paragraph (c) of this section, apply to taxable years ending on or after December 17, 2018. However, taxpayers may apply the regulations in this paragraph (a) in their entirety for taxable years beginning after December 31, 2017, and ending before December 17, 2018. In lieu of applying the regulations referred to in the first sentence of this paragraph (a), taxpayers may apply the provisions matching §§ 1.59A–1 through 1.59A–9 from the Internal Revenue Bulletin (IRB) 2019–02 (*https:www.irs.gov/irb2019-02_IRB*) in their entirety for all taxable years beginning after December 31, 2017, and ending on or before December 6, 2019.

* * * * *

(c) *Additional applicability dates for certain rules relating to securities lending transactions.* Sections 1.59A–3(b)(2)(iv) and 1.59A–6(b)(3)(iii) and (iv) apply to taxable years beginning on or after December 17, 2025.

■ **Par. 6.** Section 1.6038A–2 is amended by revising the third sentence of paragraph (g) to read as follows:

§ 1.6038A–2 Requirement of return.

* * * * *

(g) * * * Paragraph (b)(7)(ix) of this section applies to payments made in taxable years beginning on or after January 1, 2027. * * *

Frank J. Bisignano,

Chief Executive Officer.

Approved: October 30, 2025.

Kenneth J. Kies,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2025–23292 Filed 12–17–25; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2025–1067]

Safety Zone; Chicago River (Main Branch), Chicago, IL

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a segment of the Safety Zone, Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL, on all waters of the Chicago River (Main Branch) for a fireworks display from December 31, 2025 into January 1, 2026. This action is intended to protect personnel, vessels, and the marine environment from potential hazards created by potential fall-out from a fireworks display. During the enforcement period listed below, entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan or a designated representative.

DATES: The regulation in 33 CFR 165.930 will be enforced for the Chicago River (Main Branch) regulated area in § 165.930(a)(4), from 11:30 p.m. on December 31, 2025, through 12:15 a.m. on January 1, 2026.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Lieutenant Kyle Goetz, Marine Safety Unit Chicago, U.S. Coast Guard; telephone 630–986–2155, email: *D09-SMB-MSUChicago-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a safety zone regulation in 33 CFR 165.930 for a fireworks display from 11:30 p.m. on December 31, 2025, through 12:15 a.m. on January 1, 2026. This regulation specifies the location of the regulated area for this event—the Chicago River (Main Branch) in § 165.930(a)(4). All vessels must obtain permission from the Captain of the Port (COTP) Lake Michigan, or designated on-scene representative, for entry into, transiting, mooring, laying up, or anchoring within the safety zone during the enforcement time listed in this notice of enforcement. Vessels and persons granted permission to enter the safety zone must obey all lawful orders or directions of the COTP Lake Michigan or designated representative. Upon being hailed by siren, radio, flashing light or other means, the operator of a vessel must proceed as directed.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with notification of this enforcement period via Broadcast Notice to Mariners. The COTP Lake Michigan may be reached by contacting the Coast Guard Sector Lake Michigan Command Center at (833) 900–2247. An on-scene designated representative may be reached via VHF–FM Channel 16.

R.N. Macon,

Captain, U.S. Coast Guard, Captain of the Port, Lake Michigan.

[FR Doc. 2025–23263 Filed 12–17–25; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R09–OAR–2023–0539; FRL–11747–02–R9]

Air Plan Approval: Arizona: Infrastructure Requirements for the 2012 Fine Particulate Matter National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve portions of the state implementation plan (SIP) revisions submitted by the State of Arizona pursuant to the Clean Air Act (CAA) for the implementation, maintenance, and enforcement of the 2012 fine particulate matter ($PM_{2.5}$) national ambient air quality standards (NAAQS or ''standards'') as proposed, except for certain requirements related to prevention of significant deterioration (PSD), which EPA will defer action on until a later date. In addition, the EPA is approving regulatory provisions into the Arizona SIP and is amending regulatory text to include La Paz County as part of Mohave-Yuma Intrastate air quality control region (AQCR).

DATES: This rule is effective January 20, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2023–0539. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business

Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Michael Dorantes, Geographic Strategies and Modeling Section (AIR–2–2), EPA Region IX, 75 Hawthorne Street, San Francisco, CA, telephone number: (415) 972–3934, email address: *dorantes.michael@epa.gov.*

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

Table of Contents

I. Background
A. Statutory Requirements
B. State Submittals
C. Summary of EPA's Proposal and Incorporation of Rules Into Arizona's State Implementation Plan
D. Revising Air Quality Control Regions and Evalutating Emergency Episode Planning Requirements for $PM_{2.5}$ in Arizona
II. Public Comments and EPA Responses
III. Final Action
A. Approvals
B. Deferred Action
C. Incorporation of Rules Into Arizona's State Implementation Plan
D. Revising Air Quality Control Regions and Evaluating Emergency Episode Planning Requirements for $PM_{2.5}$ in Arizona
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Background

A. Statutory Requirements

Section 110(a)(1) of the CAA requires each state to submit to the EPA, within three years after the promulgation of a primary or secondary NAAQS or any revision thereof, a SIP revision that provides for the implementation, maintenance, and enforcement of such NAAQS.

Section 110(a)(2) of the CAA contains the infrastructure SIP requirements that generally relate to the information, authorities, compliance assurances, procedural requirements, and control measures that constitute the ''infrastructure'' of a state's air quality management program. These infrastructure SIP requirements (or ''elements'') required by section 110(a)(2) are as follows:

- Section 110(a)(2)(A): Emission limits and other control measures.
- Section 110(a)(2)(B): Ambient air quality monitoring/data system.
- Section 110(a)(2)(C): Program for enforcement of control measures and regulation of new and modified stationary sources.
- Section 110(a)(2)(D)(i): Interstate pollution transport.
- Section 110(a)(2)(D)(ii): Interstate and international pollution abatement.
- Section 110(a)(2)(E): Adequate resources and authority, conflict of interest, and oversight of local and regional government agencies.
- Section 110(a)(2)(F): Stationary source monitoring and reporting.
- Section 110(a)(2)(G): Emergency episodes.
- Section 110(a)(2)(H): SIP revisions.
- Section 110(a)(2)(J): Consultation with government officials, public notification, PSD, and visibility protection.
- Section 110(a)(2)(K): Air quality modeling and submittal of modeling data.
- Section 110(a)(2)(L): Permitting fees.
- Section 110(a)(2)(M): Consultation/participation by affected local entities.

There are certain infrastructure SIP requirements under section 110(a)(2) that are not addressed in this final action. First, two elements identified in section 110(a)(2) are not governed by the three-year submittal deadline of section 110(a)(1). These two elements are: (i) section 110(a)(2)(C), to the extent that it refers to permit programs required under part D (nonattainment new source review (NSR)), and (ii) section 110(a)(2)(I), pertaining to the nonattainment planning requirements of part D. As a result, this action does not address the nonattainment NSR requirements of section 110(a)(2)(C) or the entirety of section 110(a)(2)(I). Additionally, this action does not address the requirements of section 110(a)(2)(D)(i)(I) pertaining to contributions to nonattainment or interference with maintenance in other States, referred to as ''prongs 1 and 2'' and 110(a)(2)(D)(i)(II) pertaining to interference with visibility protection in other States, referred to as ''prong 4.'' The EPA has proposed action on Arizona's SIP revision with respect to prongs 1 and 2 in a separate rulemaking,[1] and has finalized action on prong 4 in a separate rulemaking.[2] Finally, there are several requirements, for which we originally proposed partial approval and partial disapproval,[3] that we will now be deferring action on. These include the requirements of 110(a)(2)(C) as they relate to major source preconstruction PSD permitting, but also extend to the portions of 110(a)(2)(D)(i), 110(a)(2)(D)(ii), and 110(a)(2)(J) that reference PSD requirements and rely on our analysis of PSD permitting in Element C. We will be addressing the PSD requirements of 110(a)(2)(C), 110(a)(2)(D)(i), 110(a)(2)(D)(ii), and 110(a)(2)(J) in a separate, future rulemaking.

B. State Submittals

The Arizona Department of Environmental Quality (ADEQ) submitted two SIP revisions to address the infrastructure SIP requirements in CAA sections 110(a)(1) and 110(a)(2) for the 2012 $PM_{2.5}$ NAAQS. On December 11, 2015, ADEQ submitted the ''Arizona State Implementation Plan Revision for the 2012 Fine Particulate Matter ($PM_{2.5}$) National Ambient Air Quality Standard'' (''2015 $PM_{2.5}$ I–SIP submittal'').[4] On February 10, 2022, ADEQ submitted the ''State Implementation Plan Revision: Clean Air Act Section 110(a)(2) for the 2012 Fine Particulate & 2015 Ozone NAAQS'' (''2022 I–SIP supplement'').[5] These submittals collectively address Arizona's obligation to satisfy infrastructure SIP requirements for the 2012 $PM_{2.5}$ NAAQS. We refer to them herein as ''Arizona's 2012 $PM_{2.5}$ I–SIP submittals.''

We are taking final action on these submittals with respect to the 2012 $PM_{2.5}$ NAAQS except for those portions of the 2012 $PM_{2.5}$ I–SIP submittals addressing prongs 1, 2, and 4 of the interstate transport requirements under CAA section 110(a)(2)(D)(i). Additionally, we are deferring action on the requirements under CAA section

[1] 90 FR 48502 (October 23, 2025).

[2] The EPA finalized its partial approval and partial disapproval the Arizona Regional Haze Plan for the Second Implementation Period as well as its disapproval of prong 4 requirements on May 31, 2024 (89 FR 102744). On July 15, 2025, EPA granted petitions for reconsideration of our final action on the Arizona Regional Haze Plan.

[3] 89 FR 50245, 50249–50250 (June 13, 2024).

[4] Letter dated December 11, 2015, from Eric Massey, Director, Air Quality Division, ADEQ, to Jared Blumenfeld, Regional Administrator, EPA Region IX, Subject: ''Arizona Infrastructure State Implementation Plan for the 2012 $PM_{2.5}$ National Ambient Air Quality Standards.''

[5] Letter dated February 10, 2022, from Daniel Czecholinski, Director, Air Quality Division, ADEQ, to Martha Guzman, Regional Administrator, EPA Region IX, Subject: ''Submittal of the Arizona State Implementation Plan Revision under Clean Air Act Sections 110(a)(2) for the 2012 Fine Particulate and the 2015 Ozone NAAQS.''

110(a)(2)(C), 110(a)(2)(D)(i), 110(a)(2)(D)(ii), and 110(a)(2)(J) with respect to the major source PSD requirements referenced within those elements. Our deferral on these sub-elements extends to all Arizona permitting agencies. We are also not taking action on the portions of the 2022 I–SIP supplement addressing the 2015 ozone NAAQS in this rulemaking.

C. Summary of EPA's Proposal and Incorporation of Rules Into Arizona's State Implementation Plan

We evaluated Arizona's 2012 $PM_{2.5}$ I–SIP submittals and the existing provisions of the Arizona SIP for compliance with the infrastructure SIP requirements of CAA section 110(a)(2) and the applicable regulations in 40 CFR part 51 (''Requirements for Preparation, Adoption, and Submittal of State Implementation Plans''). Based on the evaluation presented in the June 13, 2024 proposed rulemaking and in the accompanying technical support document (TSD), we proposed to partially approve and partially disapprove Arizona's 2012 $PM_{2.5}$ I–SIP submittals with respect to the 2012 $PM_{2.5}$ NAAQS.[6] Additionally, we proposed to approve two rules and one plan submitted with the 2022 I–SIP supplement: the revised Maricopa County Air Pollution control Regulation VI—Emergency Episodes ''Rule 600 Emergency Episodes,'' [7] the revised Arizona Administrative Code (AAC) R18–2–220 ''Air Pollution Emergency Episodes,'' and the ''Procedures for the Prevention of Emergency Episodes.'' [8] Also submitted with the 2022 I–SIP supplement are the Arizona Revised Statute (ARS) 49–432(C), dealing with public availability of emissions records, and Pima County Code (PCC) 17.24.010 ''Confidentiality of trade secrets, sales data, and propriety information.'' [9] The EPA took final action to approve the revised ARS 49–432 and PCC 17.24.010 for incorporation into the Arizona SIP in a separate rulemaking.[10] Based upon the analysis detailed in our proposed rulemaking and TSD, we find that Maricopa County Regulation VI—Emergency Episodes, Rule 600 ''Emergency Episodes,'' AAC R18–2–220 ''Air Pollution Emergency Episodes,'' and the ''Procedures for the Prevention of Emergency Episodes,'' meet the requirements of CAA section 110(a)(2)(G) and other CAA requirements. Therefore, the EPA is approving the revised versions of Maricopa County Regulation VI—Emergency Episodes, Rule 600 ''Emergency Episodes,'' AAC R18–2–220 ''Air Pollution Emergency Episodes,'' and the ''Procedures for the Prevention of Emergency Episodes'' into the Arizona SIP.

D. Revising Air Quality Control Regions and Evaluating Emergency Episode Planning Requirements for $PM_{2.5}$ in Arizona

40 CFR part 51, subpart H (''Prevention of Air Pollution Emergency Episodes'') contains EPA's implementing regulations for CAA section 110(a)(2)(G) (§§ 51.150 through 51.153). 40 CFR 51.150 of subpart H provides criteria for the classification of areas for emergency episode planning purposes based on measured concentrations of ambient air pollutants, specifically sulfur oxides, particulate matter, carbon monoxide, nitrogen dioxide, and ozone. The priority thresholds for classification of AQCR are listed at 40 CFR 51.150, and the specific classifications of AQCR in Arizona are listed at 40 CFR 52.121. Consistent with the provisions of 40 CFR 51.153, reclassification of an AQCR must rely on the most recent three years of air quality data. Under 40 CFR 51.151 and 51.152, regions classified under the more stringent classifications of Priority I, IA, or II are required to have SIP-approved emergency episode contingency plans, while those classified Priority III are not required to have plans. We also interpret 40 CFR 51.153 as establishing the means for states to review air quality data and request a higher or lower classification for any given region and as providing the regulatory basis for the EPA to reclassify such regions, as appropriate, under the authorities of CAA sections 110(a)(2)(G) and 301(a)(1). For reasons detailed in our notice of proposed rulemaking and the TSD, we determined that counties in the Maricopa Intrastate AQCR are required to have emergency episode plans for $PM_{2.5}$. ADEQ and Maricopa County both regulate air quality in the Maricopa Intrastate AQCR and as covered in our notice of proposed rulemaking, both counties have submitted emergency episode plans. As detailed in our proposal and associated TSD, we find that these plans satisfy the requirements of 110(a)(2)(G) of the CAA and 40 CFR part 51, subpart H.

We also proposed a revision to 40 CFR 52.121 to add La Paz County to the list of constituent counties for the Mohave-Yuma Intrastate AQCR, and to 40 CFR 81.268, we proposed to add La Paz County to the delimited area of the Mohave-Yuma Intrastate AQCR.[11] This action finalizes those amendments to 40 CFR 51.121 and 40 CFR 81.268 as proposed.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period that ended on July 15, 2024. During this period, the EPA received four comments. Three of these comments were from the Center for Biological Diversity (CBD) and the remaining comment was from another organization. Copies of each comment have been added to the docket for this action and are accessible at *https://www.regulations.gov.* The three comments from CBD concerned ADEQ's PSD permitting program. Because we are deferring action on the PSD-related elements of Arizona's 2012 $PM_{2.5}$ I–SIP submittal, we are not responding to those comments at this time. Below we summarize the remaining comment and provide our response.

One comment from a different organization argued that the EPA's review of infrastructure SIP submittals for the 2012 $PM_{2.5}$ NAAQS should include considerations for the emissions caused by the smoking of marijuana and cannabis, and the emissions associated with their production. Additionally, the comment requested that the EPA also add marijuana and cannabis to the ''toxic substance list.'' [12]

After reviewing the comment, the EPA has determined that the comment fails to raise issues germane to the

[6] 89 FR 50245 (June 13, 2024).

[7] Prior to ADEQ's submittal of Maricopa County's Regulation VI—Emergency Episodes, Rule 600 ''Emergency Episodes'' with the 2022 I–SIP supplement on February 10, 2022, ADEQ submitted the same rule as a standalone submission on December 17, 2021. We have determined the content of these two submittals to be identical to one another. Therefore, we are choosing to fulfill our statutory obligation to act on the rule by approving the submission included as part of the 2022 I–SIP supplement. Furthermore, ADEQ, prompted by a request from Maricopa County Air Quality Department, has withdrawn the December 17, 2021 rule submittal, included in the docket for this rulemaking.

[8] ADEQ's ''Procedures for the Prevention of Emergency Episodes'' is located in Appendix D to the 2022 I–SIP supplement.

[9] In our notice of proposed rulemaking, we made a typographical error and referred to the Pima County Code 17.24.010 as the Pinal County Code 17.24.010.

[10] 89 FR 71830 (September 4, 2024).

[11] The EPA has discussed the basis for these proposed amendments to 40 CFR 52.121 and 40 CFR 81.268 with ADEQ and the State's concurrence and formal request for these revisions is included as a letter in the docket for this rulemaking with our notice of final action. See letter from Daniel Czecholinkski, Director, ADEQ Air Quality Division, to Matthew Lakin, Director, EPA Region IX Air and Radiation Division, dated Augst 27, 2024.

[12] The full comment is included in the docket for this rulemaking.

proposed action of the revisions submitted by the State of Arizona pursuant to the CAA requirements for the implementation, maintenance, and enforcement of the 2012 p.m.$_{2.5}$ NAAQS, which is based on the statutory requirements of CAA sections 110(a)(1) and 110(a)(2). Therefore, we have determined that this comment does not necessitate a response to the issues raised, and the EPA will not provide a response to the comment in this document.

III. Final Action

A. Approvals

As detailed in section I. of this rulemaking, we are taking final action to approve certain portions of Arizona's I–SIP submittals for the 2012 $PM_{2.5}$ NAAQS. Specifically, we are approving the submittal for the requirements of the following CAA sections:

- 110(a)(2)(A)—Emission limits and other control measures.
- 110(a)(2)(B)—Ambient air quality monitoring/data system.
- 110(a)(2)(C)—Program for enforcement of control measures and regulation of new and modified minor stationary sources.
- 110(a)(2)(D)(ii)—International pollution abatement, CAA section 115.
- 110(a)(2)(E)—Adequate resources and authority, conflict of interest, and oversight of local governments and regional agencies.
- 110(a)(2)(F)—Stationary source monitoring and reporting.
- 110(a)(2)(G)—Emergency episodes.
- 110(a)(2)(H)—Consultation with government officials.
- 110(a)(2)(J)—Consultation with government officials, public notification, and visibility protection.
- 110(a)(2)(K)—Air quality modeling and submission of modeling data.
- 110(a)(2)(L)—Permitting fees.
- 110(a)(2)(M)—Consultation/participation by affected local entities.

B. Deferred Action

The EPA previously proposed to partially approve and partially disapproval the following PSD-related CAA requirements under 110(a)(2). At this time, we are not finalizing our proposed action on these elements and will instead address the requirements in a separate rulemaking:

- 110(a)(2)(C)—Program for regulation of new and modified major source stationary sources.
- 110(a)(2)(D)(i)(II)—Interference with PSD (prong 3).
- 110(a)(2)(D)(ii)—Interstate pollution abatement, CAA section 126.
- 110(a)(2)(J)—PSD.

We note that the EPA proposed to approve prongs 1 and 2 of 110(a)(2)(D)(i)(I) in a separate rulemaking.[13] We took final action to disapprove prong 4 of 110(a)(2)(D)(i)(II) as part of a larger action addressing Arizona's Regional Haze requirements for the second implementation period.[14]

C. Incorporation of Rules Into Arizona's State Implementation Plan

For the reasons described in our proposed rulemaking and TSD, we are finalizing approval of two rules and one plan included with the 2022 I–SIP supplement into the Arizona SIP: AAC R18–2–220 ''Air Pollution Emergency Episodes,'' the accompanying plan ''Procedures for the Prevention of Emergency Episodes,'' and the Maricopa County Air Pollution Control Regulation VI, ''Emergency Episodes: Rule 600 Emergency Episodes''. Based on our analysis, we find that these rules meet the requirements of CAA sections 110(a)(2), 110(l), and 193.

D. Revising Air Quality Control Regions and Evaluating Emergency Episode Planning Requirements for $PM_{2.5}$ in Arizona

For the reasons described in our proposed rulemaking, and in response to the State's request, we are taking final action to revise 40 CFR 52.121 to add La Paz County to the list of constituent counties for the Mohave-Yuma Intrastate AQCR, and to 40 CFR 81.268, to add La Paz County to the delimited area of the Mohave-Yuma Intrastate AQCR.[15] We also evaluated the three most recent years of complete, quality-assured, and certified ambient air monitoring data to yield maximum 24-hour $PM_{2.5}$ concentrations for each county;[16] the maximum recorded 24-hour $PM_{2.5}$ concentrations along with our finalized classifications for each AQCR are compiled in table 16 of the TSD accompanying this rulemaking. As discussed in our proposed rulemaking document, ADEQ and Maricopa County have both submitted emergency episode plans, and we are taking final action to find that these plans satisfy the requirements of 40 CFR 51.152(a)–(b) and 110(a)(2)(G) of the CAA.

[13] 90 FR 48502 (October 23, 2025).

[14] 89 FR 102744 (December 18, 2024). As previously noted, on July 15, 2025, EPA granted petitions for reconsideration of our final action on the Arizona Regional Haze plan.

[15] 89 FR 50245 (June 13, 2024).

[16] EPA AQS Daily Summary Report, AMP435, for 2020–2022 24-Hour $PM_{2.5}$ Values for Arizona. Report accessed July 31, 2023, included in the docket for this rulemaking.

IV. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. The EPA is finalizing the incorporation of AAC R18–2–220 ''Air Pollution Emergency Episodes,'' the ''Procedures for the Prevention of Emergency Episodes,'' and the Maricopa County Air Pollution Control Regulation VI, ''Emergency Episodes: Rule 600 Emergency Episodes,'' into the Arizona SIP, which are incorporated by reference in accordance with the requirements of 1 CFR part 51. The EPA has made, and will continue to make, these documents available through *https://www.regulations.gov* and at the EPA Region 9 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

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

because it proposes to approve a state program;

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 17, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects

40 CFR Part 52

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

40 CFR Part 81

Environmental protection, Air pollution control.

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

Dated: December 8, 2025.

Michael Martucci,

Acting Regional Administrator, Region IX.

For the reasons stated in the preamble, EPA amends 40 CFR parts 52 and 81 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart D—Arizona

■ 2. In § 52.120:

■ a. The table in paragraph (c) entitled ''Table 2—EPA-Approved Arizona Regulations'' is amended by:

■ i. Under the heading ''Article 2 (Ambient Air Quality Standards; Area Designations; Classifications)'', revising the entry ''R18–2–220''.

■ ii. Revising the entry for ''[Incorporated by Reference through R18–2–220]''.

■ b. The table in paragraph (c) entitled ''Table 4 to Paragraph (c)—EPA-Approved Maricopa County Air Pollution Control Regulations'' is amended by:

■ i. Under the heading ''Regulation VI—Emergency Episodes'', revising the entry ''Rule 600''.

■ c. The table in paragraph (e) entitled ''Table 1—EPA-Approved Non-Regulatory and Quasi-Regulatory Measures [Excluding Certain Resolutions and Statutes, Which are Listed in Tables 2 and 3, Respectively]'' is amended by:

■ i. Under the heading ''Clean Air Act Section 110(a)(2) State Implementation Plan Elements (Excluding Part D Elements and Plans)'', adding the entry '' Arizona State Implementation Plan Revision for the 2012 Fine Particulate Matter ($PM_{2.5}$) National Ambient Air Quality Standard (dated December 11, 2015)'' before the entry ''Arizona State Implementation Plan Revision under Clean Air Act Section 110(a)(1) and 110(a)(2) for the 2015 Ozone National Ambient Air Quality Standards (dated September 24, 2018)''.

The revisions and addition read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

TABLE 2—EPA-APPROVED ARIZONA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
*	*	*	*	*
Article 2 (Ambient Air Quality Standards; Area Designations; Classifications)				
*	*	*	*	*
R18–2–220	Air Pollution Emergency Episodes.	May 18, 2019 ...	12/18/2025, 90 FR [insert **Federal Register** page where the document begins].	Submitted on February 10, 2022.
*	*	*	*	*
Materials Incorporated By Reference in Title 18 (Environmental Quality) Chapter 2 (Department of Environmental Quality Air Pollution Control)				
*	*	*	*	*
[Incorporated by reference through R18–2–220].	Procedures for Prevention of Emergency Episodes.	May 18, 2019 ...	12/18/2025, 90 FR [insert **Federal Register** page where the document begins].	Submitted on February 10, 2022.

TABLE 2—EPA-APPROVED ARIZONA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
*	*	*	*	*

* * * * *

TABLE 4 TO PARAGRAPH (c)—EPA-APPROVED MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS

County citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
Regulation VI—Emergency Episodes				
Rule 600	Emergency Episodes.	December 8, 2021	12/18/2025, 90 FR [insert **Federal Register** page where the document begins].	Submitted on February 10, 2022.
*	*	*	*	*

* * * * * (e) * * *

TABLE 1—EPA-APPROVED NON-REGULATORY AND QUASI-REGULATORY MEASURES

[Excluding certain resolutions and statutes, which are listed in Tables 2 and 3, respectively] [1]

Name of SIP provision	Applicable geographic or nonattainment area or title/subject	State submittal date	EPA approval date	Explanation
*	*	*	*	*
Clean Air Act Section 110(a)(2) State Implementation Plan Elements (Excluding Part D Elements and Plans)				
*	*	*	*	*
Arizona State Implementation Plan Revision for the 2012 Fine Particulate Matter ($PM_{2.5}$) National Ambient Air Quality Standard (dated December 11, 2015).	State-wide	December 11, 2015	12/18/2025, 90 FR [insert **Federal Register** page where the document begins].	Adopted by the Arizona Department of Environmental Quality on December 11, 2015. EPA fully approved all elements of the submittal, except we are deferring action on the PSD-related requirements of CAA sections 110(a)(2)(C), 110(a)(2)(D), and 110(a)(2)(J).
*	*	*	*	*

[1] Table 1 is divided into three parts: Clean Air Act Section 110(a)(2) State Implementation Plan Elements (excluding Part D Elements and Plans), Part D Elements and Plans (other than for the Metropolitan Phoenix or Tucson Areas), and Part D Elements and Plans for the Metropolitan Phoenix and Tucson Areas.

* * * * *

■ 3. In § 52.121, the table is amended by revising the entry ''Mohave-Yuma Intrastate (Mohave, Yuma)'' to read as follows:

§ 52.121 Classification of regions.

* * * * *

AQCR (constituent counties)	Classifications				
	PM	SO_X	NO_2	CO	O_3
*	*	*	*	*	*
Mohave-Yuma Intrastate (La Paz, Mohave, Yuma)	I	III	III	III	III
*	*	*	*	*	*

■ 4. In § 52.123, add paragraph (s) to read as follows:

§ 52.123 Approval status.

* * * * *

(s) *2012 $PM_{2.5}$ NAAQS:* The SIPs submitted on December 11, 2015, and February 10, 2022, are fully approved except for the PSD-related requirements of CAA sections 110(a)(2)(C), (D)(i)(II), (D)(ii), and (J), which we are deferring action on, for all portions of the Arizona SIP.

* * * * *

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

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

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

Subpart B—Designation of Air Quality Control Regions

■ 6. Revise § 81.268 to read as follows:

§ 81.268 Mohave-Yuma Intrastate Air Quality Control Region.

The Mohave-Yuma Intrastate Air Quality Control Region (Arizona) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 7602(f)) geographically located within the outermost boundaries of the area so delimited): In the State of Arizona: La Paz County, Mohave County, and Yuma County

[FR Doc. 2025–23259 Filed 12–17–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA–R06–OAR–2010–0580; FRL–12826–02–R6]

New Source Performance Standards; Delegation of Authority to Oklahoma

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notification of delegation.

SUMMARY: The Environmental Protection Agency (EPA) is approving updates to the Code of Federal Regulations that reflect Oklahoma's current New Source Performance Standards (NSPS) delegation status and the mailing address for the Oklahoma Department of Environmental Quality (ODEQ). The ODEQ submitted updated regulations for receiving delegation of EPA authority for implementation and enforcement of certain NSPS. The updated State regulations incorporate by reference certain NSPS promulgated by EPA, as they existed through June 30, 2023. The delegation of authority for implementation and enforcement applies to sources subject to the delegated NSPS, including those located in certain areas of Indian country as discussed herein.

DATES: This rule is effective on January 20, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2010–0580. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Clovis Steib, EPA Region 6 Office, Infrastructure and Ozone Section, Air and Radiation Division (ARSI), 214–665–7566, *steib.clovis@epa.gov.*

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

I. Background

The background for this action is discussed in detail in our July 7, 2025, proposal (90 FR 29826). In that document we proposed to approve updates to the delegation of NSPS to ODEQ. The delegation provides ODEQ with the primary responsibility to implement and enforce the delegated NSPS standards, as they existed through June 30, 2023.

II. Response to Comments

EPA received two anonymous comments. One comment was deemed to be non-relevant to this action. The other comment requests EPA encourage ODEQ to consider carbon dioxide emissions as part of its broader regulatory and permitting context and in its implementation of NSPS standards. We thank the commenter for the comment but find the request to be beyond the scope of the current NSPS delegation. This action aims to approve ODEQ's requested updates to its current NSPS delegation, it does not speak to Oklahoma's broader regulatory scheme or alter the requirements of the delegated NSPS standards. As such, we are finalizing the NSPS delegations to ODEQ as proposed.

III. Impacts on Areas of Indian Country

Following the U.S. Supreme Court decision in *McGirt* v. *Oklahoma,* 140 S. Ct. 2452 (2020), the Governor of the State of Oklahoma requested approval under Section 10211(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005: A Legacy for Users, Public Law 109–59, 119 Stat. 1144, 1937 (August 10, 2005) (''SAFETEA''), to administer in certain areas of Indian country (as defined at 18 U.S.C. 1151) the State's environmental regulatory programs that were previously approved by the EPA outside of Indian country. The State's request excluded certain areas of Indian country further described below.

The EPA has approved Oklahoma's SAFETEA request to administer all of the State's EPA-approved environmental regulatory programs in the requested areas of Indian country. As requested by Oklahoma, the EPA's approval under SAFETEA does not include Indian country lands, including rights-of-way running through the same, that: (1) qualify as Indian allotments, the Indian titles to which have not been extinguished, under 18 U.S.C. 1151(c); (2) are held in trust by the United States on behalf of an individual Indian or Tribe; or (3) are owned in fee by a Tribe, if the Tribe (a) acquired that fee title to such land, or an area that included such land, in accordance with a treaty with the United States to which such Tribe was a party, and (b) never allotted the land to a member or citizen of the Tribe (collectively ''excluded Indian country lands'').

The EPA's approval under SAFETEA expressly provided that to the extent the EPA's prior approvals of Oklahoma's environmental programs excluded Indian country, any such exclusions are superseded for the geographic areas of Indian country covered by the EPA's approval of Oklahoma's SAFETEA request. The approval also provided that future revisions or amendments to Oklahoma's approved environmental regulatory programs would extend to the covered areas of Indian country (without any further need for additional requests under SAFETEA).

As explained above, the EPA is finalizing an update to the Oklahoma NSPS delegation which will apply statewide in Oklahoma. Consistent with the EPA's SAFETEA approval, this NSPS delegation will apply to areas of Indian country pursuant to the SAFETEA approval, including to all

Indian country in the State of Oklahoma other than the excluded Indian country lands as described above.

IV. Final Action

EPA is taking final action to approve updates to the delegation of certain NSPS to ODEQ, and amending 40 CFR part 60 to (1) include a table of the specific NSPS provisions delegated to the ODEQ and (2) update the mailing address for the ODEQ for submittal of documents required under the delegated NSPS provisions, so as to provide the ODEQ with the authority to implement and enforce certain newly incorporated NSPS promulgated by the EPA and amendments to existing standards currently delegated, as they existed though June 30, 2023.

V. Statutory and Executive Order Reviews

Under the CAA, EPA previously delegated to the ODEQ the authority to implement and enforce certain NSPS for sources located in Oklahoma, as provided for under 42 U.S.C. 7411(c)(1); *see also* 40 CFR 60.4(b). Pursuant to the terms and conditions of that delegation, this action informs the public that EPA has found the ODEQ's October 28, 2024, request [1] to update the delegation status for NSPS standards meets Federal requirements and does not impose additional requirements beyond those imposed by State law. Through this action, EPA is proposing to add a table to 40 CFR part 60 listing the specific NSPS currently delegated to the ODEQ and update the ODEQ's address for submittal of documents required under the delegated NSPS provisions.

For this action, a review of all applicable Statutory and Executive Orders are indicated as follows:

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

This action is not a significant regulatory action as defined in Executive Order 12866 (58 FR 51735, October 4, 1993) and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

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

D. Regulatory Flexibility Act (RFA)

This action is certified to not have a significant economic impact on a substantial number of small entities under the RFA (5 U.S.C. 601 *et seq.*). This action approves the delegation of Federal rules as requested by the state agency and will therefore have no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate 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.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). 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 update to the delegation of certain NSPS to ODEQ will apply to certain areas of Indian country throughout Oklahoma as discussed in the preamble, and therefore has tribal implications as specified in E.O. 13175 (65 FR 67249, November 9, 2000). However, this action will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt Tribal law. This action will not impose substantial direct compliance costs on federally recognized tribal governments because no actions will be required of Tribal governments. This action will also not preempt tribal law as no Oklahoma tribe implements a regulatory program under the CAA and thus does not have applicable or related Tribal laws. Consistent with the EPA Policy on Consultation and Coordination with Indian Tribes (December 7, 2023), the EPA has offered consultation to all 38 Tribal governments whose lands are located within the exterior boundaries of the State of Oklahoma and that may be affected by this action and provided information about this action.

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

The EPA interprets Executive Order 13045 as applying only to regulatory actions considered significant under section 3(f)(1) of Executive Order 12866 and that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of Executive Order 13045. This action is not subject to Executive Order 13045 because it approves a state program.

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

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

J. National Technology Transfer and Advancement Act (NTTAA)

This rule does not involve technical standards. This action is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

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).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 17, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition

[1] The ODEQ previously submitted requests to EPA for updates to the Oklahoma NSPS delegation, by letters dated August 23, 2012, March 17, 2015, November 2, 2016, June 6, 2018 (revised with a subsequent June 29, 2018 letter), December 23, 2019, March 23, 2021 (revised with a subsequent September 14, 2021 email), December 2, 2021 (revised with a subsequent October 17, 2022 letter), October 17, 2022, and November 30, 2023. EPA determined that those requests met the requirements of the CAA and the 1982 and 1999 NSPS Delegations concerning the approval of EPA's delegation of authority for the enforcement and implementation of the NSPS in Oklahoma. EPA previously proposed an action on ODEQ's request to update its NSPS delegation (85 FR 31423, May 26, 2020); that proposed action was subsumed and incorporated into our July 7, 2025, re-proposal (90 FR 29826).

for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 60

Environmental protection, Air pollution control, Administrative practice and procedure, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: December 11, 2025.

James McDonald,

Director, Air & Radiation Division, Region 6.

For the reasons stated in the preamble, the EPA amends 40 CFR part 60 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 A—General Provisions

■ 2. Section 60.4 is amended by revising paragraph (b)(38) and adding paragraph (e)(4) to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(38) State of Oklahoma: State of Oklahoma, Department of Environmental Quality, Air Quality Division, P.O. Box 1677, Oklahoma City, OK 73101–1677.

* * * * *

(e) * * *

(4) The Oklahoma Department of Environmental Quality (ODEQ) has been delegated the following 40 CFR part 60 standards promulgated by EPA, as amended in the **Federal Register** through June 30, 2023. The (X) symbol is used to indicate each subpart that has been delegated.

TABLE 3 TO PARAGRAPH (b)—DELEGATION STATUS FOR PART 60 STANDARDS—STATE OF OKLAHOMA

Subpart	Source category	ODEQ
A	General Provisions (except §§ 60.4, 60.9, 60.10 and 60.16)	X
Cb	Emissions Guidelines and Compliance Times for Large Municipal Waste Combustors That are Constructed On or Before September 20, 1994.	No
Cc	Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills	No
Cd	Emissions Guidelines and Compliance Times for Sulfuric Acid Production Units	No
Ce	Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators	No
Cf	Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills	No
D	Fossil Fueled Steam Generators	X
Da	Electric Utility Steam Generating Units	X
Db	Industrial-Commercial-Institutional Steam Generating Units	X
Dc	Small Industrial-Commercial-Institutional Steam Generating Units	X
E	Incinerators	X
Ea	Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989, and On or Before September 20, 1994.	X
Eb	Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996.	X
Ec	Hospital/Medical/Infectious Waste Incinerators	X
F	Portland Cement Plants	X
G	Nitric Acid Plants	X
Ga	Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011.	X
H	Sulfuric Acid Plants	X
I	Hot Mix Asphalt Facilities	X
J	Petroleum Refineries	X
Ja	Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007.	X
K	Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.	X
Ka	Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.	X
Kb	VOC Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984, and On or Before October 4, 2023.	X
Kc	VOC Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, October 4, 2023.	No
L	Secondary Lead Smelters for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and On or Before December 1, 2022.	X
La	Secondary Lead Smelters for Which Construction, Reconstruction, or Modification Commenced After December 1, 2022.	No
M	Secondary Brass and Bronze Production Plants	X
N	Primary Emissions from Basic Oxygen Process Furnaces for Which Construction Commenced After June 11, 1973.	X
Na	Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.	X
O	Sewage Treatment Plants	X
P	Primary Copper Smelters	X
Q	Primary Zinc Smelters	X
R	Primary Lead Smelters	X
S	Primary Aluminum Reduction Plants	X

TABLE 3 TO PARAGRAPH (b)—DELEGATION STATUS FOR PART 60 STANDARDS—STATE OF OKLAHOMA—Continued

Subpart	Source category	ODEQ
T	Phosphate Fertilizer Industry: Wet Process Phosphoric Plants	X
U	Phosphate Fertilizer Industry: Superphosphoric Acid Plants	X
V	Phosphate Fertilizer Industry: Diammonium Phosphate Plants	X
W	Phosphate Fertilizer Industry: Triple Superphosphate Plants	X
X	Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities	X
Y	Coal Preparation and Processing Plants	X
Z	Ferroalloy Production Facilities	X
AA	Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983	X
AAa	Steel Plants: Electric Arc Furnaces & Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983, and On or Before May 16, 2022.	X
AAb	Steel Plants: Electric Arc Furnaces & Argon-Oxygen Decarburization Vessels Constructed After May 16, 2022.	No
BB	Kraft Pulp Mills	X
BBa	Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013.	X
CC	Glass Manufacturing Plants	X
DD	Grain Elevators	X
EE	Surface Coating of Metal Furniture	X
GG	Stationary Gas Turbines	X
HH	Lime Manufacturing Plants	X
KK	Lead-Acid Battery Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After January 14, 1980, and On or Before February 23, 2022.	X
KKa	Lead-Acid Battery Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After February 23, 2022.	X
LL	Metallic Mineral Processing Plants	X
MM	Automobile & Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022.	X
MMa	Automobile & Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After May 18, 2022.	X
NN	Phosphate Manufacturing Plants	X
PP	Ammonium Sulfate Manufacture	X
QQ	Graphic Arts Industry: Publication Rotogravure Printing	X
RR	Pressure Sensitive Tape and Label Surface Coating Operations	X
SS	Industrial Surface Coating: Large Appliances	X
TT	Metal Coil Surface Coating	X
UU	Asphalt Processing and Asphalt Roofing Manufacture	X
VV	Equipment Leaks of VOC in the SOCMI Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and On or Before November 7, 2006.	X
VVa	Equipment Leaks of VOC in the SOCMI Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006, and On or Before April 25, 2023.	X
VVb	Equipment Leaks of VOC in the SOCMI Industry for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023.	No
WW	Beverage Can Surface Coating Industry	X
XX	Bulk Gasoline Terminals That Commenced Construction, Modification, or Reconstruction After December 17, 1980, and On or Before June 10, 2022.	X
XXa	Bulk Gasoline Terminals That Commenced Construction, Modification, or Reconstruction After June 10, 2022.	No
AAA	New Residential Wood Heaters	No
BBB	Rubber Tire Manufacturing Industry	X
CCC	[Reserved]	
DDD	Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry	X
EEE	[Reserved]	
FFF	Flexible Vinyl and Urethane Coating and Printing	X
GGG	Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and n or Before November 7, 2006.	X
GGGa	Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006.	X
HHH	Synthetic Fiber Production	X
III	VOC Emissions from the SOCMI Air Oxidation Unit Processes	X
IIIa	VOC Emissions from the SOCMI Air Oxidation Unit Processes for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023.	No
JJJ	Petroleum Dry Cleaners	X
KKK	VOC Equipment Leaks From Onshore Natural Gas Processing Plants	X
LLL	Onshore Natural Gas Processing: SO_2 Emissions	X
MMM	[Reserved]	
NNN	VOC Emissions from SOCMI Distillation Operations	X
NNNa	VOC Emissions from SOCMI Distillation Operations for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023.	No
OOO	Nonmetallic Mineral Processing Plants	X
PPP	Wool Fiberglass Insulation Manufacturing Plants	X
QQQ	VOC Emissions From Petroleum Refinery Wastewater Systems	X
RRR	VOC Emissions from SOCMI Reactor Processes	X

TABLE 3 TO PARAGRAPH (b)—DELEGATION STATUS FOR PART 60 STANDARDS—STATE OF OKLAHOMA—Continued

Subpart	Source category	ODEQ
RRRa	VOC Emissions from SOCMI Reactor Processes for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023.	No
SSS	Magnetic Tape Coating Operations	X
TTT	Industrial Surface Coating: Plastic Parts for Business Machines	X
TTTa	Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022.	X
UUU	Calciners and Dryers in Mineral Industries	X
VVV	Polymeric Coating of Supporting Substrates Facilities	X
WWW	Municipal Solid Waste Landfills	X
XXX	Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification after July 17, 2014.	X
YYY–ZZZ	[Reserved]	
AAAA	Small Municipal Waste Combustion Units (Construction is Commenced After 8/30/99 or Modification/Reconstruction is Commenced After 6/06/2001).	X
BBBB	Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed On or Before August 30, 1999.	No
CCCC	Commercial & Industrial Solid Waste Incineration Units (Construction is Commenced After 11/30/1999 or Modification/Reconstruction is Commenced On or After 6/01/2001).	X
DDDD	Emission Guidelines & Compliance Times for Commercial & Industrial Solid Waste Incineration Units (Commenced Construction On or Before 11/30/1999).	No
EEEE	Other Solid Waste Incineration Units (Constructed after 12/09/2004 or Modification/Reconstruction is commenced On or After 06/16/2004).	X
FFFF	Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units that Commenced Construction On or Before December 9, 2004.	No
GGG–HHH	[Reserved]	
IIII	Stationary Compression Ignition Internal Combustion Engines	X
JJJJ	Stationary Spark Ignition Internal Combustion Engines	X
KKKK	Stationary Combustion Turbines (Construction Commenced After 02/18/2005)	X
LLLL	New Sewage Sludge Incineration Units	X
MMMM	Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units	No
NNNN	[Reserved]	
OOOO	Crude Oil and Natural Gas Production, Transmission and Distribution	X
OOOOa	Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After September 18, 2015 and On or Before December 6, 2022.	X
OOOOb	Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After December 6, 2022.	No
OOOOc	Emissions Guidelines for Greenhouse Gas Emissions from Existing Crude Oil and Natural Gas Facilities	No
PPPP	[Reserved]	
QQQQ	New Residential Hydronic Heaters and Forced-Air Furnaces	No
TTTT	Greenhouse Gas Emissions for Electric Generating Units	X
TTTTa	Greenhouse Gas Emissions for Modified Coal-Fired Steam Electric Generating Units and New Construction and Reconstruction Stationary Combustion Turbine Electric Generating Units.	No
UUUUa	[Reserved]	
UUUUb	Greenhouse Gas Emissions for Electric Utility Generating Units	No
Appendix A	Test Methods	X
Appendix B	Performance Specifications	X

[FR Doc. 2025–23275 Filed 12–17–25; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60, 61, and 63

[EPA–R06–OAR–2010–1054; FRL–12688–02–R6]

New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Louisiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Louisiana Department of Environmental Quality (LDEQ) has submitted updated regulations for receiving delegation and approval of its program for the implementation and enforcement of certain New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) for all sources (both part 70 and non-part 70 sources), as provided for under previously approved delegation mechanisms. The updated State regulations incorporate by reference certain NSPS and NESHAP promulgated by the Environmental Protection Agency (EPA) at parts 60, 61 and 63, as they existed through July 1, 2021. The EPA is providing notice that it is taking final action to approve the delegation of certain NSPS and NESHAP to LDEQ. The delegation of authority under this action does not apply to sources located in Indian country.

DATES: This rule is effective on January 20, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2010–1054. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet. Publicly available docket

materials are available electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Clovis Steib, EPA Region 6 Office, Infrastructure and Ozone Section (ARSI), telephone number: 214–665–7566, email address: *steib.clovis@epa.gov.* Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

I. Background

The background for this action is discussed in detail in our June 23, 2025, proposal (90 FR 26482). In that document we proposed to approve updating the delegation of certain NSPS and NESHAP to LDEQ. The delegation will provide LDEQ with the primary responsibility to implement and enforce the delegated standards.

During the update of the aforementioned delegations, we identified the need to correct certain subparts that were mistakenly included and/or omitted in the Technical Support Document (TSD) submitted with the proposal for this action and filed in the docket. These corrections are the logical outgrowth from our finalization of the LDEQ's proposed delegations for NSPS and NESHAP. They are now reflected in the respective tables located in the amendatory language section of this action.

II. Response to Comment

EPA received an anonymous public comment. The comment states that administrative practice is required and necessary to achieve goals. We thank the commenter for the comment and note administrative practices were followed for this action. This action finalizes updates to LDEQ's current NSPS and NESHAP delegations, following a proposed action and a public comment period. As such, we are finalizing the NSPS and NESHAP delegations to LDEQ as proposed.

III. Final Action

The EPA is taking final action to approve updates to the delegation of certain NSPS to LDEQ, and to update the Louisiana NESHAP delegation to provide the LDEQ with the authority to implement and enforce certain newly incorporated NESHAP promulgated by the EPA and amendments to existing standards currently delegated, as they existed through July 1, 2021.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator has the authority to approve delegation requests that comply with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7411(c) and 7412(1). In reviewing delegation submissions, the EPA's role is to approve State choices, provided that they meet the criteria and objectives of the CAA and of the EPA's implementing regulations. Accordingly, this action merely approves the State's request as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

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

This action is not a significant regulatory action as defined in Executive Order 12866 (58 FR 51735, October 4, 1993) and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

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

D. Regulatory Flexibility Act (RFA)

This action is certified to not have a significant economic impact on a substantial number of small entities under the RFA (5 U.S.C. 601 *et seq.*). This action approves the delegation of federal rules as requested by the state agency and will therefore have no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate 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.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). 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 final approval to update the delegation of certain NSPS to LDEQ and the approval of LDEQ's request to update their NESHAP delegation will not apply in areas of Indian Country, and therefore has no tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This action will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. This action will not impose substantial direct compliance costs on federally recognized tribal governments because no actions will be required of tribal governments. This action will also not preempt tribal law as no Louisiana tribe implements a regulatory program under the CAA and thus does not have applicable or related tribal laws.

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

The EPA interprets Executive Order 13045 as applying only to regulatory actions considered significant under section 3(f)(1) of Executive Order 12866 and that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of Executive Order 13045. This action is not subject to Executive Order 13045 because it approves a state action implementing a federal standard.

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

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

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards. This action is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

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).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 17, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 60

Environmental protection, Air pollution control, Administrative practice and procedure, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

40 CFR Part 61

Environmental protection, Air pollution control, Hazardous substances, Intergovernmental relations, Radioactive materials, Reporting and recordkeeping requirements, Uranium, Vinyl chloride.

40 CFR Part 63

Environmental protection, Air pollution control, Administrative practice and procedure, Business and industry, Carbon oxides, Hazardous substances, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: December 11, 2025.

James McDonald,

Director, Air and Radiation Division, Region 6.

For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR parts 60, 61 and 63 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 A—General Provisions

■ 2. Section 60.4 is amended by revising paragraph (e)(2) to read as follows:

§ 60.4 Address.

* * * * *

(e) * * *

(2) *Louisiana.* The Louisiana Department of Environmental Quality has been delegated the following part 60 standards promulgated by EPA, as amended in the **Federal Register** through July 1, 2021. The (X) symbol is used to indicate each subpart that has been delegated.

DELEGATION STATUS FOR PART 60 STANDARDS—STATE OF LOUISIANA

[Excluding Indian Country]

Subpart	Source category	LDEQ
A	General Provisions	X
Cb	Emissions Guidelines and Compliance Times for Large Municipal Waste Combustors That are Constructed on or Before September 20, 1994.	X
Cc	Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills	X
Cd	Emissions Guidelines and Compliance Times for Sulfuric Acid Production Units	X
Ce	Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators	X
Cf	Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills	X
D	Fossil Fueled Steam Generators	X
Da	Electric Utility Steam Generating Units	X
Db	Industrial-Commercial-Institutional Steam Generating Units	X
Dc	Small Industrial-Commercial-Institutional Steam Generating Units	X
E	Incinerators	X
Ea	Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989, and On or Before September 20, 1994.	X
Eb	Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996.	X
Ec	Hospital/Medical/Infectious Waste Incinerators	X
F	Portland Cement Plants	X
G	Nitric Acid Plants	X
Ga	Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011.	X
H	Sulfuric Acid Plants	X
I	Hot Mix Asphalt Facilities	X
J	Petroleum Refineries	X
Ja	Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007.	X
K	Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.	X
Ka	Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.	X
Kb	VOC Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984, and On or Before October 4, 2023.	X
Kc	VOC Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, October 4, 2023.	No
L	Secondary Lead Smelters for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and On or Before December 1, 2022.	X

DELEGATION STATUS FOR PART 60 STANDARDS—STATE OF LOUISIANA—Continued

[Excluding Indian Country]

Subpart	Source category	LDEQ
La	Secondary Lead Smelters for Which Construction, Reconstruction, or Modification Commenced After December 1, 2022.	No
M	Secondary Brass and Bronze Production Plants	X
N	Primary Emissions from Basic Oxygen Process Furnaces for Which Construction Commenced After June 11, 1973.	X
Na	Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.	X
O	Sewage Treatment Plants	X
P	Primary Copper Smelters	X
Q	Primary Zinc Smelters	X
R	Primary Lead Smelters	X
S	Primary Aluminum Reduction Plants	X
T	Phosphate Fertilizer Industry: Wet Process Phosphoric Plants	X
U	Phosphate Fertilizer Industry: Superphosphoric Acid Plants	X
V	Phosphate Fertilizer Industry: Diammonium Phosphate Plants	X
W	Phosphate Fertilizer Industry: Triple Superphosphate Plants	X
X	Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities	X
Y	Coal Preparation and Processing Plants	X
Z	Ferroalloy Production Facilities	X
AA	Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983	X
AAa	Steel Plants: Electric Arc Furnaces & Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983, and On or Before May 16, 2022.	X
AAb	Steel Plants: Electric Arc Furnaces & Argon-Oxygen Decarburization Vessels Constructed After May 16, 2022.	No
BB	Kraft Pulp Mills	X
BBa	Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013.	X
CC	Glass Manufacturing Plants	X
DD	Grain Elevators	X
EE	Surface Coating of Metal Furniture	X
GG	Stationary Gas Turbines	X
HH	Lime Manufacturing Plants	X
KK	Lead-Acid Battery Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After January 14, 1980, and On or Before February 23, 2022.	X
KKa	Lead-Acid Battery Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After February 23, 2022.	No
LL	Metallic Mineral Processing Plants	X
MM	Automobile & Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022.	X
MMa	Automobile & Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After May 18, 2022.	No
NN	Phosphate Manufacturing Plants	X
PP	Ammonium Sulfate Manufacture	X
QQ	Graphic Arts Industry: Publication Rotogravure Printing	X
RR	Pressure Sensitive Tape and Label Surface Coating Operations	X
SS	Industrial Surface Coating: Large Appliances	X
TT	Metal Coil Surface Coating	X
UU	Asphalt Processing and Asphalt Roofing Manufacture	X
VV	Equipment Leaks of VOC in the SOCMI Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006.	X
VVa	Equipment Leaks of VOC in the SOCMI Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006, and on or Before April 25, 2023.	X
VVb	Equipment Leaks of VOC in the SOCMI Industry for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023.	No
WW	Beverage Can Surface Coating Industry	X
XX	Bulk Gasoline Terminals That Commenced Construction, Modification, or Reconstruction After December 17, 1980, and On or Before June 10, 2022.	X
XXa	Bulk Gasoline Terminals That Commenced Construction, Modification, or Reconstruction After June 10, 2022.	No
AAA	New Residential Wood Heaters	No
BBB	Rubber Tire Manufacturing Industry	X
CCC	*[Reserved]*	
DDD	Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry	X
EEE	*[Reserved]*	
FFF	Flexible Vinyl and Urethane Coating and Printing	X
GGG	Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and On or Before November 7, 2006.	X
GGGa	Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006.	X
HHH	Synthetic Fiber Production	X
III	VOC Emissions from the SOCMI Air Oxidation Unit Processes	X

DELEGATION STATUS FOR PART 60 STANDARDS—STATE OF LOUISIANA—Continued

[Excluding Indian Country]

Subpart	Source category	LDEQ
IIIa	VOC Emissions from the SOCMI Air Oxidation Unit Processes for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023.	No
JJJ	Petroleum Dry Cleaners	X
KKK	VOC Equipment Leaks From Onshore Natural Gas Processing Plants	X
LLL	Onshore Natural Gas Processing: SO_2 Emissions	X
MMM	*[Reserved]*	
NNN	VOC Emissions from SOCMI Distillation Operations	X
NNNa	VOC Emissions from SOCMI Distillation Operations for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023.	No
OOO	Nonmetallic Mineral Processing Plants	X
PPP	Wool Fiberglass Insulation Manufacturing Plants	X
QQQ	VOC Emissions From Petroleum Refinery Wastewater Systems	X
RRR	VOC Emissions from SOCMI Reactor Processes	X
RRRa	VOC Emissions from SOCMI Reactor Processes for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023.	No
SSS	Magnetic Tape Coating Operations	X
TTT	Industrial Surface Coating: Plastic Parts for Business Machines	X
TTTa	Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022.	No
UUU	Calciners and Dryers in Mineral Industries	X
VVV	Polymeric Coating of Supporting Substrates Facilities	X
WWW	Municipal Solid Waste Landfills	X
XXX	Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014.	X
YYY–ZZZ	*[Reserved]*	
AAAA	Small Municipal Waste Combustion Units (Construction is Commenced After 8/30/99 or Modification/Reconstruction is Commenced After 6/06/2001).	X
BBBB	Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999.	X
CCCC	Commercial & Industrial Solid Waste Incineration Units (Construction is Commenced After 11/30/1999 or Modification/Reconstruction is Commenced on or After 6/01/2001).	X
DDDD	Emission Guidelines & Compliance Times for Commercial & Industrial Solid Waste Incineration Units (Commenced Construction On or Before 11/30/1999).	X
EEEE	Other Solid Waste Incineration Units (Constructed after 12/09/2004 or Modification/Reconstruction is commenced on or after 06/16/2004).	X
FFFF	Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units that Commenced Construction On or Before December 9, 2004.	X
GGG–HHH	*[Reserved]*	
IIII	Stationary Compression Ignition Internal Combustion Engines	X
JJJJ	Stationary Spark Ignition Internal Combustion Engines	X
KKKK	Stationary Combustion Turbines (Construction Commenced After 02/18/2005)	X
LLLL	New Sewage Sludge Incineration Units	X
MMMM	Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units	X
NNNN	*[Reserved]*	
OOOO	Crude Oil and Natural Gas Production, Transmission and Distribution	X
OOOOa	Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After September 18, 2015 and On or Before December 6, 2022.	X
OOOOb	Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After December 6, 2022.	No
OOOOc	Emissions Guidelines for Greenhouse Gas Emissions from Existing Crude Oil and Natural Gas Facilities	No
PPPP	*[Reserved]*	
QQQQ	New Residential Hydronic Heaters and Forced-Air Furnaces	X
TTTT	Greenhouse Gas Emissions for Electric Generating Units	X
TTTTa	Greenhouse Gas Emissions for Modified Coal-Fired Steam Electric Generating Units and New Construction and Reconstruction Stationary Combustion Turbine Electric Generating Units.	No
UUUUa	*[Reserved]*	
UUUUb	Greenhouse Gas Emissions for Electric Utility Generating Units	No

* * * * *

PART 61—NATIONAL EMISSON STANDARDS FOR HAZARDOUS AIR POLLUTANTS

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

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

Subpart A—General Provisions

■ 4. Section 61.04 is amended by revising paragraph (c)(6)(ii) to read as follows:

§ 61.04 Address.

* * * * *

(c) * * *

(6) * * *

(ii) *Louisiana.* The Louisiana Department of Environmental Quality (LDEQ) has been delegated the following part 61 standards promulgated by EPA, as amended in the **Federal Register** through July 1, 2021. The (X) symbol is used to indicate each subpart that has been delegated.

DELEGATION STATUS FOR PART 61 STANDARDS—STATE OF LOUISIANA

[Excluding Indian Country]

Subpart	Source category	LDEQ
A	General Provisions	X
B	Radon Emissions From Underground Uranium Mines	No
C	Beryllium	X
D	Beryllium Rocket Motor Firing	X
E	Mercury	X
F	Vinyl Chloride	X
G	*[Reserved]*	
H	Emissions of Radionuclides Other Than Radon From Department of Energy Facilities	No
I	Radionuclide Emissions From Federal Facilities Other Than Nuclear Regulatory Commission Licensees and Not Covered by subpart H.	No
J	Equipment Leaks (Fugitive Emission Sources) of Benzene	X
K	Radionuclide Emissions From Elemental Phosphorus Plants	No
L	Benzene Emissions From Coke By-Product Recovery Plants	X
M	Asbestos	No
N	Inorganic Arsenic Emissions From Glass Manufacturing Plants	X
O	Inorganic Arsenic Emissions From Primary Copper Smelters	X
P	Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities	X
Q	Radon Emissions From Department of Energy Facilities	No
R	Radon Emissions From Phosphogypsum Stacks	No
S	*[Reserved]*	
T	Radon Emissions From the Disposal of Uranium Mill Tailings	No
U	*[Reserved]*	
V	Equipment Leaks (Fugitives Emission Sources)	X
W	Radon Emissions From Operating Mill Tailings	No
X	*[Reserved]*	
Y	Benzene Emissions From Benzene Storage Vessels	X
Z–AA	*[Reserved]*	
BB	Benzene Emissions From Benzene Transfer Operations	X
CC–EE	*[Reserved]*	
FF	Benzene Waste Operations	X
Appendix A	Compliance Status Information	X
Appendix B	Test Methods	X
Appendix C	Quality Assurance Procedures	X
Appendix D	Methods for Estimating Radionuclide Emissions	No
Appendix E	Compliance Procedures Methods for Determining Compliance With subpart I	No

* * * * *

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

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

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

Subpart E—Approval of State Programs and Delegation of Federal Authorities

■ 6. Section 63.99 is amended by revising paragraph (a)(19)(i) to read as follows:

§ 63.99 Delegated Federal authorities.

(a) * * *

(19) * * *

(i) The following table lists the specific part 63 standards that have been delegated unchanged to the Louisiana Department of Environmental Quality for all sources. The ''X'' symbol is used to indicate each subpart that has been delegated. The delegations are subject to all of the conditions and limitations set forth in Federal law, regulations, policy, guidance, and determinations. Some authorities cannot be delegated and are retained by EPA. These include certain General Provisions authorities and specific parts of some standards. Any amendments made to these rules after July 1, 2021, are not delegated.

DELEGATION STATUS FOR PART 63 STANDARDS—STATE OF LOUISIANA

[Excluding Indian Country]

Subpart	Source category	LDEQ [1]
A	General Provisions	X
B	Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, 112(g) and 112(j).	No
C	List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List.	No
D	Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants	No
E	Approval of State Programs and Delegation of Federal Authorities	No
F	Synthetic Organic Chemical Manufacturing Industry (SOCMI)	X
G	SOCMI for Process Vents, Storage Vessels, Transfer Operations and Wastewater	X
H	Equipment Leaks and Fenceline Monitoring for All Emission Sources	X

DELEGATION STATUS FOR PART 63 STANDARDS—STATE OF LOUISIANA—Continued

[Excluding Indian Country]

Subpart	Source category	LDEQ [1]
I	Certain Processes Subject to the Negotiated Regulation for Equipment Leaks	X
J	Polyvinyl Chloride and Copolymers Production	No
K	*[Reserved]*	
L	Coke Oven Batteries	X
M	Perchloroethylene Air Emission Standards for Dry Cleaning Facilities	X
N	Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.	X
O	Ethylene Oxide Emissions Standards for Sterilization Facilities	X
P	*[Reserved]*	
Q	Industrial Process Cooling Towers	X
R	Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Sessions)	X
S	Pulp and Paper Industry	X
T	Halogenated Solvent Cleaning	X
U	Group I Polymers and Resins	X
V	*[Reserved]*	
W	Epoxy Resins Production and Non-Nylon Polyamides Production	X
X	Secondary Lead Smelting	X
Y	Marine Tank Vessel Loading Operations	X
Z	*[Reserved]*	
AA	Phosphoric Acid Manufacturing Plants	X
BB	Phosphate Fertilizers Production Plants	X
CC	Petroleum Refineries	X
DD	Off-Site Waste and Recovery Operations	X
EE	Magnetic Tape Manufacturing Operations	X
FF	*[Reserved]*	
GG	Aerospace Manufacturing and Rework Facilities	X
HH	Oil and Natural Gas Production Facilities	X
II	Shipbuilding and Ship Repair (Surface Coating)	X
JJ	Wood Furniture Manufacturing Operations	X
KK	Printing and Publishing Industry	X
LL	Primary Aluminum Reduction Plants	X
MM	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills.	X
NN	Wool Fiberglass Manufacturing at Area Sources	X
OO	Tanks-Level 1	X
PP	Containers	X
QQ	Surface Impoundments	X
RR	Individual Drain Systems	X
SS	Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.	X
TT	Equipment Leaks—Control Level 1	X
UU	Equipment Leaks—Control Level 2 Standards	X
VV	Oil-Water Separators and Organic-Water Separators	X
WW	Storage Vessels (Tanks)—Control Level 2	X
XX	Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations	X
YY	Generic Maximum Achievable Control Technology Standards	X
ZZ–BBB	*[Reserved]*	
CCC	Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration Plants	X
DDD	Mineral Wool Production	X
EEE	Hazardous Waste Combustors	X
FFF	*[Reserved]*	
GGG	Pharmaceuticals Production	X
HHH	Natural Gas Transmission and Storage Facilities	X
III	Flexible Polyurethane Foam Production	X
JJJ	Group IV Polymers and Resins	X
KKK	*[Reserved]*	
LLL	Portland Cement Manufacturing Industry	X
MMM	Pesticide Active Ingredient Production	X
NNN	Wool Fiberglass Manufacturing	X
OOO	Manufacture of Amino/Phenolic Resins	X
PPP	Polyether Polyols Production	X
QQQ	Primary Copper Smelting	X
RRR	Secondary Aluminum Production	X
SSS	*[Reserved]*	
TTT	Primary Lead Smelting	X
UUU	Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Plants.	X
VVV	Publicly Owned Treatment Works	X
WWW	*[Reserved]*	
XXX	Ferroalloys Production: Ferromanganese and Silicomanganese	X
AAAA	Municipal Solid Waste Landfills	X

DELEGATION STATUS FOR PART 63 STANDARDS—STATE OF LOUISIANA—Continued

[Excluding Indian Country]

Subpart	Source category	LDEQ [1]
BBBB	*[Reserved]*	
CCCC	Manufacturing of Nutritional Yeast	X
DDDD	Plywood and Composite Wood Products	[2] X
EEEE	Organic Liquids Distribution (Non-Gasoline)	X
FFFF	Miscellaneous Organic Chemical Manufacturing	X
GGGG	Solvent Extraction for Vegetable Oil Production	X
HHHH	Wet-Formed Fiberglass Mat Production	X
IIII	Surface Coating of Automobiles and Light-Duty Trucks	X
JJJJ	Paper and other Web Coating	X
KKKK	Surface Coating of Metal Cans	X
MMMM	Surface Coating of Miscellaneous Metal Parts and Products	X
NNNN	Surface Coating of Large Appliances	X
OOOO	Printing, Coating, and Dyeing of Fabrics and Other Textiles	X
PPPP	Surface Coating of Plastic Parts and Products	X
QQQQ	Surface Coating of Wood Building Products	X
RRRR	Surface Coating of Metal Furniture	X
SSSS	Surface Coating for Metal Coil	X
TTTT	Leather Finishing Operations	X
UUUU	Cellulose Products Manufacturing	X
VVVV	Boat Manufacturing	X
WWWW	Reinforced Plastic Composites Production	X
XXXX	Rubber Tire Manufacturing	X
YYYY	Stationary Combustion Turbines	X
ZZZZ	Stationary Reciprocating Internal Combustion Engines	X
AAAAA	Lime Manufacturing Plants	X
BBBBB	Semiconductor Manufacturing	X
CCCCC	Coke Ovens: Pushing, Quenching and Battery Stacks	X
DDDDD	Industrial, Commercial, and Institutional Boilers and Process Heaters	No
EEEEE	Iron and Steel Foundries	X
FFFFF	Integrated Iron and Steel Manufacturing Facilities	X
GGGGG	Site Remediation	X
HHHHH	Miscellaneous Coating Manufacturing	X
IIIII	Mercury Cell Chlor-Alkali Plants	X
JJJJJ	Brick and Structural Clay Products Manufacturing	X
KKKKK	Clay Ceramics Manufacturing	X
LLLLL	Asphalt Processing and Asphalt Roofing Manufacturing	X
MMMMM	Flexible Polyurethane Foam Fabrication Operation	X
NNNNN	Hydrochloric Acid Production	X
OOOOO	*[Reserved]*	
PPPPP	Engine Test Cells/Stands	X
QQQQQ	Friction Materials Manufacturing Facilities	X
RRRRR	Taconite Iron Ore Processing	X
SSSSS	Refractory Products Manufacturing	X
TTTTT	Primary Magnesium Refining	X
UUUUU	Coal and Oil-Fired Electric Utility Steam Generating Units	[3] X
VVVVV	*[Reserved]*	
WWWWW	Hospital Ethylene Oxide Sterilizers	X
XXXXX	*[Reserved]*	
YYYYY	Area Sources: Electric Arc Furnace Steelmaking Sources	X
ZZZZZ	Iron and Steel Foundries Area Sources	X
AAAAAA	*[Reserved]*	
BBBBBB	Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities	X
CCCCCC	Gasoline Dispensing Facilities	X
DDDDDD	Polyvinyl Chloride and Copolymers Production Area Sources	X
EEEEEE	Primary Copper Smelting Area Sources	X
FFFFFF	Secondary Copper Smelting Area Sources	X
GGGGGG	Primary Nonferrous Metals Area Sources: Zinc, Cadmium, and Beryllium	X
HHHHHH	Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources	X
IIIIII	*[Reserved]*	
JJJJJJ	Industrial, Commercial, and Institutional Boilers Area Sources	X
KKKKKK	*[Reserved]*	
LLLLLL	Acrylic and Modacrylic Fibers Production Area Sources	X
MMMMMM	Carbon Black Production Area Sources	X
NNNNNN	Chemical Manufacturing Area Sources: Chromium Compounds	X
OOOOOO	Flexible Polyurethane Foam Production and Fabrication Area Sources	X
PPPPPP	Lead Acid Battery Manufacturing Area Sources	X
QQQQQQ	Wood Preserving Area Sources	X
RRRRRR	Clay Ceramics Manufacturing Area Sources	X
SSSSSS	Glass Manufacturing Area Sources	X
TTTTTT	Secondary Nonferrous Metals Processing Area Sources	X
UUUUUU	*[Reserved]*	

DELEGATION STATUS FOR PART 63 STANDARDS—STATE OF LOUISIANA—Continued

[Excluding Indian Country]

Subpart	Source category	LDEQ [1]
VVVVVV	Chemical Manufacturing Area Sources	X
WWWWWW	Area Source Standards for Plating and Polishing Operations	X
XXXXXX	Area Source Standards for Nine Metal Fabrication and Finishing Source Categories	X
YYYYYY	Area Sources: Ferroalloys Production Facilities	X
ZZZZZZ	Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries	X
AAAAAAA	Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing	X
BBBBBBB	Area Sources: Chemical Preparation Industry	X
CCCCCCC	Area Sources: Paints and Allied Products Manufacturing	X
DDDDDDD	Prepared Feeds Areas Sources	X
EEEEEEE	Gold Mine Ore Processing and Production Area Source Category	X
FFFFFFF–GGGGGGG	*[Reserved]*	
HHHHHHH	Polyvinyl Chloride and Copolymers Production Major Sources	X
Appendix A	Test Methods	X
Appendix B	Sources Defined by Rarely Reduction Provisions	X
Appendix C	Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit	X
Appendix D	Alternative Validation Procedure for EPA Waste and Wastewater Methods	X
Appendix E	Monitoring Procedure for Nonthoroughly Mixed Open Biological Treatment Systems at Kraft Pulp Mills Under Unsafe Sampling Conditions.	X

[1] Authorities which may not be delegated include: § 63.6(g), Approval of Alternative Non-Opacity Emission Standards; § 63.6(h)(9), Approval of Alternative Opacity Standards; § 63.7(e)(2)(ii) and (f), Approval of Major Alternatives to Test Methods; § 63.8(f), Approval of Major Alternatives to Monitoring; § 63.10(f), Approval of Major Alternatives to Recordkeeping and Reporting; and all authorities identified in the subparts (*e.g.,* under ''Delegation of Authority'') that cannot be delegated.

[2] This subpart was issued a partial vacatur by the United States Court of Appeals for the District of Columbia Circuit. See 72 FR 61060 (October 29, 2007).

[3] Final Rule. See 77 FR 9304 (February 16, 2012), as amended 81 FR20172 (April 6, 2016) Final Supplemental Finding that it is appropriate and necessary to regulate HAP emissions from Coal- and Oil-fired EUSGU Units. See 81 FR 24420 (April 25, 2016).

* * * * *

[FR Doc. 2025–23284 Filed 12–17–25; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3100

[A2407–014–004–065516, #O2509–014–004–125222]

RIN 1004–AF52

Federal Onshore Oil and Gas Statewide Bonds; Extension of Phase-In Deadline

AGENCY: Bureau of Land Management, Interior.

ACTION: Direct final rule; request for comments.

SUMMARY: The Bureau of Land Management (BLM, we) is issuing this direct final rule (DFR) to amend BLM regulations to extend the phase-in date for compliance with the minimum bond amount for Statewide oil and gas bonds. The current regulation requires operators to increase or replace existing Statewide bonds to meet the $500,000 minimum bond amount by June 22, 2026. This rule extends that deadline to June 22, 2027, aligning it with the phase-in date for individual lease bonds.

DATES: The final rule is effective on February 17, 2026, unless significant adverse comments are received by January 20, 2026. If significant adverse comments are received, notice will be published in the **Federal Register** before the effective date either withdrawing the rule or issuing a new final rule that responds to any significant adverse comments.

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

- *Federal eRulemaking Portal: https://www.regulations.gov.* In the Search box, enter the Docket Number ''BLM–2025–0269'' and click the ''Search'' button. Follow the instructions at this website.
- *Mail, personal, or messenger delivery:* U.S. Department of the Interior, Director (630), Bureau of Land Management, 1849 C St. NW, Room 5646, Washington, DC 20240, Attention: 1004–AF52.

FOR FURTHER INFORMATION CONTACT: Peter Cowan, Senior Minerals Leasing Specialist, email: *picowan@blm.gov;* telephone: 720–838–1641. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

For a summary of the final rule, please see the abstract description of the document in Docket Number BLM–2025–0269 on *www.regulations.gov.*

SUPPLEMENTARY INFORMATION: Oil and gas leasing on Federal lands managed by the BLM is governed by the Mineral Leasing Act of 1920 (MLA), 30 U.S.C. 181 *et seq.,* and other pertinent statutes. The BLM published a final rule on April 23, 2024 (89 FR 30916) that, among other topics, updated bonding requirements for Federal onshore oil and gas operations, including increases to the minimum bond amounts and phase-in deadlines for when operators must update their existing bonds. Under 43 CFR 3104.1(c)(1), operators must bring existing Statewide bonds into compliance with the increased bond amount by June 22, 2026. This DFR will extend the deadline to comply with the existing Statewide bond requirement from June 22, 2026, to June 22, 2027. That is the same deadline for individual lease bonds in 43 CFR 3104.1(c)(2).

The BLM seeks to delay this requirement as we are pursuing a separate but related rulemaking in the coming months, which could significantly change the timeline for this requirement. This delay will provide operators with relief while the BLM pursues this change.

This rule is consistent with broader energy policy goals, as reflected in Executive Order (E.O.) 14154, ''Unleashing American Energy'' (90 FR

8353, Jan. 20, 2025), and E.O. 14156, ''Declaring a National Energy Emergency'' (90 FR 8433, Jan. 20, 2025), which emphasize:

- Reducing regulatory burdens on domestic energy producers;
- Promoting energy independence through expanded access to Federal lands;
- Streamlining compliance timelines to avoid unnecessary disruptions to operations; and
- Encouraging capital investment in exploration and production by minimizing near-term financial strain.

Extending the Statewide bond phase-in deadline aligns with these priorities by providing operators with additional time to secure financing or to restructure bonding instruments. It also ensures parity between Statewide and lease-level bonding compliance, simplifying implementation and reducing confusion.

This action reflects the Department of the Interior's commitment to regulatory certainty, economic growth, and responsible resource development. It does not alter the minimum bond amounts.

Procedural Matters

Executive Order (E.O.) 12866—Regulatory Planning and Review and E.O. 13563—Improving Regulation and Regulatory Review

E.O. 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) will review all significant rules. OIRA has determined that this rule is not significant.

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

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA, 5 U.S.C. 601 through 612) requires an agency to prepare a regulatory flexibility analysis for all rules unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency is required to first publish a proposed rule. See 5 U.S.C. 603(a) and 604(a). As the Department is not required to publish a notice of proposed rulemaking for this DFR, the RFA does not apply.

Congressional Review Act

This rule is not a major rule under the Congressional Review Act, 5 U.S.C. 804(2). Specifically, the DFR: (a) will not have an annual effect on the economy of $100 million or more; (b) will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic and export markets.

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. The rule merely extends the deadline for complying with the increased Statewide bond requirement. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

E.O. 12630—Governmental Actions and Interference With Constitutionally Protected Property Rights

This rule does not result in a taking of private property or otherwise have regulatory takings implications under E.O. 12630. The rule merely extends an existing phase-in period. The rule will not result in private property being taken for public use without just compensation because this rule only extends the compliance deadline for an existing Statewide bond requirement. A takings implication assessment is therefore not required.

E.O. 13132—Federalism

Under the criteria of section 1 of E.O. 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. A federalism summary impact statement is not required.

E.O. 12988—Civil Justice Reform

This DFR complies with the requirements of E.O. 12988. Among other things, this rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation;

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

E.O. 13175—Consultation and Coordination With Indian Tribal Governments

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Tribes and recognition of their right to Tribal self-governance and sovereignty. The Department evaluated this DFR under E.O. 13175 and the Department's consultation policies. The Department determined that this DFR has no substantial, direct effects on federally recognized Indian Tribes and that consultation under the Department's Tribal consultation policies is not required. The rule merely revises the Federal regulations to extend the phase-in date for Federal onshore Statewide bond amounts.

Paperwork Reduction Act

This rule does not impose any new information collection burdens under the Paperwork Reduction Act. OMB previously approved the information collection activities contained in the existing regulations and assigned OMB control number 1004–0185. This rule does not impose an information collection burden because the Department is not making any changes to the information collection requirements.

National Environmental Policy Act

This DFR does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) is not required because this rule is covered by a categorical exclusion applicable to regulatory functions ''that are of an

administrative, financial, legal, technical, or procedural nature.'' 43 CFR 46.210(i). In addition, the Department has determined that this rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

E.O. 13211—Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This DFR is not a significant energy action as defined in E.O. 13211. Therefore, a statement of energy effects is not required.

List of Subjects in 43 CFR Part 3100

Government contracts, Government employees, Mineral royalties, Oil and gas exploration, Oil and gas reserves, Public lands—mineral resources, Reporting and recordkeeping requirements, Surety bonds.

Leslie Beyer,

Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, the Bureau of Land Management amends 43 CFR part 3100 as follows:

PART 3100—OIL AND GAS LEASING

■ 1. The authority citation for part 3100 continues to read as follows:

Authority: 25 U.S.C. 396d and 2107; 30 U.S.C. 189, 306, 359, and 1751; 43 U.S.C. 1701 *et seq.;* and 42 U.S.C. 15801.

■ 2. Revise § 3104.1(c) to read as follows:

§ 3104.1 Bond amounts.

* * * * *

(c) Principals must increase or replace all bonds not meeting the appropriate minimum bond amount in paragraph (a) of this section by:

(1) June 22, 2027, for Statewide; and

(2) June 22, 2027, for lease bonds.

* * * * *

[FR Doc. 2025–23228 Filed 12–17–25; 8:45 am]

BILLING CODE 4331–29–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 10

[PS Docket Nos. 15–91 and 15–94; DA 25–12; FR ID 322439]

Wireless Emergency Alerts and the Emergency Alert System; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Communications Commission (Commission) published a document in the **Federal Register** on December 10, 2025, announcing the effective and compliance date for new rules related to multilingual Wireless Emergency Alerts (WEA). The document contained an incorrect date.

DATES: Effective June 12, 2028.

FOR FURTHER INFORMATION CONTACT: Joshua Gehret, Cybersecurity and Communications Reliability Division, Public Safety and Homeland Security Bureau, (202) 418–7816 or *joshua.gehret@fcc.gov*.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of December 10, 2025, in FR Doc. 2025–22434, on page 57288, in the first column, correct the **DATES** caption to read:

DATES: The amendments to 47 CFR 10.480 (amendatory instruction 4) and 47 CFR 10.500(e) (amendatory instruction 6), published at 88 FR 86824 on December 15, 2023, are effective on June 12, 2028. The amendments in this document to 47 CFR 10.480 (amendatory instruction 2) and 47 CFR 10.500(e) (amendatory instruction 3) are delayed indefinitely.

Dated: December 11, 2025.

Federal Communications Commission.

Zenji Nakazawa,

Chief, Public Safety Homeland Security Bureau.

[FR Doc. 2025–23337 Filed 12–17–25; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 90, No. 241
Thursday, December 18, 2025

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 412

[Docket ID: OPM–2025–0014]

RIN 3206–AO89

Ensuring Consistent and Rigorous Standards for Senior Executive Service Candidate Development Programs

AGENCY: Office of Personnel Management.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of Personnel Management (OPM) proposes to revise its Senior Executive Service (SES) Candidate Development Program (SESCDP) regulations to implement certain SES training and development requirements. The SES represents the Federal Government's leadership, composed of executive positions above the GS–15 level. SESCDPs serve as a crucial succession management tool for Federal agencies, designed to identify and prepare high-potential employees for future roles within the SES. These programs aim to cultivate leaders equipped with a government-wide perspective and the competencies necessary to tackle complex challenges.

DATES: Comments must be received on or before February 17, 2026.

ADDRESSES: You may submit comments, identified by RIN number ''3206–AO89'' and title, using the following method:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

All submissions must include the agency name and docket number or RIN for this **Federal Register** document. Please arrange and identify your comments about the regulatory text by subpart and section number. If your comments relate to the **SUPPLEMENTARY INFORMATION**, please reference the heading and page number in the **SUPPLEMENTARY** section. All comments must be received by the end of the comment period for them to be considered. All comments and other submissions received generally will be posted on the internet at *https://regulations.gov* as they are received, without change, including any personal information provided. However, OPM retains discretion to redact personal or sensitive information, including but not limited to, personal or sensitive information pertaining to third parties.

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

FOR FURTHER INFORMATION CONTACT: Nicole Wright, Deputy Associate Director, Executive Services and Workforce Development, 202–606–8046 or by email at *SESDevelopment@opm.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Senior Executive Service (SES) is a corps of top-level Federal executives who provide leadership and oversee government operations, bridging the gap between political appointees and career civil servants. The SES was established by the Civil Service Reform Act (CSRA) of 1978 and became effective in July 1979. The CSRA envisioned a senior executive corps with solid executive expertise, public service values, and a broad perspective of the Government. The CSRA established the SES as a distinct personnel system that applies the same executive qualifications requirements to all members. The system was designed to provide greater authority to agencies to manage their executive resources, including the flexibility for selecting and developing Federal executives within a framework that preserves the larger corporate interests of the Government.

An SESCDP is a structured program designed to identify and prepare individuals who aspire to become senior executive leaders, exhibit readiness or near-readiness for executive-level responsibilities, demonstrate leadership across organizational boundaries, and show potential to manage complex, cross-agency initiatives. As a strategic succession tool, SESCDPs serve to strengthen selected candidates' leadership skills and characteristics based on current standards. Participation provides governmentwide leadership opportunities to interact with senior employees outside their department and/or agency, interagency training experiences, executive-level development assignments, mentoring, and coaching. Further, an SESCDP boosts participants' executive competencies and expands their understanding of governmentwide programs and issues beyond their individual agency and profession, broadening participants' understanding of missions, programs, core values, and management challenges.

Graduates of an OPM-approved SESCDP, who are selected through civil service-wide competition and are certified by OPM's Qualifications Review Board (QRB), may receive a career SES appointment without further competition. The QRB certifies the executive qualifications of candidates for initial career SES appointments. QRB members judge the overall scope, quality, and depth of a candidate's executive qualifications and experience within the context of the Executive Core Qualifications. QRB certification does not guarantee placement in the SES, and SESCDP participation is not required for selection into the SES.

On October 30, 2004, the President signed the Federal Workforce Flexibility Act of 2004 (Act), Public Law 108–411, into law. The Act made several significant changes in the law governing the training and development of Federal employees, supervisors, managers, and executives. The first change required each agency to evaluate, on a regular basis, its training programs and plans with respect to the accomplishment of its specific performance plans and strategic goals, and to modify its training plans and programs as needed to accomplish the agency's performance plans and strategic goals.

The second major change the Act required was for agencies to consult with OPM to establish comprehensive succession management programs designed to provide training to employees to develop managers for the agency. It also required agencies, in consultation with OPM, to establish programs to provide training to managers regarding actions, options, and strategies a manager may use in relating to employees with unacceptable performance, mentoring employees, improving employee performance and productivity, and conducting employee performance appraisals.

On January 20, 2025, President Trump issued a Presidential Memorandum

titled ''Restoring Accountability for Career Senior Executives.'' 90 FR 8481, January 30, 2025. With this Presidential Memorandum, President Trump directed agencies to ''reinvigorate the SES system and prioritize accountability'' to ensure proper accountability to both the President and the American people. The Presidential Memorandum further directed the Director of OPM, in coordination with the Director of the Office of Management and Budget, to reassign agency SES members as needed to ensure alignment between their knowledge, skills, abilities, and mission assignments and the President's agenda.

To advance this directive, on May 29, 2025, OPM released the memorandum, *Hiring and Talent Development for the Senior Executive Service,*[1] which provides policy, guidance, and timelines to agencies on SES hiring and development, to include new SESCDP certification requirements. The memorandum noted that ''these changes in hiring, training, development and oversight will drive a cultural shift in the SES.'' The memorandum further highlights that Federal agencies are responsible for ensuring appropriate succession planning for executive positions by building a pipeline of qualified candidates that are well-prepared to serve as Federal executives, and that ''OPM is required to establish programs for the systematic development of candidates for the SES and/or assist agencies in the establishment of such programs which meet OPM prescribed criteria.''

Through the introduction of more stringent SESCDP certification requirements, OPM aims to enhance training and development for aspiring SES and accelerate the placement of well-prepared leaders to ensure leadership continuity. OPM has reviewed evaluation feedback from agencies and graduates of SESCDPs over the years, which suggest some adjustments can be made to enhance the experience for SESCDP participants and aim for better outcomes. To accomplish this transformation, OPM proposes to adjust the formal training content, adopt a more streamlined program cohort duration, and utilize developmental assignments of a longer minimum duration. In turn, agencies will have a more appropriate timeframe to conduct an SESCDP and allow for aspiring SES to learn in an environment that promotes governmentwide cohesion and prepares them to deliver results as accountable senior executives.

Proposed Changes in This Rulemaking

OPM has reviewed the supervisory, management and executive development regulations governing the SESCDP and is issuing this proposed rule in response to the President's directives and pursuant to its regulatory authority in 5 U.S.C. 3396 (a) and (b). The following are the principal results sought by the proposed changes to 5 CFR part 412:

- Agencies have effective and cost-efficient SESCDPs that will support agency succession planning and candidate development;
- Agencies identify and select individuals that have demonstrated executive ability and further develop them professionally to step into the SES with the experiences to handle the challenges presented at the highest caliber of public service;
- Agencies maintain a minimum placement rate of program graduates receiving OPM QRB certification as determined by OPM policy to ensure a return on investment; and
- Agencies are better equipped to collect SESCDP evaluation data to identify and implement program enhancements or alternative approaches to improve program administration.

To assist agencies in accomplishing these results, we are proposing changes to 5 CFR part 412, subpart C ''Senior Executive Service Candidate Development Programs.'' In addition to modifying §§ 412.301 and 412.302, OPM also proposes to add a new § 412.303 to address SESCDP oversight and evaluation. The following are the major proposed changes in part 412, subpart C:

§ 412.301

Section 412.301 provides the requirements for an agency to obtain approval from OPM to conduct an SESCDP. OPM proposes to add a requirement for each Department or Agency HQ-level seeking approval to submit a blanket, enterprise-wide policy for itself and all subcomponents. OPM also proposes to prescribe program policy parameters and require agencies to use an OPM-provided program policy template when applying for program and policy approval. The template submission process streamlines program creation by standardizing most elements and aligning all policies across agencies for uniformity. The proposal would amend § 412.301(b) to require a participating agency to include in its policy a description of SESCDP program methodologies, modifications, and improvements by using the OPM-developed SESCDP policy template, as well as program evaluation templates. Further, the proposal would also require agencies to obtain OPM re-approval for an SESCDP on a triennial basis to ensure alignment and strategic linkage with agency succession plans.

OPM has directed all agencies that currently operate SESCDPs to ensure alignment with the new Administration policies. OPM also directed that, no later than October 31, 2025, those agencies must submit updated policies for OPM review and approval.[2] Agencies must submit all updated policies using the OPM-developed template but may need to submit policy modifications if there are any changes in the final rule. OPM policy approvals will occur within 30 days after the final rule date, and agencies cannot begin new program cohorts until their new policy has been approved by OPM.

§ 412.302

Section 412.302 provides the criteria for an SESCDP. Currently, SESCDPs must be a minimum of 12 months and can run up to 24 months. This length of time involves considerable expense and resources to ostensibly turn ''almost ready'' talent into ''ready now'' talent. OPM proposes to limit program cohort duration from a minimum of 9 months to a maximum of 12 months. Additionally, to allow flexibility based on extenuating circumstances, agencies may be granted by OPM an extension of program cohort length up to 15 months for the affected participant(s). This reduced duration serves as part of a re-envisioned SESCDP to more effectively identify and prepare ''almost ready'' talent and decrease the time needed for high-potential executive talent to reach optimal performance.

Current SESCDPs must provide at least 80 hours of formal interagency or multi-sector training experience. OPM proposes to increase this to 100 hours of formal training which must include topics identified by the agencies that best serve the development of their participants and must also include topic areas specific to: strategic planning, financial management, human resource management, government efficiency, management and supervision, and accountability. Targeted training in the above-specified areas will serve to improve leadership skills such as decision-making, communicating, problem-solving, and adaptability. The number of specific hours allocated to each of these topics is at the discretion of the agencies.

[1] OPM, ''*Hiring and Talent Development for the Senior Executive Service*'' (May 29, 2025), *available at https://www.chcoc.gov/content/hiring-and-talent-development-senior-executive-service.*

[2] *Id.*

OPM proposes that participants in an agency SESCDP must receive at least two validated executive assessments (*i.e.,* structured evaluation tools that have been scientifically tested to ensure they reliably measure specific competencies, behaviors, or traits relevant to executive leadership). The first assessment must be conducted at selection, and a second assessment must be conducted during the program cohort. An agency would be required to consider the results of the first assessment in its evaluation of which candidates are best suited to participate in an SESCDP. Similarly, agencies would be required to use the in-program assessment results to identify and adjust, as needed, areas of continuing development for SESCDP participants while they progress through their program cohort.

Finally, OPM proposes to require a minimum 10 hours each of coaching and mentoring and to require at least one developmental assignment of 120 continuous days outside the scope of the candidate's position of record and require the assignments to include roles at the executive level where the candidate is held responsible for achieving organizational or agency results during the developmental assignment. The purpose of the new developmental assignment provision is to enhance and broaden the candidate's experience, increase his or her knowledge, and maximize his or her understanding of the overall functioning of the agency, so the candidate is prepared for a range of agency positions at the SES level.

§ 412.303

OPM proposes to add a Program Evaluation requirement. Agencies would be required to implement programmatic changes based on that feedback. Each SESCDP would be required to obtain re-approval from OPM based on demonstrated program effectiveness.

Expected Impact of This Rulemaking

A. Statement of Need

OPM is issuing this proposed rule pursuant to its authority to issue regulations governing the development for and within the SES in 5 U.S.C. 3396. Succession planning, through the identification of high performers, coupled with enhanced leadership preparation and development, plays a critical part in agency mission success. Building a pipeline of high performing GS–14s, 15s, and equivalents equipped with the skills, knowledge, technical expertise, and strategic mindset necessary to excel in senior leadership roles is crucial. Therefore, in order to build and maintain this ''ready now'' pipeline, a reformed SESCDP, focused and targeted, is needed and will contribute to increased succession readiness, particularly through the strategic placement of program graduates who receive OPM SES QRB certification. These prescribed changes will also drive a shift in the culture of the SES and implement more impactful SES training and development requirements.

Inconsistencies among SESCDPs have yielded mixed results across participating agencies. That variability has resulted in different training and development experiences for SESCDP participants and leads to some programs that are more effective than others in preparing their leaders. This causes fluctuating levels of candidate placement rates and creates challenges in supporting government-wide succession planning efforts. Additionally, OPM and agencies lack visibility on standardized government-wide program data. The absence of consistent metrics prevents OPM and agencies from comparing results across programs and assessing the impact and value to SESCDP participants and the government.

B. Impact

SESCDPs are designed to strengthen executive core qualifications (ECQ) competencies for selected high-performing aspiring executives through a demanding learning and developmental experience. An SESCDP provides candidates with governmentwide leadership challenges, opportunities to interact with senior employees outside their assigned department and/or agency, interagency training experiences, executive-level development assignments, mentoring, and coaching.

This experience boosts participants' executive competencies and expands their understanding of governmentwide programs and issues beyond their individual agency of assignment and their profession, broadening participants' understanding of missions, programs, core values, and management challenges. Utilizing an SESCDP can support an agency's talent management and succession planning efforts through building an equipped pipeline of ''ready now'' aspiring leaders. This allows senior agency leaders to make strategic and timely placements to improve performance, accomplish agency mission, and effectively provide services to the American public.

The proposed program changes will add a more unified structure to the SESCDPs and ensure a more aligned cadre of graduates through this succession management track. Templated program areas, from policy to program evaluations, will allow for a more integrated comparison of programs over time, allowing decision makers to further tailor the programs to meet the needs of agencies governmentwide and fully aligned with incumbent SES demonstrated leadership competencies. Ultimately, by increasing program standards and training requirements, an SESCDP will better equip program participants to excel in senior leadership roles and effectively implement the President's agenda. This will not only increase the President's confidence in the ability of the Executive Branch to serve the Nation but also build trust with the American people.

C. Costs

This proposed rule would affect the operations of the 13 Federal agencies that currently have an OPM-approved SESCDP policy—ranging from cabinet-level departments to small independent agencies. There are also two other Federal agencies that previously informed OPM that they would be submitting a SESCDP policy for approval. We estimate that this rule would require individuals employed by these agencies to spend time creating an updated SESCDP policy—whether updating their current SESCDP policy or creating a policy to start a new SESCDP—to reflect the updated program structure and administration. There would also be potential cost savings for the two sub-level agencies that have currently approved SESCDP policies as, moving forward, they would fall under their top-level agency policy.

Typically, an agency's Executive Resources or Training and Development staff handles tasks associated with overseeing the management of SESCDP policies and programs. Therefore, for this cost analysis, OPM assumes the average salary rate of Federal employees performing this work will be the rate in 2025 for GS–14, step 5, in the Washington, DC, locality pay table ($161,486 annual locality rate and $77.38 hourly locality rate). Typically, there are two types of roles who oversee the administration of an SESCDP—program managers and program coordinators—and their combined time would average the equivalent of one FTE at this grade level. We assume the total dollar value of labor, which includes wages, benefits, and overhead, is equal to 200 percent of the wage rate,

resulting in an assumed labor cost of $154.76 per hour.

To comply with the regulatory changes in the proposed rule, affected agencies would need to review the rule and update their policies and procedures. We estimate that, in the first year following publication of a final rule, this would require an average of 100 hours of work by employees with an average hourly cost of $154.76 per hour. Accounting for the 11 agencies with current approved policies, and the two agencies planning to submit for initial policy approval, this would result in estimated costs of about $15,000 per agency, or about $200,000 total. Further, because federal agencies are not required to obtain an OPM-approved SESCDP policy, each additional agency that decides to apply for a policy approval would equal an estimated cost of $15,000 per agency. For the second and third years of having an approved policy, agencies would see a cost savings of $15,000 each year, as the 100 hours of work to review the rule and update policies would not be required. However, following the third year, this cost would be incurred again when the agency must submit a policy re-approval.

When calculating other operational program costs per SESCDP participant, OPM estimates the average number of participants per program is about 25 participants per cohort. In addition, when calculating program costs for the assessment of applicants, OPM estimates that the assessments would be administered to those applicants on the Best Qualified list, which we estimate to be 40 people per cohort.

These additional program costs would include the increase in formal training hours, the addition of a second validated executive assessment, and the addition of 10 coaching hours to develop a candidate at the executive level. The current average cost of a formal training hour per SESCDP participant is $150. By adding 20 more formal training hours, the cost of this program element increases the cost per participant by $3,000. The current average cost of administering one validated executive assessment is $350 per assessment. Typically, these assessments require the results to be interpreted to the participant by a professional, adding additional cost. Adding a second assessment for use during the program is an additional $350. Finally, the cost of external coaching services can range anywhere from $200 to $3,000 per hour. However, when identifying sources that provide the level of professional expertise and coaching services needed to support SESCDP participants, it was estimated to cost approximately $1,000 per hour.

However, to offset costs pertaining to coaching requirements, agencies can utilize federal coaches (*i.e.,* graduates of the Federal Internal Coaching Training Program) certified in providing coaching services and administering feedback on assessments used by the agency. Of the 11 agencies currently holding policies, and the two agencies that have expressed interest in obtaining an approved policy, eight have formal programs that offer coaching to employees. If these agencies utilize their certified internal coaches to provide this service, the cost of adding the coaching requirement into the SESCDP could be reduced by approximately $3 million each year across government. Additionally, agencies that do not have coaching programs can partner with OPM to identify and utilize federal coaches through the Federal Coaching Network (FCN). The FCN is a community of individuals across the federal government who are invested in the practice of coaching and support its role in leadership development. Furthermore, by leveraging a multi-agency OPM-approved SESCDP policy, these agencies can partner with those that do have a formal coaching program to combine and share resources. For agencies who are able to leverage internal coaching services, it is estimated that the combined costs for new training and development requirements would be approximately $152,000 per agency. For agencies who must or choose to leverage external coaching services, that cost would increase to approximately $402,000 per agency.

It is also important to note that the recruitment and hiring costs to onboard an SES can vary from agency to agency. OPM anticipates that the SESCDPs under this revised framework will more reliably produce high-caliber SES candidates that are ready to step into SES positions. This proposed rule would require a minimum level of SESCDP graduate placement rate of participants set by OPM as evaluation criteria, reflecting the improved effectiveness of the OPM-approved SESCDPs. OPM expects that this would allow agencies to realize cost savings, as they could offset SES recruitment and hiring costs by increasing the amount of SESCDP graduates placed in vacant executive positions.

OPM anticipates that total costs for agencies who are able to leverage the internal savings mentioned above would be an estimated $167,000 per agency, or $2.2M across all participating agencies. If all participating agencies must, or choose, to leverage external developmental services or resources, that cost would increase to approximately $417,000 per agency, or $5.4M total.

D. Benefits

The standardization of program policies will save time for agencies by reducing policy drafting and approval timelines. Decreasing the program cohort duration allows for a more expedited timeline of identifying near ready talent and preparing them fully to fill SES vacancies. Common practice in program evaluation allows for measuring the individual SESCDP participant input on program outcomes, and the standardized feedback will allow for easier comparison from program to program. Additionally, adding an organizational standard evaluation feedback tool provides an opportunity for the impact to be measured more easily for return on investment to the organization, as referenced by Njah et al., which can aid in continued decisions about the impacts that the program outcomes have on the organization.[3]

Utilization of validated assessments during the recruitment process would support agencies in identifying those candidates who are on the cusp of becoming senior executives and that are best suited to participate in an SESCDP. Further, use of an assessment—such as a 360-degree assessment—during the course of the SESCDP will also provide valuable feedback to candidates, especially when used as a part of the coaching relationship. Because this kind of assessment provides feedback from a variety of perceptions, coaches can utilize feedback, ''. . . to bring a measure of objectivity and structure to the coaching engagement.'' [4] The frequency of coaching sessions can be prescribed using the common practice of meeting once per month as is typical with a leadership or executive coach. Therefore, a nine-month SESCDP would account for 9 hours of coaching and also allow for 1 hour focusing on providing assessment feedback. This structure is supported by research from DiGirolamo, who discusses the benefits of using coaching as a tool in leadership

[3] Njah J., Hansoti B., Adeyami A., Bruce K., O'Malley G., Gugerty M.K., Chi B.H., Lubimbi N., Steen E., Stampfly S., Berman E., Kimball A.M. Measuring for Success: Evaluating Leadership Training Programs for Sustainable Impact. Ann Glob Health. 2021 Jul 12;87(1):63. doi: 10.5334/aogh.3221. PMID: 34307066; PMCID: PMC8284530.

[4] DiGirolamo, Joel. Coaching for Professional Development, SHRM–SIOP Science of HR White Paper Series. Society for Human Resource Management & Society for Industrial and Organizational Psychology. 2015.

succession management and how ''[i]ndividualized attention in coaching will bring a laser-sharp focus on unique strengths and growth opportunities.''

E. Regulatory Alternatives

An alternative to this rulemaking is to not modify current regulatory program requirements and instead issue further OPM guidance encouraging agencies to be increasingly rigorous in their management of their SESCDPs. OPM could recommend that agencies incorporate these changes as promising or best practices, with the goal to increase program oversight, participation, and performance. However, previous attempts to achieve this result through recommendations and informal guidance to agencies have not been successful and, instead, have allowed agencies to continue to modify program methodologies, resulting in varying program policies and results. According to feedback from agencies with approved policies, program managers and coordinators have consistently suggested that OPM standardize improved program requirements so that their SESCDPs would be more aligned. Therefore, solidifying the requirements through OPM-developed templates would reduce the burden on agencies and would help produce consistent data points for comparison to ensure quality implementation of SESCDPs government wide. Additionally, this will help provide universal datapoints to agency leadership to illustrate the effectiveness of an agency's SESCDP, how it compares to other agency programs, and ensure program accountability to produce measurable high-quality, timely, and cost-effective results.

Request for Comments

OPM requests comments on the implementation and potential impacts of this proposed rule. Such information will be useful for better understanding the effect of this amendment on SESCDP. The type of information in which OPM is interested includes, but is not limited to, the following:

- What research should OPM consider regarding the time requirements allotted for training, mentoring, and coaching in addition to what has been mentioned?
- Should OPM prescribe a specific number of hours for each of the proposed training topics listed in § 412.302? Should the number of hours be equally allocated to each topic, or should agencies have the flexibility to ensure each topic is appropriately covered?
- What is the benefit of expanding executive assessments on the effectiveness of development programs?
- What promising practices have similar executive development programs in the private sector adopted? How have they impacted talent management and succession planning efforts?
- What additional executive development research should be considered regarding proposed changes to these elements of the regulation?

In the final rule, OPM may adopt changes from the proposed requirements based on the information it receives in response to these questions.

Regulatory Compliance

A. Regulatory Review

OPM has examined the impact of this rule as required by E.O.s 12866 and 13563, which 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 must be prepared for rules that 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. This rulemaking does not reach that threshold but has otherwise been designated a ''significant regulatory action'' under section 3(f) of Executive Order 12866. This rule is not expected to be an E.O. 14192 regulatory action because it imposes no more than de minimis costs.

B. Regulatory Flexibility Act

The Director of OPM certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities because it will apply only to Federal agencies and employees.

C. Federalism

This rulemaking will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this proposed rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

D. Civil Justice Reform

This rulemaking meets the applicable standards set forth in section 3(a) and (b)(2) of Executive Order 12988.

E. Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess anticipated costs and benefits before issuing any rule that would impose spending costs on State, local, or tribal governments in the aggregate, or on the private sector, in any 1 year of $100 million in 1995 dollars, updated annually for inflation. That threshold is currently approximately $206 million. This rulemaking will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, in excess of the threshold. Thus, no written assessment of unfunded mandates is required.

F. Paperwork Reduction Act

This regulatory action will not impose any reporting or recordkeeping requirements under the Paperwork Reduction Act.

List of Subjects in 5 CFR Part 412

Education, Government employees.

Accordingly, for the reasons stated in the preamble, OPM proposes to amend 5 CFR part 412 as follows:

PART 412—SUPERVISORY, MANAGEMENT, AND EXECUTIVE DEVELOPMENT

■ 1. The authority citation for part 412 is revised to read as follows:

Authority: 5 U.S.C. 1103(c)(2)(C), 3396, 3397, and ch. 41.

Subpart C—Senior Executive Service Candidate Development Programs

■ 2. Amend § 412.301 by revising paragraphs (b), (c), and (d) to read as follows:

§ 412.301 Obtaining approval to conduct a Senior Executive Service candidate development program (SESCDP).

* * * * *

(b) An agency covered by 5 U.S.C., chapter 31, subchapter II, may apply to OPM to conduct an SESCDP alone or on behalf of a group of agencies. (In this subpart, the term ''agency'' refers to either a single agency or a group of agencies acting in partnership under this subpart.) Any agency developing an SESCDP must submit a single overarching policy document to OPM

for formal approval before implementing the SESCDP. Agencies must use the OPM-developed SESCDP policy template to describe program methodologies.

(c) An agency must seek OPM re-approval (see § 412.303) on a triennial basis and must also consult OPM before implementing a change substantially altering how the SESCDP complies with the requirements of this regulation. OPM re-approval must be obtained before an agency initiates a new SESCDP.

(d) An approved SESCDP policy will serve as an umbrella program policy and establish enterprise-wide requirements for the entire agency. An agency with an OPM-approved SESCDP policy may authorize a major agency component or subcomponent employing senior executives to conduct an SESCDP. The major agency component or subcomponent must utilize and adhere to the approved agency policy when administering an individual SESCDP cohort.

* * * * *

■ 3. Amend § 412.302 by revising paragraphs (a), (b), and (c) to read as follows:

§ 412.302 Criteria for a Senior Executive Service candidate development program (SESCDP).

(a) *Executive Resources Board requirements.* An agency's Executive Resources Board (ERB) must oversee the SESCDP. The ERB ensures the development program both complies with the requirements of paragraph (c) of this section and includes substantive developmental experiences that should equip a successful candidate to accomplish Federal Government missions as a senior executive. The agency ERB must oversee and be accountable for SESCDP recruitment, merit staffing, and assessment. The agency ERB must ensure the program follows SES merit staffing provisions in 5 CFR 317.501, subject to the condition explained in § 412.302(d)(1). The ERB also must oversee development, evaluation, progress in the program, and graduation of candidates, and submit for QRB review within 80 calendar-days of graduation those candidates determined by the ERB to possess the executive core qualifications. The ERB must also oversee the writing and implementation of a removal policy for program candidates who do not make adequate progress.

(b) *Recruitment.*

(1) Consistent with the merit system principles in 5 U.S.C. 2301(b)(1) and (2), agencies must ensure that recruitment for the program is from all groups of qualified individuals within the civil service, or all groups of qualified individuals whether or not within the civil service.

(2) The number of expected SES vacancies must be considered as one factor in determining the number of selected candidates, and agencies, to the maximum extent possible, should ensure program participation includes candidates from outside of the agency.

(3) Agencies must require each applicant to complete one validated executive assessment during the program application process and each SESCDP participant to complete at least one additional validated executive assessment during the course of the SESCDP. Agencies must consider the results of the assessment conducted during the application process in identifying those candidates who are best suited to participate in an SESCDP. Agencies must use the in-program assessment results to identify and adjust, as needed, areas of continuing development for each SESCDP participant while they progress through the program cohort.

(c) *Senior Executive Service candidate development program requirements.* An SESCDP program cohort must last a minimum of nine months but must not exceed twelve months in duration. To graduate, a candidate must accomplish the requirements of the program established by his or her agency. An SESCDP must include each of the following elements for each SESCDP participant:

(1) A documented development plan based upon a competency-based needs determination and approved by the agency ERB. The candidate must utilize the OPM-standardized Executive Development Plan (EDP) template, which will:

(i) Address the executive core qualifications (ECQs);

(ii) Address Federal Government leadership challenges crucial to the senior executive;

(iii) Provide increased knowledge and understanding of the overall functioning of the agency, so the participant is prepared for a range of positions and responsibilities;

(iv) Include interaction with senior employees outside the candidate's department or agency to foster a broader perspective; and

(v) Address Governmentwide or multi-agency applicability in the nature and scope of the training;

(2) A formal interagency and/or multi-sector training experience lasting at least 100 hours that, at a minimum, addresses the topics of strategic planning, financial management, human capital management, human resource management, government efficiency, management and supervision, and accountability. The number of specific hours allocated to each training topic is at the discretion of the agency. The agency may add additional agency-specific training topics as appropriate and any additional topics prescribed through OPM guidance and policy. The training experience must include interaction with senior employees outside the candidate's department or agency.

(3) A developmental assignment of at least 120 continuous days of full-time service to a position other than, and substantially different from, the candidate's position of record. The assignment must include executive-level responsibility and differ from the candidate's current and past assignments in ways that broaden the candidate's experience, as well as challenge the candidate with respect to leadership competencies and the ECQs. Assignments need not be restricted to the agency, the Executive Branch, or the Federal Government, so long as they can be accomplished in compliance with applicable law and Federal and agency-specific ethics regulations. The candidate is held accountable for organizational or agency results achieved during the assignment. If the assignment is in a non-Federal organization, the ERB must provide for adequate documentation of the individual's actions and accomplishments and must determine the assignment will contribute to development of the candidate's executive qualifications.

(4) A mentor who is a member of the SES or is otherwise determined by the ERB to have the knowledge and capacity to advise the candidate, consistent with goals of the SESCDP. The mentor and the candidate are jointly responsible for a productive mentoring relationship and are required to meet for a minimum of 10 hours during the course of the SESCDP. However, the agency should establish methods to assess these relationships and, if necessary, facilitate them or make appropriate changes in the interest of the candidate.

(5) A leadership or executive-level coach who is certified with an accredited coaching organization and is determined by the ERB to have the knowledge and capacity to advise the candidate, consistent with the goals of the SESCDP. The coach and the candidate are jointly responsible for a productive coaching relationship and are required to meet for a minimum of 10 hours during the course of the SESCDP. However, the agency must

establish methods to assess these relationships and, if necessary, facilitate them or make appropriate changes in the interest of the candidate.

* * * * *

■ 5. Add § 412.303 to read as follows:

§ 412.303 Senior Executive Service candidate development program (SESCDP) oversight and evaluation.

(a) Agencies must complete and maintain program evaluations pursuant to training evaluation requirements in 5 CFR 410.202 and must use OPM-developed evaluation templates for completion, respectively, by individual SESCDP participants and agency program managers:

(1) Upon completion of each individual SESCDP cohort;

(2) Annually for the overarching SESCDP; and

(3) To collect evaluation data for the purpose of identifying and implementing program enhancements or alternative approaches to program administration.

(b) To seek OPM re-approval of an SESCDP policy, an agency must submit its current program policy and completed overarching program evaluation template. Evaluations must include initial SES placement rates for graduates who receive a QRB certification and demonstrate that the agency maintains a minimum placement rate as required by OPM policy and guidance. Individual participant program cohort evaluation templates are not required for re-approval; however, OPM reserves the right to request templates for each individual cohort during the current approval period.

{December 16, 2025}

The Director of OPM, Scott Kupor, reviewed and approved this document and has authorized the undersigned to electronically sign and submit this document to the Office of the Federal Register for publication.

Office of Personnel Management.

Jerson Matias,

Federal Register Liaison.

[FR Doc. 2025–23289 Filed 12–17–25; 8:45 am]

BILLING CODE 6325–39–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–5393; Project Identifier MCAI–2025–00157–R]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH (AHD) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus Helicopters Deutschland GmbH (AHD) Model MBB–BK 117 A–1, MBB–BK 117 A–3, MBB–BK 117 A–4, MBB–BK 117 B–1, MBB–BK 117 B–2, and MBB–BK 117 C–1 helicopters. This proposed AD was prompted by a report of a main rotor head (MRH) having the same part number (P/N) and serial number (S/N) as another MRH due to incorrect modification instructions where the modified part serial number was not re-identified and the MRH can be operated with the wrong associated log card if accidently interchanged. This proposed AD would require performing a one-time consistency check of the P/N and S/N of the MRH, performing corrective actions if applicable, determining if the MRH has been modified, and re-identifying the modified MRH. The proposed AD would also allow replacing the MRH as an optional action and would prohibit the installation of an affected MRH on any helicopter. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by February 2, 2026.

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

- *Federal eRulemaking Portal:* Go to *regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–5393; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2025–5393.

FOR FURTHER INFORMATION CONTACT: Promita Dey, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4106; email: *promita.dey@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under **ADDRESSES**. Include ''Docket No. FAA–2025–5393; Project Identifier MCAI–2025–00157–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act

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

Background

EASA, which is the Technical Agent for the Member States of the European Union, issued EASA AD 2025–0028, dated February 7, 2025 (EASA AD 2025–0028) (also referred to as the MCAI), to correct an unsafe condition on Airbus Helicopters Deutschland GmbH Model MBB–BK117 A–1, MBB–BK117 A–3, MBB–BK117 A–4, MBB–BK117 B–1, MBB–BK117 B–2, and MBB–BK117 C–1 helicopters. The MCAI states that an occurrence was reported of two MRHs having an identical P/N and S/N. The MCAI further states that a subsequent investigation determined that the duplicate identification was due to incorrect modification instructions for the MRH in an Airbus Helicopters service information notice where the modified part serial number was not re-identified; this could result in the MRH being operated with the wrong associated log card if incorrectly interchanged. This condition, if not detected and corrected, could result in operation of an MRH and its critical parts beyond certified limits and lead to failure of certain parts and consequent loss of control of the helicopter.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–5393.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0028, which specifies procedures for a one-time consistency check of the P/N and S/N of the MRH to verify against the existing helicopter log card or equivalent record and, depending on the results, contacting Airbus Helicopters for approved instructions. EASA AD 2025–0028 also specifies procedures for performing an additional check of the existing helicopter log card or equivalent record to determine if the MRH has been modified and procedures for re-identifying an MRH that has been modified. EASA AD 2025–0028 allows replacing the MRH with a serviceable part in accordance with the instructions of the applicable Aircraft Maintenance Manual as an optional action to accomplishing the initial consistency check and the corrective actions. EASA AD 2025–0028 prohibits installing an affected MRH on any helicopter.

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2025–0028, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD. See ''Differences Between this Proposed AD and the MCAI'' for a general discussion of these differences.

Differences Between This Proposed AD and the MCAI

Where the MCAI specifies contacting Airbus Helicopters for repair instructions, this proposed AD would require using a method approved by the FAA, EASA, or Airbus Helicopters' EASA Design Organization Approval.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some CAA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2025–0028 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0028 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025–0028 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2025–0028. Material required by EASA AD 2025–0028 for compliance will be available at *regulations.gov* under Docket No. FAA–2025–5393 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 34 helicopters of U.S. registry. The FAA estimates the following costs to comply with this proposed AD.

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Perform consistency check	2 work-hours × $85 per hour = $170	$0	$170	$5,780

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Review existing helicopter log card or equivalent record.	1 work-hour × $85 per hour = $85	$0	$85
Re-identify MRH	1 work-hour × $85 per hour = $85	0	85

The FAA has received no definitive data on which to base the cost estimates for the corrective actions specified in this proposed AD.

OPTIONAL ACTION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace MRH	10 work-hours × $85 per hour = $850	Up to $89,000	Up to $89,850.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Helicopters Deutschland GmbH (AHD): Docket No. FAA–2025–5393; Project Identifier MCAI–2025–00157–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by February 2, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Deutschland GmbH (AHD) Model MBB–BK 117 A–1, MBB–BK 117 A–3, MBB–BK 117 A–4, MBB–BK 117 B–1, MBB–BK 117 B–2, and MBB–BK 117 C–1 helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 6220, Main Rotor Head.

(e) Unsafe Condition

This AD was prompted by a report of a main rotor head (MRH) having the same part number (P/N) and serial number (S/N) as another MRH due to incorrect modification instructions where the modified part S/N was not re-identified and the MRH can be operated with the wrong associated log card if accidently interchanged. The FAA is issuing this AD to detect and correct the incorrect identification of S/Ns and P/Ns on MRHs which, if not addressed, could result in operation of an MRH and its critical parts beyond certified limits and lead to failure of certain parts and consequent loss of control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2025–0028, dated February 7, 2025 (EASA AD 2025–0028).

(h) Exceptions to EASA AD 2025–0028

(1) Where EASA AD 2025–0028 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2025–0028 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(3) Where paragraphs (2) and (4) of EASA AD 2025–0028 specify discrepancy, for the purposes of this AD, a discrepancy can be defined as the serial number on the MRH [Main Rotor Head] not matching the serial number on the helicopters existing log card or equivalent record.

(4) Where the material referenced in EASA AD 2025–0028 specifies ''check'', this AD requires replacing that text with ''inspect''.

(5) Where EASA AD 2025–0028 and the material referenced in EASA AD 2025–0028 specifies ''MRH log card'', this AD requires replacing that text with ''existing helicopter log card or equivalent record''.

(6) Where EASA AD 2025–0028 or the referenced material specifies to contact AH [Airbus Helicopters] to obtain approved instructions, or specifies a part is eligible for installation in accordance with AH instructions, this AD requires those actions done in accordance with a method approved

by the Manager, International Validation Branch, FAA; or EASA; or Airbus Helicopters' EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(7) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0028.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2025–0028 specifies to submit certain information to the manufacturer, this AD does not require that action.

(j) Alternative Methods of Compliance (AMOCs)

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

(k) Additional Information

For more information about this AD, contact Promita Dey, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (913) 563–8269; email: *promita.dey@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0028, dated February 7, 2025.

(ii) [Reserved]

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

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

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

Issued on December 15, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–23258 Filed 12–17–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–5571; Airspace Docket No. 25–AWP–172]

RIN 2120–AA66

Amendment of Class D and Establishment of Class E Airspace; Chandler and Phoenix, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class D airspace and establish Class E airspace at Chandler and Phoenix, AZ. The name and geographic coordinates of the Mesa Gateway Airport, Phoenix, AZ, would also be updated to coincide with the FAA's aeronautical database. The FAA is proposing this action due to biennial airspace reviews, to support instrument flight rule (IFR) operations, and to bring the airspace into compliance with FAA orders.

DATES: Comments must be received on or before February 2, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2025–5571 and Airspace Docket No. 25–AWP–172 using any of the following methods:

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

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

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

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

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class D airspace and establish Class E airspace at the affected airports to support IFR operations.

Comments Invited

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

The FAA will file in the docket all comments it receives, as well as a report

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

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

Availability of Rulemaking Documents

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

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

Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 that would modify the Class D airspace and establish Class E airspace extending upward from 700 feet above the surface at Chandler, Arizona, and Phoenix, Arizona, due to biennial airspace reviews.

For the Chandler Municipal Airport, Chandler, AZ, Class D airspace the proposal would: (1) increase the radius from 4 miles to 4.8 miles; (2) increase the vertical limit from 3,000 feet MSL to 3,700 feet MSL; (3) remove Williams Gateway Airport and the associated exclusion area as they are no longer required; (4) add an exclusion area west of 111°53′41″ W; (5) update the airspace legal description header from ''Chandler Municipal Airport, AZ'' to ''Chandler, AZ'' to comply with changes to FAA Order JO 7400.2R, Procedures for Handling Airspace Matters; and (6) update the outdated term of ''Airport/Facility Directory'' to ''Chart Supplement.''

For the Mesa Gateway Airport, Phoenix, AZ, the proposal would: (1) increase the radius from 5 miles to 5.4 miles; (2) add an exclusion area for the Chandler Municipal Airport Class D airspace; (3) add an exclusion area within a 1.2-mile radius of Pegasus Airpark, Queen Creek, AZ; (4) update the name of the airport from Williams Gateway Airport to Mesa Gateway Airport and update the geographic coordinates of the airport to coincide with the FAA's aeronautical database; (5) update the airspace legal description header from ''Chandler, AZ'' to ''Phoenix, AZ'' to coincide with the FAA's aeronautical database; and (6) update the outdated term of ''Airport/Facility Directory'' to ''Chart Supplement.''

This action proposes to establish Class E airspace extending upward from 700 feet above the surface at Stellar Airport, Chandler, AZ, within a 13.9-mile radius of the airport.

This action proposes to establish Class E airspace extending upward from 700 feet above the surface at Mesa Gateway Airport, Phoenix, AZ; (1) within a 7.9-mile radius of the airport; (2) within 4 miles northeast and 8 miles southwest of the 136° bearing for the Mesa Gateway: RWY 30C–LOC extending from the 7.9-mile radius of the airport to 17.7 miles southeast of the Mesa Gateway: RWY 30C–LOC; (3) and within 7.9 miles northeast and 4 miles southwest of the 136° bearing from the airport extending from the 7.9-mile radius of the airport to 12.6 miles southeast of the airport.

This action is the result of biennial airspace reviews at these airports, would support IFR operations, and bring the airspace into compliance with current FAA orders.

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

AWP AZ D Chandler, AZ [Amended]

Chandler Municipal Airport, AZ

(Lat. 33°16′09″ N, long. 111°48′40″ W)

That airspace extending upward from the surface up to and including 3,700 feet MSL within a 4.8-mile radius of Chandler Municipal Airport, excluding that portion west of latitude 111°53′41″ 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.

* * * * *

AWP AZ D Phoenix, AZ [Amended]

Mesa Gateway Airport, AZ
(Lat. 33°18′28″ N, long. 111°39′20″ W)
Pegasus Airpark, AZ
(Lat. 33°12′31″ N, long. 111°37′02″ W)

That airspace extending upward from the surface to and including 3,900 feet MSL within a 5.4-mile radius of Mesa Gateway Airport, excluding that portion within the Chandler Municipal Airport, Chandler, AZ, Class D airspace; and excluding that portion within a 1.2-mile radius of Pegasus Airpark; and excluding that portion within the Phoenix, AZ, Class B airspace. 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.

* * * * *

AWP AZ E5 Chandler, AZ [Establish]

Stellar Airpark, AZ
(Lat. 33°17′56″ N, long. 111°54′57″ W)

That airspace extending upward from 700 feet above the surface within a 13.9-mile radius of Stellar Airpark.

* * * * *

AWP AZ E5 Phoenix, AZ [Establish]

Mesa Gateway Airport, AZ
(Lat. 33°18′28″ N, long. 111°39′20″ W)
Mesa Gateway: RWY 30C–LOC
(Lat. 33°19′13″ N, long. 111°40′09″ W)

That airspace extending upward from 700 feet above the surface within a 7.9-mile radius of Mesa Gateway Airport; and within 4 miles northeast and 8 miles southwest of the 136° bearing from the Mesa Gateway: RWY 30C–LOC extending from the 7.9-mile radius of the Mesa Gateway Airport to 17.7 miles southeast of the Mesa Gateway: RWY 30C–LOC; and within 7.9 miles northeast and 4 miles southwest of the 136° bearing from the Mesa Gateway Airport extending from the 7.9-mile radius of Mesa Gateway Airport to 12.6 miles southeast of the Mesa Gateway Airport.

* * * * *

Issued in Fort Worth, Texas, on December 16, 2025.

Jerry J. Creecy,

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

[FR Doc. 2025–23273 Filed 12–17–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–1185; Airspace Docket No. 25–ASO–13]

RIN 2120–AA66

Amendment of Class E Airspace; Morganton, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace extending upward from 700 feet above the surface at Morganton, NC, by expanding the airspace to encompass Carolinas Healthcare System Blue Ridge, Morganton, NC. It would also update the name of the former Morganton-Lenoir Airport to Foothills Regional Airport, Morganton, NC, as the airport has changed its name. Finally, it would remove the Grace Hospital reference along with the point in space coordinates, as Grace Hospital no longer exists. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

DATES: Comments must be received on or before February 2, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2025–1185 and Airspace Docket No. 25–ASO–13 using any of the following methods:

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

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

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

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

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

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

FOR FURTHER INFORMATION CONTACT: Rachel Cruz, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305–5571.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would amend Class E airspace in Morganton, NC.

Comments Invited

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

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the

closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

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

Availability of Rulemaking Documents

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during regular business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

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

The Proposal

The FAA proposes an amendment to 14 CFR part 71 to modify Class E airspace by expanding the Class E airspace extending upward from 700 feet above the surface within a 7-mile radius of the Carolinas Healthcare System Blue Ridge, Morganton, NC. It would also update the airport name from the former Morganton-Lenoir Airport, Morganton, NC, to Foothills Regional Airport, Morganton, NC, as the airport has changed its name. Additionally, it would update the coordinates for Foothills Regional Airport, Morganton, NC, to reflect its most accurate coordinates. Finally, it would remove Grace Hospital along with its Point in Space Coordinates, as that hospital no longer exists. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

■ 1. The authority citation for 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.

* * * * *

ASO NC E5 Morganton, NC [Amended]

Foothills Regional Airport, NC
(Lat. 35°49′13″ N, long. 81°36′41″ W)
Fiddlers NDB
(Lat. 35°42′37″ N, long. 81°40′17″ W)
Carolinas Healthcare System Blue Ridge, NC
(Lat. 35°43′37″ N, long. 81°39′13″ W)

That airspace extending upward from 700 feet or more above the surface within a 9.5-mile radius of the Foothills Regional Airport and within 2.5 miles each side of the 205° bearing from Fiddlers NDB, extending from the 9.5-mile radius to 7 miles southwest of the NDB and that airspace within a 7-mile radius of Carolinas Healthcare System Blue Ridge; excluding that airspace within the Hickory, NC, Class E airspace area.

* * * * *

Issued in College Park, Georgia, on December 15, 2025.

Patrick Young,

Manager, Airspace & Procedures Team North, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2025–23254 Filed 12–17–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

[SATS No. ND–058–FOR; Docket ID: OSM–2025–0038; S1D1S SS08011000 SX064A000 256S180110; S2D2S SS08011000 SX064A000 25XS501520]

North Dakota Reclamation Plan

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

ACTION: Proposed rule and notice of public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), announce receipt of a proposed amendment to the North Dakota abandoned mine land (AML) reclamation plan (the North Dakota plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). The proposed amendment updates the purposes for which the

North Dakota abandoned mine reclamation fund may be used and creates a set-aside trust account in the State treasury. The definition of eligible lands and water and project priorities are also revised.

DATES: We will accept written comments on this amendment until 4:00 p.m., Mountain Daylight Time (M.T.), January 20, 2026. If requested, we may hold a public hearing or meeting on the amendment on January 12, 2026. We will accept requests to speak at a hearing until 4:00 p.m., M.T. on January 2, 2026.

ADDRESSES: You may submit comments, identified by State Amendment Tracking System (SATS) No. ND–058–FOR, by any of the following methods:

- *Mail/Hand Delivery:* OSMRE, Attn: Jeffrey Fleischman, P.O. Box 11018, 100 East B Street, Room 4100, Casper, Wyoming 82601–1018.
- *Federal eRulemaking Portal:* The amendment has been assigned Docket ID: OSM–2025–0038. If you would like to submit comments, go to *http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Comment Procedures'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to review copies of the North Dakota plan, this amendment, a listing of any scheduled public hearings or meetings, and all written comments received in response to this document, you must go to the address listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSMRE's Casper Area Office or the full text of the plan amendment is available for you to read at *www.regulations.gov.* Attn: Jeffrey Fleischman, Denver Field Division Chief, Office of Surface Mining Reclamation and Enforcement, Casper Area Office, P.O. Box 11018, 100 East B Street, Room 4100, Casper, Wyoming 82601–1018. Telephone: (307) 204–4397. Email: *jfleischman@osmre.gov.*

In addition, you may review a copy of the proposed amendment during regular business hours at the following location: Attn: Jonathan Emmer, AML Division Director, North Dakota Public Service Commission, 600 East Boulevard, Dept. 408, Bismarck, North Dakota 58505–0480. Telephone: (701) 328–4094. Email: *jemmer@nd.gov.*

FOR FURTHER INFORMATION CONTACT: Jeffrey Fleischman, Denver Field Division Chief, Office of Surface Mining Reclamation and Enforcement, Casper Area Office, P.O. Box 11018, 100 East B Street Casper, Wyoming 82601–1018. Telephone: (307) 204–4397. Email: *jfleischman@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the North Dakota Reclamation Plan
II. Description of the Proposed Amendment
III. Public Comment Procedures
IV. Statutory and Executive Order Review

I. Background on the North Dakota Reclamation Plan

OSMRE's Abandoned Mine Land Reclamation Program was established by title IV of the Act (30 U.S.C. 1201 *et seq.*), in response to concerns over extensive environmental damage caused by coal mining activities prior to the enactment of SMCRA. Traditionally, this program has been funded primarily by a reclamation fee collected by OSMRE on each ton of coal that is produced. The money is placed in the Federal Abandoned Mine Reclamation Fund and is distributed to States and Tribes with approved reclamation plans as grants to be used to finance the reclamation of coal mines abandoned before the enactment of SMCRA and left in an unreclaimed or inadequately reclaimed condition and for certain other purposes.

Section 405 of the Act (30 U.S.C. 1235) allows States and Tribes to assume exclusive responsibility for AML reclamation activity on lands within their jurisdiction if they develop and submit to the Secretary of the Interior for approval, a reclamation plan for the reclamation of abandoned coal mines. On the basis of these criteria, the Secretary of the Interior conditionally approved the North Dakota Abandoned Mine Plan on July 27, 1992. You can find background information on the North Dakota plan, including the Secretary's findings, the disposition of comments, and conditions of approval of the North Dakota program in the July 27, 1992, **Federal Register** (57 FR 33116).

II. Description of the Proposed Amendment

By letter dated September 10, 2025 (Administrative Record No. ND–058–01), North Dakota sent us an amendment to its plan under SMCRA (30 U.S.C. 1201 *et seq.*). Through Senate bill 2117 (SB 2117), North Dakota proposed changes to chapter 38–14.2 of the North Dakota Century Code (NDCC) in response to the Infrastructure Investment and Jobs Act (Pub. L. 117–58), the Consolidated Appropriations Act, 2023 (Pub. L. 117–328), and changes to title 30, chapter VII, subchapter R of the Code of Federal Regulations.

This proposed amendment updates the purposes for which the North Dakota abandoned mine reclamation fund may be used and creates a set-aside trust account in the State treasury. The definition of eligible lands and water and project priorities are also revised. The full text of the plan amendment is available for you to read at the locations listed above under **ADDRESSES** or at *www.regulations.gov.*

III. Public Comment Procedures

We are seeking your comments on whether the amendment satisfies the applicable plan approval criteria of 30 CFR 884.14 and 884.15. If we approve the amendment, it will become part of the North Dakota reclamation plan.

Electronic or Written Comments

If you submit written or electronic comments on the proposed rule during the 30-day comment period, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change. We appreciate any and all relevant comments, but those most useful and likely to influence decisions on the final regulations will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., M.T. on January 2, 2026. If

you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

IV. Statutory and Executive Order Review

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

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

Other Laws and Executive Orders Affecting Rulemaking

When a State submits a plan amendment to OSMRE for review, our regulations at 30 CFR 884.14 and 884.15, and agency policy require public notification and an opportunity for public comment. We accomplish this by publishing a notice in the **Federal Register** indicating receipt of the proposed amendment and its text or a summary of its terms.

We will conclude our review of the proposed amendment after the close of the public comment period and will determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

List of Subjects in 30 CFR Part 934

Intergovernmental relations, Surface mining, Underground mining.

Marcelo Calle,

Acting Regional Director, Unified Interior Regions 5, 7–11.

[FR Doc. 2025–23264 Filed 12–17–25; 8:45 am]

BILLING CODE 4310–05–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3055

[Docket No. RM2026–1; Order No. 9397]

RIN 3211–AA40

Service Performance Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Notice of Proposed Rulemaking proposes revisions to update the existing annual service performance reporting requirements for the Postal Service's Market Dominant products. The proposed revisions are based on both recent legal developments and the Commission's experience with the existing rules. This document informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* January 19, 2026. *Reply comments are due:* February 9, 2026.

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. The Rule Summary can be found on the Commission's Rule Summary Page at *https://www.prc.gov/rule-summary-page.*

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background
II. Basis of Proposed Rules
III. Proposed Rules

I. Background

The Postal Accountability and Enhancement Act (PAEA) enhanced the Commission's role in overseeing how the Postal Service reports information.[1] The PAEA requires the Commission to prescribe the content and form of the public reports that the Postal Service files with the Commission under section 3652. 39 U.S.C. 3652(e)(1). The Commission may initiate proceedings to improve the quality, accuracy, or completeness of Postal Service reporting whenever the Commission determines that service performance data have become significantly inadequate, could be significantly improved, or otherwise requires revision as necessitated by the public interest. 39 U.S.C. 3652(e)(2). The PAEA introduced new requirements that led to the Postal Service developing service standards (a delivery day range and business rules), service performance goals (on-time percent targets), and service performance measurement systems.

Following a multi-year evaluation process, on July 5, 2018, the Commission approved the use of the Internal Service Performance Measurement (SPM) System.[2] In doing so, the Commission found the applicable standard for use of an internal service performance measurement system to be whether the system is capable of reporting accurate, reliable, and representative service performance data. *Id.* at 15. From a design perspective, SPM is significantly more complex than the measurement systems that preceded it. In recent months, the Postal Service has three times given the Commission notice of substantial planned changes to the SPM system.[3]

[1] Postal Accountability and Enhancement Act (PAEA), Public Law 109–435, 120 Stat. 3198 (2006). *See* 39 U.S.C. 3652(e).

[2] Docket No. PI2015–1, Order Approving Use of Internal Measurement Systems, July 5, 2018 (Order No. 4697).

[3] In the first two of these instances, the Commission put in place interim reporting requirements to enable it to evaluate the effect of these changes on SPM's accuracy, reliability, and representativeness, and also to evaluate whether any revisions to the Commission's service performance reporting requirements with respect to measurement exclusions are necessary. *See* Docket Nos. RM2024–9 and PI2025–2, Interim Order Regarding Proposed Service Performance Measurement Changes, March 28, 2025, at 22–23, 37–39, 40–41 (Order No. 8761). These reporting requirements were partially modified by Order No. 8823. *See* Docket Nos. RM2024–9 and PI2025–2, Order Conditionally Granting Motion for

The recent enactment of the Postal Service Reform Act of 2022 (PSRA) codified a requirement for the Postal Service to set reasonable performance targets for each product and to provide those targets to the Commission for the Commission to evaluate compliance each year.[4]

II. Basis of Proposed Rules

Pursuant to 39 U.S.C. 503, 3652, 3653, 3691, and 3692, the Commission proposes revisions to the service performance reporting rules at 39 CFR part 3055, subpart A.

First, the Commission proposes revisions to existing sections 3055.4 and 3055.5 to more specifically address changes to internal service performance measurement systems. These revisions would establish a burden of proof that proposed changes to such systems would be required to meet and would prevent the Postal Service from implementing changes without prior Commission approval. They would also codify the Commission's existing authority to initiate a proceeding to review such systems at any time, and would implement a procedure whereby interested persons could petition the Commission to initiate such a proceeding.

Second, the Commission proposes revisions to existing section 3055.5 to require the Postal Service to begin providing notice of all changes to service standard delivery day ranges and changes to origin/destination ZIP Code pairs that affect the number of days to delivery, at least 30 days prior to implementation.

Third, the Commission proposes revisions to existing sections 3055.6 and 3055.7 in recognition of the PSRA's requirement that the Postal Service establish and file with the Commission reasonable performance targets, which the Commission must use to evaluate compliance for each product. 39 U.S.C. 3692(a). The Postal Service would be required to provide sufficient information about the criteria used to select the targets for the Commission to be able to determine, by a preponderance of the evidence, that the targets are, in fact, reasonable.

The Commission finds that each of these revisions should improve the quality of service performance data and further the public interest. 39 U.S.C. 3652(e)(2)(B)–(C).

III. Proposed Rules

List of Subjects in 39 CFR Part 3055

Administrative practice and procedure, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Commission proposes to amend 39 CFR part 3055 as follows:

PART 3055—SERVICE PERFORMANCE AND CUSTOMER SATISFACTION REPORTING

■ 1. The authority citation for part 3055 is revised to read as follows:

Authority: 39 U.S.C. 503, 3622, 3651, 3652, 3653, 3691, 3692, 3705.

Subpart A—Annual Reporting of Service Performance Achievements

■ 2. Revise § 3055.4 to read as follows:

§ 3055.4 Internal service performance measurement systems.

(a) Service performance measurements obtained from internal service performance measurement systems or hybrid service performance measurement systems (which are defined as systems that rely on both an internal and an external measurement component) shall not be used to comply with any reporting requirement under subparts A or B of this part without prior Commission approval.

(b) The Postal Service shall file notice with the Commission describing any proposed changes to internal or hybrid service performance measurement systems (including proposed changes to any associated reporting methodologies or the use of proxies). In proposing such changes, the Postal Service must demonstrate, by a preponderance of the evidence, that internal or hybrid service performance measurement systems will be capable of producing accurate, reliable, representative, and useful service performance data and results. The Commission may summarily dismiss (without prejudice to refiling) any proposal that fails to include this information. The Postal Service's proposal must specify any planned implementation date(s), any requested decision date(s), and the reasons therefor. Preponderance of the evidence means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

(c) Changes to internal or hybrid service performance measurement systems proposed pursuant to paragraph (b) of this section may not be implemented without prior Commission approval.

(d) The Commission may initiate a proceeding at any time to consider whether internal or hybrid service performance measurement systems are producing accurate, reliable, representative, and useful service performance data and results. Any interested person, including a public representative, may submit a petition to the Commission to initiate such a proceeding.

■ 3. Revise § 3055.5 to read as follows:

§ 3055.5 Changes to external service performance measurement systems, service standards, service goals, or reporting methodologies.

(a) The Postal Service shall file notice with the Commission describing all changes to external service performance measurement systems and service goals (including performance targets), 30 days prior to planned implementation. The Postal Service shall also file notice with the Commission describing all changes to reporting methodologies, including the use of proxies (other than reporting methodologies or the use of proxies associated with internal or hybrid service performance measurement systems as described by section 3055.4 of this part), 30 days prior to planned implementation. The Commission may initiate a proceeding at any time to consider such changes if it appears that the changes might have a material impact on the accuracy, reliability, or utility of the reported measurement, or if the changes might have a material impact on the characteristics of the underlying product.

(b) No later than 30 days before planned implementation of any change to service standard delivery day ranges or origin/destination ZIP Code pairs that affect the number of days to delivery, the Postal Service shall file notice with the Commission describing the exact nature and scope of implementation. Each notice shall use plain language to list all locations affected by the change in service standards (at the level of granularity of the service standard), the categories of affected market dominant products, the current service standard, the planned service standard, and the date of the planned change. If the change in service standards is associated with a Change in the Nature of Postal Services docket pursuant to 39 U.S.C. 3661 and part 3020 of this chapter, then each notice shall be filed in the applicable Change in the Nature

Reconsideration of Order No. 8761, April 30, 2025 (Order No. 8823). *See also* Docket Nos. RM2024–9, PI2025–2, and PI2025–5, Interim Order Regarding Further Proceedings on Planned Service Performance Measurement Changes, June 27, 2025, at 23–24 (Order No. 8942). The third notice of planned changes was dismissed without prejudice. *See* Docket Nos. RM2024–9, PI2025–2, PI2025–5, and PI2025–6, Order Dismissing Without Prejudice Notice of Planned Service Performance Measurement Changes, October 8, 2025 (Order No. 9241).

[4] Postal Service Reform Act of 2022, Public Law 117–108, 136 Stat. 1127 (2022).

of Postal Services docket. Otherwise, each notice should be filed in the most recent Annual Compliance Report docket.

■ 4. Revise § 3055.6 to read as follows:

§ 3055.6 Addition of new market dominant products or changes to existing market dominant products.

Whenever the Postal Service proposes the addition of a new market dominant product or a change to an existing market dominant product, it also shall propose new or revised (as necessary) service performance measurement systems, service standards, service goals (including performance targets), data reporting elements, and data reporting methodologies.

■ 5. Revise § 3055.7 to read as follows:

§ 3055.7 Reasonable performance targets.

(a) Pursuant to 39 U.S.C. 3692(a)(1), the Postal Service shall establish reasonable performance targets for each market dominant product for each fiscal year and provide such targets to the Commission not later than 60 days after the beginning of the fiscal year in which they will apply. In setting reasonable performance targets, the Postal Service must consider and balance:

(1) the need for each target to establish a clear path toward improving performance and enabling the provision of high-quality service; and

(2) the need for each target to be realistically attainable considering the Postal Service's network, workforce, transportation capacity, and financial resources, and actual service standards in effect.

(b) The Postal Service's filing made pursuant to paragraph (a) of this section shall contain sufficient information about the criteria used to select the targets for the Commission to be able to determine (based on the contents of the Postal Service's filing alone), by a preponderance of the evidence, that the targets set by the Postal Service are reasonable. Preponderance of the evidence means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

(c) The Commission will use each reasonable target set by the Postal Service to evaluate compliance for each market dominant product for a given fiscal year pursuant to 39 U.S.C. 3653(b)(2).

By the Commission.

Erica A. Barker,

Secretary.

[FR Doc. 2025–23260 Filed 12–17–25; 8:45 am]

BILLING CODE 7710–FW–P

Notices

Federal Register
Vol. 90, No. 241
Thursday, December 18, 2025

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Notice of Public Meeting of the Assembly of the Administrative Conference of the United States

AGENCY: Administrative Conference of the United States.

ACTION: Notice.

SUMMARY: The Assembly of the Administrative Conference of the United States (ACUS) will meet during a one-day fully virtual plenary session to consider four proposed recommendations and to conduct other business. Written comments may be submitted in advance, and the meeting will be accessible to the public.

DATES: The meeting will take place on Wednesday, January 21, 2026, from 9:30 a.m.–4:30 p.m. (ET). The meeting may adjourn early if all business is finished.

ADDRESSES: This meeting will be fully virtual for both ACUS members and the public. Information on how the public can access the meeting will be available on the agency's website prior to the meeting at *https://www.acus.gov/event/84th-plenary-session.* ACUS members will receive member-only access information separately.

FOR FURTHER INFORMATION CONTACT: Shawne McGibbon, General Counsel (Designated Federal Officer), Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW, Washington, DC 20036; Telephone 202–480–2080; email *smcgibbon@acus.gov.*

SUPPLEMENTARY INFORMATION: The Administrative Conference of the United States makes recommendations to federal agencies, the President, Congress, and the Judicial Conference of the United States regarding the improvement of administrative procedures (5 U.S.C. 594). The membership of the Conference, when meeting in plenary session, constitutes the Assembly of the Conference (5 U.S.C. 595).

Agenda: Subject to approval of the ACUS Council, four proposed recommendations will be placed on the agenda and considered by the Assembly. In addition, there will be updates on past, current, and pending initiatives, as well as other business. Summaries of the recommendations appear below:

Temporary Rules. This proposed recommendation identifies best practices for temporary rules. Temporary rules cease to be effective after a specific calendar date or upon the occurrence of a future event unless an agency takes action to extend the rule, make it permanent, or repeal it. The proposed recommendation provides guidance to agencies on determining whether to issue a temporary rule, drafting and publishing temporary rules, conducting timely assessments of temporary rules and taking appropriate action, and developing internal procedures for temporary rules. It also recommends that Congress consider how specific agencies might use temporary rules to respond efficiently and effectively to emergencies.

Obtaining Government Records for Use in Agency Proceedings. This proposed recommendation provides agencies with best practices for making federal government records available for use in agency proceedings. It provides guidance on procedures for ensuring that government officials and private parties have access to the records they need to participate effectively in agency proceedings and decide matters fairly, accurately, and efficiently.

Federal Agency Collaboration with State, Local, Tribal, and Territorial Governments. This proposed recommendation provides agencies with a framework that federal agencies should use to identify and collaborate more effectively with relevant state, local, tribal, and territorial governments (SLTTGs). It provides guidance on practices agencies can adopt when initiating, managing, and evaluating collaborations with SLTTGs that promote a culture of improved coordination and strengthen working relationships between governments.

Organization, Management, and Operation of Agency Adjudication Offices. This proposed recommendation provides agencies with best practices for organizing, managing, and operating agency adjudication offices. It encourages agencies to collect, analyze, and use data to identify and adopt the organizational, management, and operational practices that are best suited to each agency's unique circumstances and most effective in promoting fairness, accuracy, consistency, efficiency, and timeliness in the adjudications they conduct.

Additional information about the proposals and the agenda, as well as any changes or updates to the same, can be found at the 84th Plenary Session page on ACUS's website prior to the start of the meeting: *https://www.acus.gov/event/84th-plenary-session.*

Public Participation: The Conference welcomes the virtual attendance of the public at the meeting. A livestream of the meeting can be accessed the morning of the meeting on the 84th Plenary Session web page. A video recording of the meeting will be available on the Conference's website shortly after the conclusion of the event at *https://youtube.com/@administrativeconferenceof9987.*

Written Comments: Persons who wish to comment on any of the proposed recommendations may do so by submitting a written statement either by email to *info@acus.gov* with ''January 2026 Plenary Session Comments'' in the subject line of the email, or by U.S. Mail addressed to: January 2026 Plenary Session Comments, Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW, Washington, DC 20036. Written submissions must be received no later than 10:00 a.m. (ET), Wednesday, January 14, 2026, to ensure consideration by the Assembly.

(Authority: 5 U.S.C. 595)

Dated: December 16, 2025.

Shawne McGibbon,

General Counsel.

[FR Doc. 2025–23299 Filed 12–17–25; 8:45 am]

BILLING CODE 6110–01–P

DEPARTMENT OF AGRICULTURE

Performance Review Board Membership

AGENCY: Office of Human Resources Management, Departmental Administration.

ACTION: Notice of Performance Review Board appointments.

SUMMARY: This notice lists the approved candidates who will comprise a standing roster on Department of Agriculture's (USDA) Senior Executive Service and Senior Professional Performance Review Boards (PRB), as required by 5 U.S.C. 4314(c)(4). The Department will use this roster to select board members. Agriculture has two PRBs with representatives from each USDA Mission Area. The PRB provides a written recommendation to the Secretary for final approval of each executive's performance rating, performance-based pay adjustment, and performance award. The PRBs are advised by the Office of Human Resources Management, Office of General Counsel, and Office of the Assistant Secretary for Civil Rights to ensure compliance with laws and regulations.

DATES: The board membership is applicable beginning on November 18, 2025.

FOR FURTHER INFORMATION CONTACT: Deedra Fogle, Acting Chief Human Capital Officer, Office of Human Resources Management, telephone: (202) 768–5519, or Tonique Washington, Acting Director, Executive Resources Management Division, telephone: (202) 720–0027.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the USDA PRB members are named below:

Abbott, Joseph T.
Alarcon, Juan C.
Allen, Matthew D.
Alonso, Celso B.
Alvares, Christopher P.
Anderson, Wendy S.
Appleton, Brooke S.
Arney, Kenderick S.
Arnold, Michael A.
Aspey II, Louis E.
Bailey, Melissa R.
Baldwin, Brittany L.
Bane, Robert Q.
Barhydt, Richard
Barnes, Kelsey N.
Beam, William L.
Bekkering, Michelle A.
Bender, Stuart A.
Berry, Samuel M.
Bettencourt, Aubrey J.
Biggs, Angela L.
Blum, Gordon E.
Boozer, Astor F.
Bowen, Brigham J.
Bragg, Cedric R.
Brake, Trina L.
Brammer, Steven C.
Brannum, Anthony D.
Briatico, Anna Maria
Brooks, Michele L.
Bruck, Houston E.
Buchanan, Jacqueline A.
Buller, Kailee M.
Carroll, Chad E.
Chandler, Laurence D.
Chester, Deirdra N.
Claeys, Jeremy R.
Clavijo, Alfonso
Coale, Dana H.
Cockrum, Carlynne S.
Collin, Victoria W.
Collins, Brian M.
Cooksey, Richard A.
Crockett, John W
Crosswhite, Caleb J.
Davenport, Jamie L.
Davis, L'Tonya J.
Davis, Willie S.
Dawe, Christine
Dean, Delores A.
Defeo, Valerie F.
Dijab, Adis
Donald, Willisa M.
Drennen, Lorna J.
Duncan, C. Natalie Lui
Dyer, Angelique D.
Dyer, John M.
Eblen, Denise R.
Edelstein, Rachel A.
Eichhorst, John E.
Emmons, Jimmy K.
Erhan, Sevim Z.
Fantinato, Jessica
Farmer, Kevin L.
Faulkner, Matthew A.
Fisher, Andrew D.
Fisher, Sarah R.
Flournoy, Richard H.
Fogle, Deedra D.
Forsyth, Trey M.
French, Christopher B.
Fretz, Abbey L.
Fuller, Cristin E.
Garrett, Mark G.
Gauthier, Julie L.
Gilson, Joseph L.
Gleaton, Elvera T.
Gore, Quvator R.
Goswami, Rubella S.
Graham, Kimberly V.
Graves, Alexis R.
Greene Jr., John E.
Griffin, William H.
Gross, Tonye B.
Guo, Ruihong
Gusky, Steven L.
Gutman, Theodore H.
Hafemeister, Jason T.
Hall II, Galon I.
Hall-Rivera, Jaelith L.
Harwood, Joy L.
Hawley, Carson.
Haylock, Camille K.
Heath, Linda S.
Heithecker, Troy D.
Helming, Sarah J.
Herbert, Noller P.
Hernandez Elvira, Cecilia A.
Hill, Laura L.
Hillsman, Terron L.
Hipkins, Valerie D.
Hohenstein, William G.
Honig, Lance L.
Hunter, Karen H.
Hutson, Vivian T.
Ibarra, Robert
Ingersoll, Jeremiah C.
Irechukwu, Chizo.
Jackson, Kimberly R.
Jackson, Michael J.
James, Rosalind R.
Jekanowski, Mark D.
Jin, Wendy W.
Johnson, Jay V.
Johnson, Sherri N.
Jordan Jr., James E.
Joshua, Troy M.
Joubert, Jacob M.
Juarez, Bernadette R.
Kalavacharla, Venugopal
Kelly III, George J.
Kim, Mina
Knupp, Courtney L.
Kochan, Gena R.
Koolick, Tracy L.
Kovacs, Patricia S.
Kruman, Elizabeth M.
Lalli, Donna A.
Lapitan, Nora L.
Lauster, Aaron L.
Lautner, Elizabeth A.
Leconte, Cara E.
Leverrier, Laurel S.
Lichtenstein, Mark E.
Linden, Ralph A.
Lindsey, Todd J.
Lippold, Eric M.
Lohr, Steven M.
Lucas Jr., Richard C.
Lytle, David E.
Mahalingappa, Jessica S.
Makhdoomi, Muhammad M.
Manzano, Heather L.
Martin, Michiko J.
Martinez Flores, Astrid D.
Matthews, David W.
Mayes, Carl A.
Mays, Clyde
McCrosson, Timothy D.
McDaniel, Jody
McGillicuddy, Jennifer M.
Mcguire, Jennifer T.
McHugh, Tara H.
McLean, Christopher
McWhirter, Jay D.
Mechtly, Christine D.
Meighan, Terri E.
Mezainis, Valdis E.
Mizoguchi, Brian A.
Moaney, Lynn M.
Modder, Donald J.
Moore, Kelly L.
Moore, Melissa M.
Morris, Erin
Moses, Denessa
Mulach, Ronald W.
Nakanishi, Brian T.

Narrod, Clare A.
Nelson, Christopher D.
Nickerson, Cynthia J.
Nieto, Erica J.
Northrop, Lisa
O'Connor, Kathryn R.
Oates, Kristy N.
Oubichon, Michon M.
Owens, Tameka A.
Park, Joon
Parsons, Joseph L.
Patel-Weynand, Toral
Penn, Patrick A.
Perry, Andrew
Perry, Tracy S.
Peters, David A.
Peterson, Steven J.
Pierson Jr., Frederick B.
Pillai, Bhinu V-S.
Porter, Jennifer G.
Purdy, Christopher A.
Ramirez, Lisa
Randall, Anzanette C.
Ransom, Justin R.
Raymond, Lance D.
Raynor, Jerry C.
Reed, Jeremy T.
Regonlinski, April A.
Rhoads, Matthew A.
Rice, Mary Pletcher
Rich, Joseph O.
Ripley, Ingrid
Robbins, Jonathan N.
Rothlisberger, John D.
Russo, Nicole L.
Sadeghzadeh, Kaveh C.
Samuel-Foo, Michelle S.
Schroeder, Ricki G.
Schultz Jr., Thomas M.
Schur, Brianna W.
Sellari, Leigh A.
Selzer, Kenneth A.
Shaqir, Ibrahim M.
Shaw Jr., William K.
Shea, John P.
Shultzabarger, Ellen M.
Sidrak, Hany Z.
Sifford, Rosemary B.
Silverstein, Jeffrey
Simon, Samantha J.
Slagell, Alison L.
Sleeper, Kristin A.
Slupek, Mark A.
Smith, Gregory C.
Snyder, Angela C.
St. Clair, Patricia L.
Stewart, Tucker A.
Still, Eric D.
Stuckey, Carla A.
Stulberg, Michael J.
Stump, Lauren W.
Suarez Oliva, C.
Suckow, Jason R.
Suveyke-Bogin, Simchah Z.
Swanson, Patricia R.
Swanson, Stacy A.
Syron, Lindsey C.
Taylor, Kasey L.
Taylor, Willie C.
Terrell, Tina J.
Thomas, Carrie A.
Tiller, Jennifer
Tohamy, Soumaya M.
Tolle, Francie K.
Toombs, Dionne F.
Tucker, Archie
Tucker, Jennifer
Tuckwiller, Jack D.
Variyam, Jayachandran N.
Velasco, Robert
Vos, John P.
Ward, Todd J.
Washington, Doris G.
Watson, Michael T.
Watts, Sarita W.
Weeks, Andria D.
Wehner, Keith P.
Wenberg, Michelle W.
West, Cynthia D.
Whetstone II, King J.
Whitley, Daniel B.
Williams, Drenda
Williams, Scott J.
Wilson, Beattra S.
Witte, Jeremy M.
Woodrich, Karen A.

Deedra Fogle,

Acting Chief Human Capital Officer, Office of Human Resources Management.

[FR Doc. 2025–23255 Filed 12–17–25; 8:45 am]

BILLING CODE 3410–96–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the New Jersey Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of virtual business meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the New Jersey Advisory Committee (Committee) to the U.S. Commission on Civil Rights will a public meeting via Zoom. The purpose is for the committee to discuss topic ideas, select a topic, and begin the Proposal Stage.

DATES: Tuesday, January 13, 2026, at 3:00 p.m. Eastern Time.

ADDRESSES:

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_zDhzKVZWSwe8ztpjjOzEew.

Join by Phone (Audio Only): 1–833–435–1820 USA Toll Free; Webinar ID: 160 605 2417 #.

Agenda Link: https://usccr.box.com/s/hg3h7ytugaoncphp19bn3eeui32eno5x (note: final agenda will be available prior to the meeting date).

FOR FURTHER INFORMATION CONTACT: Victoria Moreno, Designated Federal Officer, at *vmoreno@usccr.gov* or 1–434–515–0204.

SUPPLEMENTARY INFORMATION: Committee meetings are available to the public through a registration link (above). Any interested members of the public may attend committee meetings. An open comment period will be provided to allow members of the public to make oral statements as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of each meeting will include a list of persons who are present. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting ''CC'' in the meeting platform. To request additional accommodations, please email *ebohor@usccr.gov* at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the scheduled meeting. Written comments may be emailed to Evelyn Bohor at *ebohor@usccr.gov.* Persons who desire additional information may contact the Regional Programs Coordination Unit at 1–202–656–8937.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via the file sharing website, *https://tinyurl.com/3ev8d9n9* as well as at: *www.facadatabase.gov* under the Commission on Civil Rights, selecting the Advisory Committee of interest. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at *ebohor@usccr.gov.*

Dated: December 16, 2025.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2025–23306 Filed 12–17–25; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Rhode Island Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the Rhode Island Advisory Committee to the Commission will hold a public meeting via Zoom. The purpose of the meeting is to hear topic presentations as part of the concept stage.

DATES: Friday, February 27, 2026; 1:30 p.m. Eastern Time.

ADDRESSES: The meeting will be held via Zoom.

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_nVFOFN56SQOoPegLJfxnGw.

Join by Phone (Audio Only): 1–833 435 1820 USA Toll Free; Webinar ID: 160 291 3946 #.

Agenda: https://usccr.box.com/s/t4d1j3v9jn3o5gn4bmb5mpxo482h8bdd (note: a final meeting agenda will be available prior to the meeting date).

FOR FURTHER INFORMATION CONTACT: Victoria Moreno, Designated Federal Officer, at *vmoreno@usccr.gov* or 1–434–515–0204.

SUPPLEMENTARY INFORMATION: This virtual committee meeting is available to the public through the registration link above. Any interested member of the public may join at the link to listen to this meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting ''CC'' in the Zoom meeting platform. To request additional accommodations, please email *ebohor@usccr.gov* at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Evelyn Bohor, *ebohor@usccr.gov.* Persons who desire additional information may contact the Regional Programs Coordination Unit at (202) 809–9618.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via the file sharing website: *https://usccr.box.com/s/kreey9srm7ofl9catdbnn2oj7ntx6lf8* as well as at: *www.facadatabase.gov* under the Commission on Civil Rights, selecting the Advisory Committee of interest. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at *ebohor@usccr.gov.*

Dated: December 16, 2025.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2025–23310 Filed 12–17–25; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the South Carolina Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights

ACTION: Notice of virtual business meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the South Carolina Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public meeting via Zoom. The purpose of the meeting is to continue discussing potential civil rights topics of study, selecting a topic of study, and beginning the Proposal Stage.

DATES: Tuesday, January 27, 2026, from 10:30 a.m.–12:00 p.m. Eastern Time.

ADDRESSES: The meeting will be held via Zoom.

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_mxqlmE7RSte7wSht0hlqzg.

Join by Phone (Audio Only): 1–833–435–1820 USA Toll Free; Webinar ID: 160 785 6143 #.

FOR FURTHER INFORMATION CONTACT: Victoria Moreno, Designated Federal Officer, at *vmoreno@usccr.gov* or (434) 515–0204.

SUPPLEMENTARY INFORMATION: This Committee meeting is available to the public through the registration link above. Any interested members of the public may attend this meeting. An open comment period will be provided to allow members of the public to make oral comments as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting ''CC'' in the meeting platform. To request additional accommodations, please email *svillanueva@usccr.gov* at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the scheduled meeting. Written comments may be submitted via the following form: *https://wkf.ms/4n7DKT3.* Persons who desire additional information may contact the Regional Programs Coordination Unit at (434) 515–0204.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via the file sharing website, *https://bit.ly/3YnhKJx.* Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at *svillanueva@usccr.gov.*

Agenda: is available at the following link—*https://usccr.box.com/s/i6s07jztfzp3a8h73j3o9xsnkpb3c815*

Dated: December 16, 2025.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2025–23305 Filed 12–17–25; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF368]

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of web conference.

SUMMARY: The North Pacific Fishery Management Council (Council) will hold a Crab Modeling Workshop on January 13–15, 2026, and the Bering Sea Aleutian Islands Crab Plan Team (BSAI CPT) will meet on January 15, 2026.

DATES: The meeting will be held on Tuesday, January 13, through Thursday, January 15, 2026, 8 a.m. to 5 p.m. Pacific Time.

ADDRESSES: The BSAI CPT Modeling Workshop, held January 13–15, 2026, is a hybrid meeting. The in-person meeting will be held at the Traynor Room, Alaska Fisheries Science Center, 7600 Sand Point Way NE, Seattle, WA 98115, in Building 4. If you plan to attend in person, please notify Anita Kroska (*akroska@npfmc.org*) at least 2 days before the meeting (or 2 weeks prior if you are a foreign national). You will also need a valid U.S. Identification Card. Join online through the link at *https://meetings.npfmc.org/Meeting/Details/3111.*

The half-day Crab Plan Team Meeting on January 15, 2026, will be held virtually from 1 p.m. to 5 p.m. Pacific Time. Join online through the link at *https://meetings.npfmc.org/Meeting/Details/3112.*

Council address: North Pacific Fishery Management Council, 1007 West 3rd Ave., Suite 400, Anchorage, AK 99501–2252; telephone: (907) 271–2809.

FOR FURTHER INFORMATION CONTACT: Anita Kroska, Council staff; phone; (907) 271–2809; email: *akroska@npfmc.org.* For technical support, please contact our admin Council staff, email: *support@npfmc.org;* telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION:

Agenda

Tuesday, January 13–Thursday, January 15, 2026

The CPT Modeling Workshop agenda will include (a) tools for constructing model-based indices of survey data, (b) GMACS coding updates, stock assessment model developments, simulations, and (c) other business. The agenda is subject to change, and the latest version will be posted at *https://meetings.npfmc.org/Meeting/Details/3111* prior to the meeting, along with meeting materials.

Thursday, January 15, 2026, in the Afternoon

The Crab Plan Team agenda will include (a) harvest control rule (HCR) workshop updates; (b) *Chionoecetes* maturity data flow updates, and (c) any other business. The agenda is subject to change, and the latest version will be posted at *https://meetings.npfmc.org/Meeting/Details/3112* prior to the meeting, along with meeting materials.

Connection Information

You can attend the meetings online using a computer, tablet, or smartphone, or by phone only. Connection information will be posted online at: *https://meetings.npfmc.org/Meeting/Details/3111* for the Modeling Workshop, and at *https://meetings.npfmc.org/Meeting/Details/3112* for the Crab Plan Team meeting.

Public Comment

Public comment letters will be accepted and should be submitted electronically to *https://meetings.npfmc.org/Meeting/Details/3111* and *https://meetings.npfmc.org/Meeting/Details/3112.*

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

Dated: December 16, 2025.

Rey Israel Marquez,

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

[FR Doc. 2025–23300 Filed 12–17–25; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Renew Collection 3038–0107, Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (''Commission'' or ''CFTC'') is announcing an opportunity for public comment on the renewal of collection of certain information by the Commission's Office of Customer Education and Outreach (''OCEO''). Under the Paperwork Reduction Act (''PRA''), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed or renewal of a collection of information and to allow 60 days for public comment. The Commission is soliciting comments for the renewal of its generic information collection that will help the CFTC satisfy responsibilities under the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act''), found in Section 748 of the Dodd-Frank Act. The generic information collection will provide the OCEO a means to gather qualitative consumer and stakeholder feedback in an efficient, timely manner to facilitate service delivery.

DATES: Comments must be submitted on or before February 17, 2026.

ADDRESSES: You may submit comments, identified by ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery,'' and Collection Number 3038–0107, by any of the following methods:

- The Agency's website, at *https://comments.cftc.gov/.* Follow the instructions for submitting comments through the website.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.

Please submit your comments using only one method. All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *https://www.cftc.gov.*

FOR FURTHER INFORMATION CONTACT: Dan Rutherford, Associate Director, Office of Customer Education and Outreach, Commodity Futures Trading Commission, 1155 21st Street NW, Washington, DC 20581, (202) 418–6623; email: *drutherford@cftc.gov,* and refer to OMB Control No. 3038–0107.

SUPPLEMENTARY INFORMATION: Under the PRA, Federal agencies must obtain approval from the Office of Management and Budget (''OMB'') for each collection of information they conduct or sponsor. ''Collection of Information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3 and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an

existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the proposed collection of information listed below. 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.

Title: Generic Clearance for Collection of Qualitative Feedback on Agency Service Delivery (OMB Control No. 3038–0107). This is a request for an extension of a currently approved information collection.

Abstract: In accordance with section 748 of the Dodd-Frank Act, the OCEO anticipates undertaking a variety of service delivery focused activities over the next few years that include consumer outreach and information-sharing with stakeholders which are responsive to stakeholders' needs and sensitive to changes in the market. The proposed information collection activity will use similar methods for information collection or otherwise share common elements, and provide a means to gather qualitative customer and stakeholder feedback in an efficient, timely manner. By qualitative feedback we mean information that provides useful information on perceptions and opinions. The solicitation of information on delivery of consumer services will address such areas as appropriate messages, effective message delivery methods, effective event outreach tactics and characteristics, new outreach program ideas and content, and current consumer beliefs, psychographics and social norms that will assist the agency in developing outreach and communications campaigns. Since these systems will use similar methods for information collection or otherwise share common elements, the OCEO is proposing a generic clearance for this process, which will allow the OCEO to implement these systems and meet the obligations of the PRA without the delays of the normal clearance process. Collection methods may include focus groups and surveys as well as other relevant collection methods that meet the conditions appropriate for a generic clearance as outlined below. The OCEO will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondent, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered is intended to be used only internally for general service improvement and program management purposes and is not intended for release outside of the Commission (if released, the Commission must indicate the qualitative nature of the information);
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

With respect to the collection of information, the Commission invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burdens of 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.

You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the Information Collection Request will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: The respondent burden for this collection is estimated to be as follows:

Type of Review: Generic Clearance Request.

Affected Public/Entities: Individuals and Households, Businesses and Organization, State, Local or Tribal governments.

Respondent's Obligation: Voluntary.

Estimated number of Respondents/ Affected Entities: 14,400.

Estimated average number of responses per respondent: 1.

Estimated total responses: 14,400 responses.

Frequency of collection: Once per request.

Average time per response: 2 hours.

Estimated total burden hours requested: 28,800 hours.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.)*

Dated: December 16, 2025.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2025–23287 Filed 12–17–25; 8:45 am]

BILLING CODE 6351–01–P

[1] 17 CFR 145.9.

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Record of Decision for the Environmental Impact Statement for SpaceX Starship-Super Heavy at Cape Canaveral Space Force Station, Florida

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Notice of record of decision.

SUMMARY: On November 20, 2025, the Department of the Air Force (DAF) signed the Record of Decision (ROD) for the Environmental Impact Statement (EIS) for SpaceX Starship-Super Heavy at Cape Canaveral Space Force Station (CCSFS), FL.

FOR FURTHER INFORMATION CONTACT: Ms. Hilary Rummel, NEPA Project Manager,

by email at *hilary.rummel.ctr@us.af.mil* or SLD 45 Public Affairs office by phone at 1–321–494–7732.

SUPPLEMENTARY INFORMATION: The DAF has decided to allow SpaceX to redevelop Space Launch Complex (SLC)-37 at CCSFS for Starship-Super Heavy launch and landing operations. Upon execution of the real property agreement and associated documentation, as analyzed in the Final EIS and while adhering to the mitigation measures identified, SpaceX is authorized to: (1) undertake construction activities necessary to redevelop SLC–37 and associated infrastructure for Starship-Super Heavy operations; (2) conduct prelaunch operations, including the transportation of launch vehicle components and static fire tests; and (3) conduct up to 76 launches and 152 landings annually, once a supplemental analysis of airspace impacts by the Federal Aviation Administration (FAA) is completed. The DAF will assess the airspace analysis conducted by the FAA and finalize a revised ROD prior to Starship-Super Heavy launches or landings occurring at CCSFS.

The DAF decision documented in the ROD was based on matters discussed in the Final EIS, inputs from the public and regulatory agencies, and other relevant factors. The Final EIS was made available to the public on November 26, 2025 through the project website (*https://spaceforcestarshipeis.com/*), and a Notice of Availability was published in the **Federal Register** (Volume 90, Number 232, Page 56145) on December 5, 2025.

Authority: 42 U.S.C. 4321, *et seq.* and Department of Defense National Environmental Policy Act Implementing Procedures.

Saleisia L. Kolstad,

Alternate Air Force Federal Register Liaison Officer.

[FR Doc. 2025–23314 Filed 12–17–25; 8:45 am]

BILLING CODE 3911–44–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–1141]

Agency Information Collection Activities; Comment Request; National Assessment of Educational Progress (NAEP) 2027

AGENCY: National Center for Education Statistics (NCES), Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a revision of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before February 17, 2026.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2025–SCC–1141. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, the Department will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the National Center for Education Statistics, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 5C125, Washington, DC 20202–1200.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Matt Soldner, 202–453–7441.

SUPPLEMENTARY INFORMATION: The Department, 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 Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: National Assessment of Educational Progress (NAEP) 2027.

OMB Control Number: 1850–0928.

Type of Review: A revision of a currently approved ICR.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 17,830.

Total Estimated Number of Annual Burden Hours: 10,625.

Abstract: The National Assessment of Educational Progress (NAEP) is a federally authorized survey of student achievement at grades 4, 8, and 12 in various subject areas, such as mathematics, reading, writing, science, U.S. history, and civics.

NAEP is conducted by the National Center for Education Statistics (NCES) in the Institute of Education Sciences of the U.S. Department of Education. NCES is responsible for designing and executing the assessment, including designing the assessment procedures and methodology, developing the assessment content, selecting the final assessment content, sampling schools and students, recruiting schools, administering the assessment, scoring student responses, determining the analysis procedures, analyzing the data, and reporting the results.

The National Assessment Governing Board (henceforth referred to as the Governing Board or NAGB), appointed by the Secretary of Education but independent of the Department, is a bipartisan group whose members include governors, state legislators, local and state school officials, educators, business representatives, and members of the general public. The Governing Board sets policy for NAEP and is responsible for developing the frameworks and test specifications that serve as the blueprint for the assessments.

NAEP consists of two assessment programs: the NAEP Long-term Trend (LTT) assessment and the main NAEP assessment. The LTT assessments are given at the national level only and are administered to students at ages 9, 13, and 17 in a manner that is very different from that used for the main NAEP assessments. LTT reports mathematics and reading results that present trend data since the 1970s. LTT does not

provide scores for individual students or schools.

The main NAEP assessments report current achievement levels and trends in student achievement at grades 4, 8, and 12 for the nation and, for certain assessments (*e.g.,* reading and mathematics), states and select urban districts (*i.e.,* Trial Urban District Assessment, or TUDA). The main NAEP assessments provide results on subject-matter achievement, instructional experiences, and school environment for different student populations (*e.g.,* all fourth-graders) and groups within those populations (*e.g.,* sex [male and female students], race/ethnicity groups). NAEP does not provide scores for individual students or schools.

The NAEP assessments contain two different types of items: ''cognitive'' assessment items, which measure what students know and can do in an academic subject, and ''survey'' or ''non-cognitive'' items, which gather information such as demographic variables, as well as construct-related information, such as courses taken. The survey portion includes a collection of data from students, teachers, and school administrators. Since NAEP assessments are administered uniformly using the same sets of test forms across the nation, NAEP results serve as a common metric for all states and select urban districts. The assessment stays essentially the same from year to year, with only carefully documented changes. This permits NAEP to provide a clear picture of student academic progress over time.

The possible universe of student respondents for NAEP 2027 is estimated to be 12,000 students at grade 8 attending the approximately 308 public and private schools in a variety of states and the District of Columbia and may include Bureau of Indian Education Schools.

This request is to conduct NAEP in 2027, specifically for the Grade 8 Science Pilot.

NAEP will administer the assessment using school devices and the internet. For schools that cannot meet the minimum specification for the use of school devices, NAEP will provide an alternate delivery model utilizing NAEP Chromebooks. NAEP has transitioned to primarily administer on school devices with a staged approach so that trends can be measured across time. NAEP conducted a School-based Equipment study in 2024 (OMB #1850–0803 v.347) as well as a Field Test in 2025 (OMB #1850–0803 v.353) to provide more information about student and school interactions with the eNAEP system on school devices, as compared to NAEP Chromebooks and Surface Pros, to inform the use of school devices at a larger scale in NAEP assessments beginning in 2026. Also, a 2026 bridge study will compare NAEP devices and school devices to evaluate whether scores from the two different assessment models are comparable. Note: in this study, some schools that qualify to be assessed on school devices will be assessed on NAEP devices, since the two different school types (*i.e.,* those qualified to assess on school devices, and those not qualified to assess on school devices) may have different characteristics. This will allow the study to establish a common linking population.

This Clearance package is the first submission for the 2027 assessment, with both 60-day and 30-day consecutive public comment period notices that will be published in the **Federal Register**. While some drafted materials are included in this 60-day package in Appendices D, E, and I, the majority of 2027 materials are not available for this submission. Several final communications and Assessment Management System screens will be available in the 30-day package, which will be posted to the **Federal Register** in March 2026. This Clearance Package will have one amendment, which is planned to be submitted in July 2026, and which will replace any remaining drafted materials with final versions for the 2027 NAEP assessments.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2025–23282 Filed 12–17–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Request for Comments

AGENCY: U.S. Energy Information Administration (EIA), U.S. Department of Energy (DOE).

ACTION: Notice and request for comments.

SUMMARY: EIA invites public comment and other Federal agencies to comment on a proposed information collection. EIA plans to collect information from the public to fulfill its data security requirements when providing access to confidential microdata for the purpose of evidence building. EIA's data security agreements and other paperwork along with the corresponding security protocols allow EIA to maintain careful controls on confidentiality and privacy, as required by law. The purpose of this notice is to allow for 60 days of public comment on the proposed data security information collection, prior to submission of the information collection request (ICR) to the Office of Management and Budget (OMB).

DATES: EIA must receive all comments on this proposed information collection no later than February 17, 2026. If you anticipate any difficulties in submitting your comments by the deadline, contact the person listed in the **ADDRESSES** section of this notice as soon as possible.

ADDRESSES: You may submit comments, identified by OMB control number 1905–NEW, by email at *EIA-FRNcomments@eia.gov.* Include the OMB control number listed in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Samson Adeshiyan, EIA Clearance Officer, at (202) 586–7777 or by email at *EIA-FRNcomments@eia.gov.*

SUPPLEMENTARY INFORMATION: The Foundations for Evidence-Based Policymaking Act of 2018 mandates that the Office of Management and Budget (OMB) establish a Standard Application Process (SAP) for requesting access to certain confidential data assets. While the adoption of the SAP is required for statistical agencies and units designated under the Confidential Information Protection and Statistical Efficiency Act (CIPSEA), it is recognized that other agencies and organizational units within the Executive branch may benefit from the adoption of the SAP to accept applications for access to confidential data assets. The SAP is a process through which agencies, the Congressional Budget Office, State, local, and Tribal governments, researchers, and other individuals, as appropriate, may apply to access confidential data assets held by a Federal statistical agency or unit for the purposes of developing evidence. With the Interagency Council on Statistical Policy (ICSP) as advisors, the entities upon whom this requirement is levied are working with the SAP Project Management Office (PMO) and with OMB to implement the SAP. The SAP Portal is a single web-based common application for the public to request access to confidential data assets from Federal statistical agencies and units. The National Center for Science and Engineering Statistics (NCSES), within the National Science Foundation (NSF), submitted a **Federal Register** Notice in September 2022 announcing plans to collect information through the SAP Portal (87 FR 53793). Once an application for confidential data is

approved through the SAP Portal, EIA will collect information to meet its data security requirements. This collection will occur outside of the SAP Portal.

(1) *OMB No.:* 1905–New;

(2) *Information Collection Request Title:* DATA SECURITY REQUIREMENTS FOR ACCESSING CONFIDENTIAL DATA;

(3) *Type of Request:* Intent to seek approval to collect information from the public to fulfill the EIA security requirements allowing individuals to access confidential data assets for the purposes of building evidence;

(4) *Purpose:* Title III of the Foundations for Evidence-Based Policymaking Act of 2018 (hereafter referred to as the Evidence Act) mandates that OMB establish a Standard Application Process (SAP) for requesting access to certain confidential data assets. Specifically, the Evidence Act requires OMB to establish a common application process through which agencies, the Congressional Budget Office, State, local, and Tribal governments, researchers, and other individuals, as appropriate, may apply for access to confidential data assets collected, accessed, or acquired by a statistical agency or unit. This new process will be implemented while maintaining stringent controls to protect confidentiality and privacy, as required by law.

Data collected, accessed, or acquired by statistical agencies and units is vital for developing evidence on conditions, characteristics, and behaviors of the public and on the operations and outcomes of public programs and policies. This evidence can benefit the stakeholders in the programs, the broader public, as well as policymakers and program managers at the local, State, Tribal, and National levels. The many benefits of access to data for evidence building notwithstanding, EIA is required by law to maintain careful controls that allow it to minimize disclosure risk while protecting confidentiality and privacy. The fulfillment of EIA's data security requirements places a degree of burden on the public, which is outlined below.

The SAP Portal is a web-based application for the public to request access to confidential data assets from Federal statistical agencies and units. The objective of the SAP Portal is to increase public access to confidential data for the purposes of evidence building and reduce the burden of applying for confidential data. Once an individual's application in the SAP Portal has received a positive determination, the data-owning agency(ies) or unit(s) will begin the process of collecting information to fulfill their data security requirements.

The paragraphs below outline the SAP Policy, the steps to complete an application through the SAP Portal, and the process for agencies to collect information fulfilling their data security requirements.

The SAP Policy

At the recommendation of the ICSP, the SAP Policy establishes the SAP to be implemented by statistical agencies and units and incorporates directives from the Evidence Act. The policy is intended to provide guidance as to the application and review processes using the SAP Portal, setting forth clear standards that enable statistical agencies and units to implement a common application form and a uniform review process. The SAP Policy was submitted to the public for comment in January 2022 (87 FR 2459).

The SAP Portal

The SAP Portal is an application interface connecting applicants seeking data with a catalog of data assets owned by the Federal statistical agencies and units. The SAP Portal is not a new data repository or warehouse; confidential data assets will continue to be stored in secure data access facilities owned and hosted by the Federal statistical agencies and units. The Portal will provide a streamlined application process across agencies, reducing redundancies in the application process. This single SAP Portal will improve the process for applicants, tracking and communicating the application process throughout its lifecycle. This reduces redundancies and burden on applicants that request access to data from multiple agencies. The SAP Portal will automate key tasks to save resources and time and will bring agencies into compliance with the Evidence Act statutory requirements.

Data Discovery

Individuals begin the process of accessing confidential data by discovering confidential data assets through the SAP data catalog, maintained by Federal statistical agencies at *www.researchdatagov.org.* Potential applicants can search by agency, topic, or keyword to identify data of interest or relevance. Once they have identified data of interest, applicants can view metadata outlining the title, description or abstract, scope and coverage, and detailed methodology related to a specific data asset to determine its relevance to their research. While statistical agencies and units shall endeavor to include metadata in the SAP data catalog on all confidential data assets for which they accept applications, it may not be feasible to include metadata for some data assets (*e.g.,* potential curated versions of administrative data). A statistical agency or unit may still accept an application through the SAP Portal even if the requested data asset is not listed in the SAP data catalog.

SAP Application Process

Individuals who have identified and wish to access confidential data assets may apply for access through the SAP Portal. Applicants must create an account and follow all steps to complete the application. Applicants begin by entering their personal, contact, and institutional information, as well as the personal, contact, and institutional information of all individuals on their research team. Applicants proceed to provide summary information about their proposed project, to include project title, duration, funding, timeline, and other details including the data asset(s) they are requesting and any proposed linkages to data not listed in the SAP data catalog, including non-Federal data sources. Applicants then proceed to enter detailed information regarding their proposed project, including a project abstract, research question(s), literature review, project scope, research methodology, project products, and anticipated output. Applicants must demonstrate a need for confidential data, outlining why their research question cannot be answered using publicly available information.

Submission for Review

Upon submission of their application, applicants will receive a notification that their application has been received and is under review by the data owning agency or agencies (in the event where data assets are requested from multiple agencies). At this point, applicants will also be notified that application approval does not alone grant access to confidential data, and that, if approved, applicants must comply with the data-owning agency's security requirements outside of the SAP Portal, which may include a background check.

In accordance with the Evidence Act and the direction of the ICSP, agencies will approve or reject an application within a prompt timeframe. In some cases, agencies may determine that additional clarity, information, or modification is needed and request the applicant to ''revise and resubmit'' their application. Data discovery, the SAP application process, and the submission for review are planned to take place within the web-based SAP Portal. As

noted above, the notice announcing plans to collect information through the SAP Portal has been published separately (87 FR 53793).

Access to Confidential Data

In the event of a positive determination, the applicant will be notified that their proposal has been accepted. The positive or final adverse determination concludes the SAP Portal process. In the instance of a positive determination, the data-owning agency (or agencies) will contact the applicant to provide instructions on the agency's security requirements that must be completed to gain access to the confidential data. The completion and submission of the agency's security requirements will take place outside of the SAP Portal.

Collection of Information for Data Security Requirements

In order for researchers to access confidential data onsite at EIA's headquarters in Washington, DC, they must fulfill all requirements for becoming temporary agents of EIA. To fulfill these requirements, a Data Access Agreement (DAA) must be signed between EIA and the researcher's employing institution, and the team members must complete EIA's CIPSEA training and sign a Non-disclosure Agreement, affirming their U.S. citizenship and their commitment not to disclose confidential data to unauthorized parties.

(5) *Annual Estimated Number of Respondents:* 20;

(6) *Annual Estimated Number of Total Responses:* 20;

(7) *Annual Estimated Number of Burden Hours:* 100;

(8) *Annual Estimated Reporting and Recordkeeping Burden:* The amount of time to complete the DAA and training will vary based on the confidential data assets requested and the access modality. To obtain access to EIA confidential data assets, it is estimated that the average time to complete and submit EIA's data security agreements is 100 minutes (5 hours) per applicant. This estimate does not include the time needed to complete and submit an application within the SAP Portal. All efforts related to SAP Portal applications occur prior to and separate from EIA's effort to collect information related to data security requirements.

Comments are invited on whether or not: (a) The proposed collection of information is necessary for the proper performance of agency functions, including whether the information will have a practical utility; (b) EIA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used, is accurate; (c) EIA can improve the quality, utility, and clarity of the information it will collect; and (d) EIA can minimize the burden of the collection of information on respondents, such as automated collection techniques or other forms of information technology.

Statutory Authority: 15 U.S.C. 772(b) and 42 U.S.C. 7101 *et seq.*

Signed in Washington, DC, on December 16, 2025.

Samson A. Adeshiyan,

Director, Office of Statistical Methods and Research, U.S. Energy Information Administration.

[FR Doc. 2025–23281 Filed 12–17–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9886–035]

Valatie Falls Hydro Power, Inc.; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 9886–035.

c. *Date Filed:* November 28, 2025.

d. *Applicant:* Valatie Falls Hydro Power, Inc.

e. *Name of Project:* Valatie Falls Hydroelectric Project (Valatie Falls Project).

f. *Location:* The project is located on Kinderhook Creek, in the village of Valatie, town of Kinderhook in Columbia County, New York. This project does not occupy any federal land.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. John E. Doran, President, Valatie Falls Hydro Power, Inc., 7 Cotton Mill Lane, Valatie, NY 12184; phone at (855) 467–3751 or email at *jdoran@pisoev.com.*

i. *FERC Contact:* Jacob Harrell at (202) 502–7313, or *Jacob.Harrell@ferc.gov.*

j. *Cooperating Agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See,* 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* on or before 5:00 p.m. Eastern Time on January 27, 2026.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 203–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. All filings must clearly identify the project name and docket number on the first page: Valatie Falls Hydroelectric Project (P–9886–035).

m. The application is not ready for environmental analysis at this time.

n. *The Valatie Falls Project includes:* (1) a concrete dam of an approximate height of 6 feet and length of 310 feet consisting of two sections separated by a small island (Seven Pine Island) and with a crest elevation of 228.3 feet above mean sea level (msl); (2) wooden flashboards of 2 feet on both dam sections; (3) a 5-acre reservoir with a gross storage capacity of approximately 20 acre-feet at the normal surface elevation of 230.3 feet msl; (4) a 34-foot-long by 14-foot-wide concrete intake structure with a 15-foot-long by 12-foot-

wide trashrack set at an angle of 45 degrees to the flow; (5) a 6-foot-diameter steel penstock; (6) a 27-foot by 16-foot powerhouse containing a single Semi-Kaplan turbine unit with an installed capacity of 365.5 kilowatts; (7) a tailrace channel; (8) a bypassed reach channel split into an approximately 700-foot-long south channel and 800-foot-long north channel; (9) an approximately 50-foot-long transmission line; and (10) appurtenant facilities.

Valatie Falls Hydro Power, Inc. proposes to continue operating the project in a run-of-river mode with a continuous minimum flow of 18 cubic feet per second (cfs) provided into the channel on the north side of Seven Pine Island and 8 cfs provided into the channel on the south side of Seven Pine Island. An existing downstream fish bypass system would continue to be operated seasonally from March 15 through May 15 and from September 1 through December 15 passing an additional 15 cfs downstream through a 1-foot-diameter pipe into the sluiceway located adjacent to the south spillway. The Valatie Falls Project has an average annual generation of approximately 500,000 kilowatt-hours.

o. A copy of the application is available for review on the Commission's website at *https://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number, excluding the last three digits, in the docket number field to access the document (P–9886). For assistance, contact FERC at *FERCOnlineSupport@ferc.gov,* or call toll free, (886) 208–3676 or TTY (202) 502–8659.

You may also register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. 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.*

q. *Procedural schedule and final amendments:* The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Issue Deficiency Letter and Request Additional Information.	February 2026.
Issue Acceptance Letter and Notice.	June 2026.
Issue Scoping Notice	June 2026.
Scoping Comments due	July 2026.
Issue Notice of Ready for Environmental Analysis.	September 2026.

r. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

(Authority: 18 CFR 2.1)

Dated: December 12, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–23217 Filed 12–17–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26–5–000]

Commission Information Collection Activities (Ferc–552, Ferc–549e); Consolidated Comment Request; Extension

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–552, Annual Report of Natural Gas Transactions, and FERC–549E, Price Index Data Providers and Developers. There is no change to the information collection requirements.

DATES: Comments on the collections of information are due February 17, 2026.

ADDRESSES: Please submit comments via email to *DataClearance@FERC.gov.* You must specify the Docket No. (IC26–5–000) and the FERC Information Collection number (FERC–552 or 549E) in your email. If you are unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- *Mail via U.S. Postal Service only, addressed to:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
- *Hand (including courier) delivery to:* Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Docket: To view comments and issuances in this docket, please visit *https://elibrary.ferc.gov/eLibrary/search.*

FOR FURTHER INFORMATION CONTACT: Kayla Williams may be reached by email at *DataClearance@FERC.gov,* or by telephone at (202)502–6468.

SUPPLEMENTARY INFORMATION:

Title: FERC–552, Annual Report of Natural Gas Transactions; FERC–549E, Price Index Data Providers and Developers.

OMB Control No.: 1902–0242, 1902–0328

Type of Request: Three-year extension of the FERC–549E and FERC–552 information collection requirements with no changes to the current reporting requirements.

Abstract:

FERC–552: The Commission uses the information collected in the FERC Form No. 552 [1] to provide greater transparency into the size of the physical natural gas market and the use of physical fixed-price and index-based natural gas transactions. This information assists the Commission and the public in assessing whether index prices are the result of a robust market of fixed-price transactions.

FERC Form No. 552 had its genesis in the Energy Policy Act of 2005,[2] which added section 23 of the Natural Gas Act (NGA). Section 23 of the NGA, among other things, directs the Commission ''to facilitate price transparency in markets for the sale or transportation of physical natural gas in interstate commerce, having due regard for the public interest, the integrity of those markets, and the protection of consumers.'' [3]

FERC–549E: Price indices are commonly used in natural gas and electricity wholesale markets. These indices are used by market participants to price their commodities. The Commission set forth standards for price index developers to demonstrate that their internal processes were sufficient to qualify as a Commission-approved price index developer and, thus, have their price indices referenced in Commission-jurisdictional tariffs in their Initial Policy Statement.[4] Price index developers seeking approval voluntarily provide written statements to the Commission to explain how they met these standards. The Commission uses the information collected from these price index developers to determine whether the Commission

[1] FERC Form No. 552 is prescribed in 18 CFR 260.401.

[2] Energy Policy Act of 2005, Public Law 109–58, sections 1261 *et seq.,* 119 Stat. 594 (2005).

[3] 15 U.S.C. 717t–2(a)(1)(2006).

[4] 104 FERC ¶ 61,121 *(Initial Policy Statement), clarified, Order on Clarification of Policy Statement on Natural Gas and Electric Price Indices,* 105 FERC ¶ 61,282 (2003) (2003 Clarification Order), *clarified, Order Further Clarifying Policy Statement on Natural Gas and Electric Price Indices,* 112 FERC ¶ 61,040 (2005) (2005 Clarification Order).

would approve the use of their indices in Commission-jurisdictional tariffs. After the Initial Policy Statement was issued, thirteen price index developers sought approval. The Commission issued a Revised Policy Statement on April 21, 2022, effective on December 31, 2022.[5] Beginning six months after the effective date of this revision, interstate natural gas pipelines and public utilities proposing to use price indices in jurisdictional tariffs are no longer entitled to the rebuttable presumption that a price index developer's price indices produce just and reasonable rates unless the price index developer has obtained approval or re-approval from the Commission within the last seven years. The FERC–549E represents the burden for price index developers to comply with Commission requirements pertaining to information collection and data publication and to seek approval of their index with the Commission and for data providers that submit information to price index developers.

Type of Respondents: Wholesale natural gas market participants (FERC–552), price index data providers and developers (FERC–549E).

Estimate of Annual Burden:[6] The Commission estimates the annual public reporting burden for the information collection as:

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response[7]	Total annual burden hours & total annual cost	Cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
FERC–552: Annual Report of Natural Gas Transactions[8]						
Wholesale natural gas market participants	671	1	671	20 hrs.; $2,060 ...	13,420 hrs.; $1,382,260	2,060
FERC 549E: Price Index Data Providers[9] and Developers						
Data providers (and their affiliates) report Next Day Transactions.	76	249	18,924	4 hrs.; $412	75,696 hrs.; $7,796,688	102,588
Data Providers-perform biennial self-audit (not annual).	96	.5	48	80 hrs.; $8,240 ...	3,840 hrs.; $395,520	4,120
Data Providers (and their affiliates) report Next Month Transactions.	70	12	840	4 hrs.; $412	3,360 hrs.; $346,080	4,944
Price Index Developers—code of conduct & confident.; & inform customers.	6	1	6	80 hrs.; $8,240 ...	480 hrs.; $49,440	8,240
Price Index Developers—identify assessed index price vs. calculated.	6	1	6	80 hrs.; $8,240 ...	480 hrs.; $49,440	8,240
Price Index Developers—re-certify every 7 yrs.	6	.14	1	269 hrs.; $27,707	269 hrs.; $27,707	4,618
Total FERC 549E	.....	.....	19,825	.....	84,125; $8,664,875	132,750

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: December 12, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–23220 Filed 12–17–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG26–103–000.

Applicants: Pelicans Jaw Solar, LLC.

Description: Pelicans Jaw Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 12/15/25.

Accession Number: 20251215–5316.

Comment Date: 5 p.m. ET 1/5/26.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL26–35–000.

Applicants: Coalition of Midwest Power Producers, Inc. JERA Nex Americas LLC Rainbow Energy Center, LLC v. *Midcontinent Independent System Operator, Inc.*

Description: Complaint of *Coalition of Midwest Power Producers, Inc. et al.* v. *Midcontinent Independent System Operator, Inc.*

Filed Date: 12/15/25.

Accession Number: 20251215–5194.

Comment Date: 5 p.m. ET 1/5/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER24–1915–004.

Applicants: New York Independent System Operator, Inc.

Description: Compliance filing: NYISO Compliance Filing re: Oct 2025 Order on NYISO Order No. 2023 Compliance to be effective 5/2/2024.

Filed Date: 12/15/25.

Accession Number: 20251215–5274.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER25–3473–001.

Applicants: City of Pasadena, California.

[5] *Actions Regarding the Commission's Policy on Price Index Formation and Transparency, and Indices Referenced in Natural Gas and Electric Tariffs (PL20–3–000) (Revised Policy Statement),* April 21, 2022.

[6] The Commission defines burden as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

[7] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response $103 per Hour = Average Cost per Response. The hourly cost figure comes from FERC's average annual cost of salary plus benefits in FY25 of $214,093. We believe this estimate is comparable to respondents salaries.

[8] Based off of CY 2024 FERC Form 552 data.

[9] *Id.*

Description: Tariff Amendment: City of Pasadena, Cal. Response to Deficiency Letter to be effective 10/1/2025.

Filed Date: 12/15/25.

Accession Number: 20251215–5280.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER26–749–000.

Applicants: Lock Energy Center, LLC.

Description: § 205(d) Rate Filing: Lock Energy Center, LLC.—Application for Market-Based Rate Authorization to be effective 2/11/2026.

Filed Date: 12/12/25.

Accession Number: 20251212–5273.

Comment Date: 5 p.m. ET 1/2/26.

Docket Numbers: ER26–750–000.

Applicants: Black Hills Power, Inc.

Description: § 205(d) Rate Filing: OATT Revisions to Implement Black Hills Power Balancing Authority Area to be effective 4/1/2026.

Filed Date: 12/12/25.

Accession Number: 20251212–5280.

Comment Date: 5 p.m. ET 1/2/26.

Docket Numbers: ER26–751–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Order Nos. 1920, 1920–A, 1920–B Compliance Filing to be effective 12/31/9998.

Filed Date: 12/12/25.

Accession Number: 20251212–5294.

Comment Date: 5 p.m. ET 1/2/26.

Docket Numbers: ER26–752–000.

Applicants: Black Hills Power, Inc.

Description: Initial rate filing: Power Balancing Authority-Sub-Entity Reserve Sharing Agreements RS26 to be effective 4/1/2026.

Filed Date: 12/15/25.

Accession Number: 20251215–5004.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER26–753–000.

Applicants: Black Hills Power, Inc.

Description: Initial rate filing: Power Balancing Authority and Sub-Entity Reserve Sharing Agreements to be effective 4/1/2026.

Filed Date: 12/15/25.

Accession Number: 20251215–5006.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER26–754–000.

Applicants: Black Hills Power, Inc.

Description: Initial rate filing: Power Balancing Authority-Sub-Entity Reserve Sharing Agreements RS28 to be effective 4/1/2026.

Filed Date: 12/15/25.

Accession Number: 20251215–5008.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER26–755–000.

Applicants: Black Hills Power, Inc.

Description: Initial rate filing: Power Balancing Authority-Sub-Entity Reserve Sharing Agreements RS29 to be effective 4/1/2026.

Filed Date: 12/15/25.

Accession Number: 20251215–5010.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER26–756–000.

Applicants: Black Hills Power, Inc.

Description: Initial rate filing: Power Balancing Authority-Sub-Entity Reserve Sharing Agreements RS30 to be effective 4/1/2026.

Filed Date: 12/15/25.

Accession Number: 20251215–5013.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER26–757–000.

Applicants: Black Hills Power, Inc.

Description: Initial rate filing: Power Balancing Authority-Sub-Entity Reserve Sharing Agreements RS31 to be effective 4/1/2026.

Filed Date: 12/15/25.

Accession Number: 20251215–5016.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER26–758–000.

Applicants: Black Hills Power, Inc.

Description: Initial rate filing: Power Balancing Authority-Sub-Entity Reserve Sharing Agreements RS32 to be effective 4/1/2026.

Filed Date: 12/15/25.

Accession Number: 20251215–5017.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER26–759–000.

Applicants: Black Hills Power, Inc.

Description: Initial rate filing: Power Balancing Authority-Sub-Entity Reserve Sharing Agreements RS33 to be effective 4/1/2026.

Filed Date: 12/15/25.

Accession Number: 20251215–5018.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER26–760–000.

Applicants: Black Hills Power, Inc.

Description: Initial rate filing: Power Balancing Authority-Sub-Entity Reserve Sharing Agreements RS34 to be effective 4/1/2026.

Filed Date: 12/15/25.

Accession Number: 20251215–5020.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER26–761–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: BPA Construction Agreement—TPUD Swap (RS No. 803) to be effective 2/14/2026.

Filed Date: 12/15/25.

Accession Number: 20251215–5135.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER26–762–000.

Applicants: American Transmission Systems, Incorporated.

Description: Tariff Amendment: Notice of Cancellation of Service Agreement No. 7225 to be effective 2/16/2026.

Filed Date: 12/15/25.

Accession Number: 20251215–5158.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER26–763–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Revisions Related to Cost Allocation of Qualifying NRIS Upgrades to be effective 2/15/2026.

Filed Date: 12/15/25.

Accession Number: 20251215–5165.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER26–764–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to GIA, Service Agreement No. 7374; Project Identifier No. AG1–040 to be effective 2/14/2026.

Filed Date: 12/15/25.

Accession Number: 20251215–5190.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER26–765–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, SA No. 6816; Queue No. AF1–271A to be effective 2/14/2026.

Filed Date: 12/15/25.

Accession Number: 20251215–5201.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER26–766–000.

Applicants: Pelicans Jaw Solar, LLC.

Description: Initial Rate Filing: Market-Based Rate Application and Request for Waivers and Blanket Approvals to be effective 2/14/2026.

Filed Date: 12/15/25.

Accession Number: 20251215–5248.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER26–767–000.

Applicants: ISO New England Inc., NSTAR Electric Company.

Description: Tariff Amendment: ISO New England Inc. submits tariff filing per 35.15: Notice of Termination of First Revised LGIA–ISONE/NSTAR–20–01 to be effective 12/5/2025.

Filed Date: 12/15/25.

Accession Number: 20251215–5269.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER26–768–000.

Applicants: Public Service Company of Colorado.

Description: Tariff Amendment: 2025–12–15—PSC–PI–2024–17–TW2–T.

Filed Date: 12/15/25.

Accession Number: 20251215–5311.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER26–769–000.

Applicants: Duke Energy Florida, LLC.

Description: Tariff Amendment: DEF-Orange CoGen Notice of Termination of SA No. 159 to be effective 12/31/2025.

Filed Date: 12/15/25.

Accession Number: 20251215–5326.

Comment Date: 5 p.m. ET 1/5/26.

Docket Numbers: ER26–770–000.

Applicants: Ameren Illinois Company.

Description: § 205(d) Rate Filing: Filing of an O&M Agreement (RS No. 168) to be effective 1/1/2026.

Filed Date: 12/15/25.

Accession Number: 20251215–5333.

Comment Date: 5 p.m. ET 1/5/26.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES26–24–000.

Applicants: Michigan Electric Transmission Company, LLC.

Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Michigan Electric Transmission Company, LLC.

Filed Date: 12/12/25.

Accession Number: 20251212–5315.

Comment Date: 5 p.m. ET 1/2/26.

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: December 15, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–23272 Filed 12–17–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25–497–000]

Northwest Pipeline, LLC; Notice of Availability of the Environmental Assessment for the Proposed; Wild Trail Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Wild Trail Project (Project), proposed by Northwest Pipeline, LLC (Northwest) in the above-referenced docket.[1] Northwest requests authorization to construct and operate the Daggett Compressor Station, adjacent to the existing Clay Basin Meter Station, in Daggett County, Utah. The Project would provide an additional 57,955 dekatherms a day of northbound firm transportation service from the existing Wild Horse Receipt Point to the Kern River Muddy Creek Delivery Point.

Any person wishing to comment on the EA may do so. To ensure consideration of your comments on the proposal prior to making a decision on the project, it is important that the Commission receive your comments on or before 5:00 p.m. Eastern Time on January 14, 2026. Instructions for filing comments are provided on page 3.

FERC is the lead federal agency for authorizing interstate natural gas transmission facilities under the Natural Gas Act of 1938 (NGA) and the lead federal agency for preparation of the EA. The EA assesses the potential environmental effects of the Project in accordance with the requirements of the National Environmental Policy Act (NEPA)[2] and the Commission's implementing regulations.[3] The principal purposes of the EA are to: identify and assess the potential effects on the natural and human environment; describe and evaluate reasonable alternatives; identify and recommend mitigation measures; and facilitate public involvement in the environmental review process. The EA concludes that approval of the proposed project would not constitute a major federal action significantly affecting the quality of the human environment.

The U.S. Bureau of Land Management participated as a cooperating agency in the preparation of the EA. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. The BLM will adopt and use the EA, along with other supporting documentation, to consider the issuance of a Mineral Leasing Act right-of-way grant for the Project, as the proposed compressor station site is on federal lands managed by the BLM. Although the BLM provided input to the conclusions and recommendations presented in the EA, the BLM will present its own conclusions and recommendations in its respective Record of Decision for the project.

The EA addresses the potential environmental effects of the following project facilities:

- construction and operation of the new Daggett Compressor Station, including one gas-fired turbine with 11,110 nominal horsepower and ancillary facilities;
- installation of 24-inch-diameter suction and discharge yard piping to interconnect the Daggett Compressor Station to Northwest's existing 26-inch-diameter Northwest Pipeline; and
- minor modifications to the existing Clay Basin Meter Station.

The Commission mailed a copy of the *Notice of Availability* of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the natural gas environmental documents page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). In addition, the EA may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://elibrary.ferc.gov/eLibrary/search*), select ''General Search'' and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.* CP25–497). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

The EA is not a decision document. It presents Commission staff's

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1755601449.

[2] National Environmental Policy Act of 1969, as amended (Public Law [Pub. L.] 91–190. 42 U.S.C. 4321–4347, as amended by Pub. L. 94–52, July 3, 1975; Pub. L. 94–83, August 9, 1975; Pub. L. 97–258, § 4(b), September 13, 1982; Pub. L. 118–5, June 3, 2023; Pub. L. 119–21, July 4, 2025).

[3] 18 Code of Federal Regulations (CFR) 380.

independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Under section 7(c) of the NGA, the Commission determines whether interstate natural gas transportation facilities are in the public convenience and necessity and, if so, grants a Certificate of Public Convenience and Necessity to construct and operate them. The Commission bases its decisions on both economic issues, including need, and environmental effects.

Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental effects. The more specific your comments, the more useful they will be. For your convenience, there are three methods you can use to file your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP25–497–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered. Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. At this point in this proceeding, the timeframe for filing timely intervention requests has expired. Any person seeking to become a party to the proceeding must file a motion to intervene out-of-time pursuant to Rule 214(b)(3) and (d) of the Commission's Rules of Practice and Procedures (18 CFR 385.214(b)(3) and (d)) and show good cause why the time limitation should be waived. Motions to intervene are more fully described at *https://www.ferc.gov/how-intervene.*

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.* Additional information about the project is available from the FERC website (*www.ferc.gov*) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

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. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

(Authority: 18 CFR 2.1)

Dated: December 15, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–23297 Filed 12–17–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP25–94–000; CP25–94–001]

Rockies Express Pipeline LLC; Notice of Availability of the Environmental Assessment for the Proposed Decatur Lateral Project

Any person wishing to comment on the EA may do so. To ensure consideration of your comments on the proposal prior to making a decision on the Project, it is important that the Commission receive your comments on or before 5:00 p.m. Eastern Time on January 12, 2026. Instructions for filing comments are provided on pages 2 and 3.

FERC is the lead federal agency for authorizing interstate natural gas transmission facilities under the Natural Gas Act of 1938 (NGA) and the lead federal agency for preparation of the EA. The EA assesses the potential environmental effects of the construction and operation of the Project in accordance with the requirements of the National Environmental Policy Act (NEPA) [1] and the Commission's implementing regulations.[2] The principal purposes of the EA are to: identify and assess the potential effects on the natural and human environment; describe and evaluate reasonable alternatives; identify and recommend mitigation measures; and facilitate public involvement in the environmental review process. The EA concludes that approval of the proposed project would not constitute a major federal action significantly affecting the quality of the human environment.

The proposed Project includes construction and operation of the following facilities:

- a 15.9-mile, 20-inch-diameter natural gas transmission pipeline;
- a 0.6-mile, 20-inch-diameter natural gas transmission pipeline;
- two meter stations; and
- other ancillary facilities including interconnects, valves, and pig launchers/receivers.

The Commission mailed a copy of the *Notice of Availability* of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the natural gas environmental documents page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). In addition, the EA may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://elibrary.ferc.gov/eLibrary/search*), select ''General Search'' and enter the docket number in the ''Docket Number'' field, excluding

[1] National Environmental Policy Act of 1969, as amended (Public Law [Pub. L.] 91–190. 42 U.S.C. 4321–4347, as amended by Pub. L. 94–52, July 3, 1975; Pub. L. 94–83, August 9, 1975; Pub. L. 97–258, 4(b), September 13, 1982; Pub. L. 118–5, June 3, 2023; Pub. L. 119–21, July 4, 2025).

[2] 18 Code of Federal Regulations (CFR) 380.

the last three digits (*i.e.,* CP25–94). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

The EA is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Under section 7(c) of the NGA, the Commission determines whether interstate natural gas transportation facilities are in the public convenience and necessity and, if so, grants a Certificate of Public Convenience and Necessity to construct and operate them.

Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental effects. The more specific your comments, the more useful they will be. For your convenience, there are three methods you can use to file your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

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(2) You can also file your comments electronically using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket numbers (CP25–94–000 and CP25–94–001) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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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. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

(Authority: 18 CFR 2.1)

Dated: December 12, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–23225 Filed 12–17–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5089–027]

Fall River Rural Electric Cooperative, Inc.; Notice of Waiver Period for Water Quality Certification Application

On December 10, 2025, Fall River Electric Cooperative, Inc. (Fall River) submitted to the Federal Energy Regulatory Commission (Commission) a copy of its application for a Clean Water Act section 401(a)(1) water quality certification filed with the Idaho Department of Environmental Quality (Idaho DEQ), as defined in 40 CFR 121.5. Pursuant to the Commission's regulations,[1] we hereby notify Idaho DEQ of the following:

Date Idaho DEQ received the certification request: December 5, 2025.

Reasonable Period of Time to Act on the Certification Request: One year [December 5, 2026].

If Idaho DEQ fails or refuses to act on the water quality certification request on or before the above date, then the certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

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.*

(Authority: 18 CFR 2.1)

Dated: December 15, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–23295 Filed 12–17–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP26–288–000.

Applicants: Equitrans, L.P.

Description: § 4(d) Rate Filing: Negotiated Rate Capacity Release Agreement—12/13/2025 to be effective 12/13/2025.

Filed Date: 12/12/25.

Accession Number: 20251212–5024.

[1] 18 CFR 5.23(b)(2).

Comment Date: 5 p.m. ET 12/24/25.

Docket Numbers: RP26–289–000.

Applicants: Maritimes & Northeast Pipeline, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rates—Tenaska to TM Energy eff 12–12–25 to be effective 12/12/2025.

Filed Date: 12/12/25.

Accession Number: 20251212–5086.

Comment Date: 5 p.m. ET 12/24/25.

Docket Numbers: RP26–290–000.

Applicants: Mountain Valley Pipeline, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate Capacity Release Agreement—12/13/2025 to be effective 12/13/2025.

Filed Date: 12/12/25.

Accession Number: 20251212–5110.

Comment Date: 5 p.m. ET 12/24/25.

Docket Numbers: RP26–291–000.

Applicants: Tennessee Gas Pipeline Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement—Berkshire Gas Company to be effective 1/1/2026.

Filed Date: 12/12/25.

Accession Number: 20251212–5112.

Comment Date: 5 p.m. ET 12/24/25.

Docket Numbers: RP26–292–000.

Applicants: NextEra Energy Marketing, LLC, UGI Utilities, Inc.

Description: Joint Petition for Limited Waiver of Capacity Release Regulations, et al. of NextEra Energy Marketing, LLC, et al.

Filed Date: 12/12/25.

Accession Number: 20251212–5199.

Comment Date: 5 p.m. ET 12/24/25.

Docket Numbers: RP26–294–000.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates—FT—Sequent Energy Management to be effective 4/1/2025.

Filed Date: 12/15/25.

Accession Number: 20251215–5230.

Comment Date: 5 p.m. ET 12/29/25.

Docket Numbers: RP26–295–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (Hartree Permanent Feb 26) to be effective 2/1/2026.

Filed Date: 12/15/25.

Accession Number: 20251215–5237.

Comment Date: 5 p.m. ET 12/29/25.

Docket Numbers: RP26–296–000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: TETLP Customer Name Change Filing eff 1–15–26 to be effective 1/15/2026.

Filed Date: 12/15/25.

Accession Number: 20251215–5244.

Comment Date: 5 p.m. ET 12/29/25.

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.

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: December 15, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–23270 Filed 12–17–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC25–15–000]

Commission Information Collection Activities (Ferc–592); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–592 (Standards of Conduct for Transmission Provider and Marketing Affiliates of Interstate Pipelines), which will be submitted to the Office of Management and Budget (OMB) for a review of the information collection requirements. There are no changes to the reporting requirements for this information collection.

DATES: Comments on the collection of information are due January 20, 2026.

ADDRESSES: Send written comments on FERC–592 to OMB through *https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202509-1902-001.* You can also visit *https://www.reginfo.gov/public/do/PRAMain* and use the drop-down under ''Currently under Review'' to select the ''Federal Energy Regulatory Commission'' where you can see the open opportunities to provide comments. Comments should be sent within 30 days of publication of this notice.

Please also submit a copy of your comments to the Commission via email to *DataClearance@FERC.gov.* You must specify the Docket No. (IC25–15–000) and the FERC Information Collection number (FERC–592) in your email. If you are unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- *Mail via U.S. Postal Service Only:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
- All other delivery methods: Federal Energy Regulatory Commission, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Docket: To view comments and issuances in this docket, please visit *https://elibrary.ferc.gov/eLibrary/search.*

FOR FURTHER INFORMATION CONTACT: Kayla Williams, (202) 502–6468. *DataClearance@FERC.gov.*

SUPPLEMENTARY INFORMATION:

Title: Standards of Conduct for Transmission Providers and Marketing Affiliates of Interstate Pipelines

OMB Control No.: 1902–0157

Type of Request: Three-year extension of the FERC–592 information collection requirements with no changes to the current reporting requirements.

Abstract: The Commission uses the information maintained and posted by the respondents to monitor the pipeline's transportation, sales, and storage activities for its marketing affiliates to deter undue discrimination by pipeline companies in favor of their marketing affiliates. Non-affiliated shippers and other entities (*e.g.* state commissions) also use the information to determine whether they have been harmed by affiliate preference and to prepare submissions and formulate positions in rate cases and other proceedings.

18 CFR Part 358 (Standards of Conduct)

Respondents maintain and provide the information required by 18 CFR part 358 on their public websites. This

requirement ensures that non-affiliated shippers obtain comparable access to the non-public transportation information, which allows them to compete with marketing affiliates on a more equal basis.

18 CFR 250.16, and the FERC–592 Log/Format

This form (log/format) provides the electronic formats for maintaining information on discounted transportation transactions and capacity allocation to support monitoring of activities of interstate pipeline marketing affiliates.

Without this information collection:

- the Commission would have difficulty effectively monitoring whether pipelines are giving discriminatory preference to their marketing affiliates; and
- non-affiliated shippers, state commissions, and others would have difficulty determining whether they have been harmed by affiliate preference and preparing submissions for rate cases and other proceedings.

Type of Respondents: Natural gas pipelines.

Estimate of Annual Burden:[1] The Commission estimates the annual reporting burden and cost for the information collection as shown in the following table:

Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response[2]	Total annual burden hours & total annual cost	Cost per respondent ($)
(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
85	1	85	117 hrs.; $12,051	9,945 hrs.; $1,024,335	$12,051

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: December 12, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–23223 Filed 12–17–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG26–100–000.

Applicants: Rockhound Solar C, LLC.

Description: Rockhound Solar C, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 12/12/25.

Accession Number: 20251212–5130.

Comment Date: 5 p.m. ET 1/2/26.

Docket Numbers: EG26–101–000.

Applicants: Greyhound Solar A, LLC.

Description: Greyhound Solar A, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 12/12/25.

Accession Number: 20251212–5131.

Comment Date: 5 p.m. ET 1/2/26.

Docket Numbers: EG26–102–000.

Applicants: Rockhound Solar D, LLC.

Description: Rockhound Solar D, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 12/12/25.

Accession Number: 20251212–5150.

Comment Date: 5 p.m. ET 1/2/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19–1644–006.

Applicants: Richland-Stryker Generation LLC.

Description: Compliance filing: Compliance Filing to Offer of Settlement.

Filed Date: 12/12/25.

Accession Number: 20251212–5267.

Comment Date: 5 p.m. ET 1/2/26.

Docket Numbers: ER25–2636–002.

Applicants: Central Hudson Gas & Electric Corporation, New York Independent System Operator, Inc.

Description: Compliance filing: New York Independent System Operator, Inc. submits tariff filing per 35: CHGE Compliance: Rate Schedule 12 Revisions to be effective 8/26/2025.

Filed Date: 12/12/25.

Accession Number: 20251212–5118.

Comment Date: 5 p.m. ET 1/2/26.

Docket Numbers: ER25–3480–003.

Applicants: MATL LLP.

Description: Compliance filing: Supplemental Compliance FIling ER25–3480 to be effective 12/19/2025.

Filed Date: 12/12/25.

Accession Number: 20251212–5062.

Comment Date: 5 p.m. ET 1/2/26.

Docket Numbers: ER26–388–001.

Applicants: Archtop Property Management, LLC.

Description: Tariff Amendment: Response to Deficiency Letter and Request for Shortened Comment Period to be effective 12/31/2025.

Filed Date: 12/12/25.

Accession Number: 20251212–5185.

Comment Date: 5 p.m. ET 12/22/25.

Docket Numbers: ER26–698–000; TS26–2–000.

Applicants: Great Bend Solar, LLC, Great Bend Solar, LLC.

Description: Petition for Limited Waiver of Great Bend Solar, LLC.

Filed Date: 12/4/25.

Accession Number: 20251204–5208.

Comment Date: 5 p.m. ET 12/26/25.

Docket Numbers: ER26–733–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to GIA, SA No. 7554; Project Identifier No. AF1–188 to be effective 2/10/2026.

Filed Date: 12/11/25.

Accession Number: 20251211–5225.

Comment Date: 5 p.m. ET 1/1/26.

Docket Numbers: ER26–734–000.

Applicants: MEC Phase 1, LLC.

Description: § 205(d) Rate Filing: Co-Tenancy and SFA to be effective 1/1/2026.

Filed Date: 12/11/25.

[1] ''Burden'' is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 CFR 1320.3.

[2] The cost is based on FERC's 2025 Commission-wide average salary cost (salary plus benefits) of $103.00/hour. The Commission staff believes the FERC FTE (full-time equivalent) average cost for wages plus benefits is representative of the corresponding cost for the industry respondents.

Accession Number: 20251211–5230.
Comment Date: 5 p.m. ET 1/1/26.

Docket Numbers: ER26–735–000.
Applicants: MEC Phase 2, LLC.
Description: § 205(d) Rate Filing: Co-Tenancy and SFA Concurrence to be effective 1/1/2026.
Filed Date: 12/11/25.
Accession Number: 20251211–5253.
Comment Date: 5 p.m. ET 1/1/26.

Docket Numbers: ER26–736–000.
Applicants: CHPE LLC.
Description: Filing of Transmission Rights Agreement for Champlain Hudson Power Express of CHPE LLC.
Filed Date: 12/11/25.
Accession Number: 20251211–5256.
Comment Date: 5 p.m. ET 1/1/26.

Docket Numbers: ER26–737–000.
Applicants: Southern California Edison Company.
Description: Tariff Amendment: Termination of GIA & DSA, SCEBESS–017, Cadillac BESS (WDT1504/SA1017–1018) to be effective 12/24/2025.
Filed Date: 12/12/25.
Accession Number: 20251212–5129.
Comment Date: 5 p.m. ET 1/2/26.

Docket Numbers: ER26–738–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: NEET SW Formula Rate Revisions (Crossroads) to be effective 1/1/2026.
Filed Date: 12/12/25.
Accession Number: 20251212–5135.
Comment Date: 5 p.m. ET 1/2/26.

Docket Numbers: ER26–739–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: Tariff Amendment: Alabama Power Company submits tariff filing per 35.15: Forsyth Solar LGIA Termination Filing to be effective 12/12/2025.
Filed Date: 12/12/25.
Accession Number: 20251212–5160.
Comment Date: 5 p.m. ET 1/2/26.

Docket Numbers: ER26–740–000.
Applicants: Tenaska Alabama Partners, L.P., Alabama Power Company.
Description: Tariff Amendment: Tenaska Alabama Partners, L.P. submits tariff filing per 35.15: Notice of Cancellation of Tenaska Alabama Partners MBR Tariff to be effective 12/13/2025.
Filed Date: 12/12/25.
Accession Number: 20251212–5164.
Comment Date: 5 p.m. ET 1/2/26.

Docket Numbers: ER26–741–000.
Applicants: Tucson Electric Power Company.
Description: § 205(d) Rate Filing: Service Agreement No. 610 to be effective 12/15/2025.
Filed Date: 12/12/25.
Accession Number: 20251212–5171.
Comment Date: 5 p.m. ET 1/2/26.

Docket Numbers: ER26–742–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2025–12–12_Cancellation of Schedules 43K Rush Island & 43L Lakefront 9 to be effective 2/11/2026.
Filed Date: 12/12/25.
Accession Number: 20251212–5174.
Comment Date: 5 p.m. ET 1/2/26.

Docket Numbers: ER26–743–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Proposed Revisions to RPM Seller Credit Provision to be effective 2/11/2026.
Filed Date: 12/12/25.
Accession Number: 20251212–5180.
Comment Date: 5 p.m. ET 1/2/26.

Docket Numbers: ER26–744–000.
Applicants: PPL Electric Utilities Corporation, Virginia Electric and Power Company.
Description: § 205(d) Rate Filing: Virginia Electric and Power Company submits tariff filing per 35.13(a)(2)(iii: PJM TOs Order No. 1920 Planning Revs to PJM Tariff Att. M–3 and M–5 to be effective 12/31/9998.
Filed Date: 12/12/25.
Accession Number: 20251212–5181.
Comment Date: 5 p.m. ET 1/2/26.

Docket Numbers: ER26–745–000.
Applicants: Ameren Transmission Company of Illinois.
Description: § 205(d) Rate Filing: Filing of a Joint Ownership Agreement to be effective 2/11/2026.
Filed Date: 12/12/25.
Accession Number: 20251212–5210.
Comment Date: 5 p.m. ET 1/2/26.

Docket Numbers: ER26–746–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2025–12–12_Updates to the Default Technology Specific Avoidable Costs Filing to be effective 2/11/2026.
Filed Date: 12/12/25.
Accession Number: 20251212–5215.
Comment Date: 5 p.m. ET 1/2/26.

Docket Numbers: ER26–747–000.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Transmission Company of Illinois.
Description: § 205(d) Rate Filing: Ameren Transmission Company of Illinois submits tariff filing per 35.13(a)(2)(iii: 2025–12–12_SA 4609 ATXI–UEC–MEC–Sikeston CSA to be effective 2/11/2026.
Filed Date: 12/12/25.
Accession Number: 20251212–5242.
Comment Date: 5 p.m. ET 1/2/26.

Docket Numbers: ER26–748–000.
Applicants: California Independent System Operator Corporation.
Description: § 205(d) Rate Filing: 2025–12–12 Amendment of Rate Schedule 8856, Notice Waiver & CEII Requests to be effective 12/30/2025.
Filed Date: 12/12/25.
Accession Number: 20251212–5263.
Comment Date: 5 p.m. ET 1/2/26.

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: December 12, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–23227 Filed 12–17–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings in Existing Proceedings

Docket Numbers: RP25–740–002.
Applicants: Baltimore Gas and Electric Company, et al. v. *Columbia Gas Transmission, LLC.*
Description: Columbia Gas Transmission, LLC submits filing in compliance with the 10/16/2025 Order on Complaint.

Filed Date: 12/4/25.

Accession Number: 20251204–5212.

Comment Date: 5 p.m. ET 12/16/25.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

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: December 12, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–23226 Filed 12–17–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5089–027]

Fall River Electric Cooperative, Inc.; Notice of Intent To Prepare an Environmental Assessment

On August 31, 2021, Fall River Electric Cooperative, Inc. (Fall River) filed an application for a new major license for the existing 7.45-megawatt Felt Project (FERC No. 5089). The Felt Project is located on the Teton River in Teton County, Idaho. The project occupies federal lands administered by the U.S. Bureau of Land Management.

In accordance with the Commission's regulations, on October 1, 2025, Commission staff issued a notice that the project was ready for environmental analysis (REA Notice). Based on the information in the record, including comments filed on the REA Notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare an Environmental Assessment (EA) on the application to license the Felt Project.[1]

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

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.*

The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA.	August 2026.

Any questions regarding this notice may be directed to Ingrid Brofman at (202) 502–8347 or at *ingrid.brofman@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: December 15, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–23296 Filed 12–17–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–17–000]

Leaf River Energy Center LLC; Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Leaf River Capacity Expansion Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document that will discuss the environmental impacts of the Leaf River Capacity Expansion Project (Project) involving construction and operation of facilities by Leaf River Energy Center LLC (LREC) in Smith, Jasper, and Clarke counties, Mississippi. The Commission will use this environmental document in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the project. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This gathering of public input is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues. Additional information about the Commission's NEPA process is described below in the *NEPA Process and Environmental Document* section of this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on January 12, 2026. Comments may be submitted in written form. Further details on how to submit comments are provided in the *Public Participation* section of this notice.

Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the environmental document. Commission staff will consider all written comments during the preparation of the environmental document.

If you submitted comments on this project to the Commission before the opening of this docket on October 31, 2025, you will need to file those comments in Docket No. CP26–17–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement.

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1764758177.

However, if the Commission approves the project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law. The Commission does not subsequently grant, exercise, or oversee the exercise of that eminent domain authority. The courts have exclusive authority to handle eminent domain cases; the Commission has no jurisdiction over these matters.

LREC provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' which addresses typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website (*www.ferc.gov*) under the Natural Gas, Landowner Topics link.

Public Participation

There are three methods you can use to submit your comments to the Commission. Please carefully follow these instructions so that your comments are properly recorded. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.*

(1) You can file your comments electronically using the eComment feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; a comment on a particular project is considered a ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP26–17–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Additionally, the Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

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.*

Summary of the Proposed Project

LREC proposes to expand existing natural gas storage caverns and create a new natural gas storage cavern. The Leaf River Capacity Expansion Project would allow LREC to increase the certificated natural gas storage capacity at its existing New Home Salt Dome storage facility by 17.62 billion cubic feet (''Bcf''). According to LREC, the project would help satisfy market demand for incremental natural gas storage and is needed to provide critical natural gas grid reliability, and to help reduce price volatility and physical supply and demand imbalances in the Gulf Coast natural gas market.

The Leaf River Capacity Expansion Project would consist of the following facilities:

- one new salt dome cavern with 12.52 billion cubic feet of working gas capacity, a well pad site, wellhead equipment, and other pipeline appurtenances;
- a new service corridor that includes 16-inch- and 24-inch-diameter gas headers, 16-inch-diameter raw water and brine lines, and appurtenant facilities connecting to the new cavern well;
- two new gas-powered centrifugal compressors with a total of 27,010 horsepower (hp) at an existing compression facility; and
- installation of a 6,130 hp gas-powered centrifugal compressor within the existing fence line of a booster station.

The general location of the project facilities is shown in appendix 1.[1]

Land Requirements for Construction

Constructing the proposed facilities would disturb about 32.0 acres of land. Following construction, LREC would maintain about 18.0 acres of land for permanent operation of the proposed facilities, and the remaining acreage would be restored and be allowed to revert to former uses.

NEPA Process and the Environmental Document

Any environmental document issued by the Commission will discuss impacts that could occur as a result of the construction and operation of the proposed project under the relevant general resource areas:

- geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- air quality and noise; and
- reliability and safety.

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project and make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further study and discussion in the environmental document.

Following this scoping period, Commission staff will determine whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or the EIS will present Commission staff's independent analysis of the issues. If Commission staff prepares an EA, a *Notice of Schedule for the Preparation of an Environmental Assessment* will be issued. The EA may be issued for an allotted public comment period. The Commission would consider timely comments on the EA before making its decision regarding the proposed project. If Commission staff prepares an EIS, a *Notice of Intent to Prepare an EIS/Notice of Schedule* will be issued, which will open up an additional comment period. Staff will then prepare

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary.'' For instructions on connecting to eLibrary, refer to the last page of this notice. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll free, (886) 208–3676 or TTY (202) 502–8659.

a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary [2] and the Commission's natural gas environmental documents web page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). If eSubscribed, you will receive instant email notification when the environmental document is issued.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate in the preparation of the environmental document.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the *Public Participation* section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] The environmental document for this project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

(1) Send an email to *GasProjectAddressChange@ferc.gov* stating your request. You must include the docket number CP26–17–000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. *This email address is unable to accept comments.*

OR

(2) Return the attached ''Mailing List Update Form'' (appendix 2).

Additional Information

Additional information about the project is available from the FERC website at *www.ferc.gov* using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number in the ''Docket Number'' field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at *https://www.ferc.gov/news-events/events* along with other related information.

(Authority: 18 CFR 2.1)

Dated: December 12, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–23224 Filed 12–17–25; 8:45 am]

BILLING CODE 6717–01–P

[2] For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] Cooperating agency responsibilities are addressed in Section 107(a)(3) of NEPA (42 U.S.C. 4336(a)(3)).

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26–3–000]

Commission Information Collection Activities (Ferc–574) Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection FERC–574 (Gas Pipeline Certificates: Hinshaw Exemption). There are no proposed changes to the reporting requirements.

DATES: Comments on the collection of information are due February 17, 2026.

ADDRESSES: Please submit comments via email to *DataClearance@FERC.gov.* You must specify the docket No. (IC26–3–000) and the FERC Information Collection number (FERC–574) in your email. If you are unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- *Mail via U.S. Postal Service only, addressed to:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
- *Hand (including courier) delivery to:* Federal Energy Regulatory Commission, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Docket: To view comments and issuances in this docket, please visit *https://elibrary. ferc.gov/eLibrary/search.*

FOR FURTHER INFORMATION CONTACT: Kayla Williams may be reached by email at *DataClearance@FERC.gov,* or by telephone at (202) 502–6468.

SUPPLEMENTARY INFORMATION:

Title: FERC–574 (Gas Pipeline Certificates: Hinshaw Exemption)

OMB Control No.: 1902–0116

Type of Request: Three-year extension of the information collection FERC–574 with no changes to the current reporting requirements.

Abstract: The Commission uses the information collected under the requirements of FERC–574 to implement the statutory provisions of Sections 1(c), 4, and 7 of the Natural Gas Act (NGA). Natural gas pipeline

companies apply for an exemption under the provisions of section 1(c). If the Commission grants an exemption, the natural gas pipeline company is not required to file certificate applications, rate schedules, or any other applications or forms prescribed by the Commission.

The exemption applies to companies engaged in the transportation, sale, or resale of natural gas in interstate commerce if: (a) they receive gas at or within the boundaries of the state from another person at or within the boundaries of that state; (b) such gas is ultimately consumed in such state; (c) the rates, service and facilities of such company are subject to regulation by a State Commission; and (d) that such State Commission is exercising that jurisdiction. 18 CFR part 152 specifies the data required to be filed by pipeline companies for an exemption.

Type of Respondents: Jurisdictional Pipeline companies.

Estimate of Annual Burden: [1] The Commission estimates the annual public reporting burden and cost [2] for the information collection as:

Number of respondents	Number of responses per respondent	Total number of responses	Average burden hours & average cost ($) per response	Total annual burden hours & total annual cost	Cost per respondent
(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1) = (6)
2	1	2	60 hours; $6,180	120 hours; $12,360	$6,180

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: December 12, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–23221 Filed 12–17–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1494–438]

Grand River Dam Authority; Notice of Revised Procedural Schedule for Filing Contaminated Sediment Report for the Proposed Project Relicense

On May 30, 2023, Grand River Dam Authority (GRDA) filed an application for a new license to continue to operate and maintain the 105.176-megawatt Pensacola Hydroelectric Project No. 1494 (Pensacola Project). On September 23, 2025, Commission staff issued a study plan determination (SPD) for an outstanding request for a study plan modification related to a contaminated sediment transport study. The SPD included an Integrated Licensing Process Plan and Schedule (Process Plan and Schedule), which among other things, required the filing of a final report for the contaminated sediment transport desktop study by April 21, 2026.

On October 23, 2025, GRDA requested an 180-day extension of time to file the final study report. GRDA requested the additional time to: (1) identify and consult with experts from federal and state agencies, Tribes, local governments, and interested non-governmental agencies; (2) allow time for GRDA and the stakeholders to refamiliarize themselves with the administrative record, as well as for GRDA to retain a consultant to conduct the study; and (3) prepare the study report.

GRDA's request is reasonable, and, therefore, is granted. The revised Process Plan and Schedule, which reflects the 180-day extension of time to file the final study report, is provided below. Further revisions to the schedule may be made as appropriate.

Lead	Activity	Timeframe	Deadline
FERC	Study Plan Determination for Contaminated Sediment Transport Study and Desktop Contaminated Sediment Transport Study.		September 23, 2025.
GRDA	Consult with Tribes, agencies, residents of affected communities, and people who manage GRDA's project lands and adjacent lands to: solicit information on contamination and contaminant transport and activities and practices that present potential human pathways for contaminants; review recreation records; and review TCPs, including those who use them.	No later than 30 days after the Commission's Study Plan Determination.	January 21, 2026.
Stakeholders	Submit any relevant information on contamination and contaminant transport and activities and practices that present potential human pathways for contaminants; review of recreation records, review of TCPs, including who uses them.	No later than 30 days after GRDA submits solicitation.	March 22, 2026.

[1] ''Burden'' is the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. See 5 CFR 1320 for additional information on the definition of information collection burden.

[2] Commission staff estimates that the industry's skill set and cost (for wages and benefits) for FERC–574 are approximately the same as the Commission's average cost. The FERC 2025 average salary plus benefits for one FERC full-time equivalent (FTE) is $214,093/year (or $103/hour).

Lead	Activity	Timeframe	Deadline
GRDA	Based on the identified contaminant pathways, GRDA would then review the literature on the risk of contaminant exposure, identify any potential contaminant exposure risks to affected people, and identify possible (*i.e.,* practical and effective) exposure mitigation approaches.	No later than 30 days after stakeholders submit relevant information on contamination and contaminant transport and activities and practices that present potential human pathways for contaminants.	May 21, 2026.
GRDA	GRDA would then develop a draft report on its findings and submit it to Oklahoma DEQ, the City, the Tribes, and other affected stakeholders for review.	No later than 60 days after GRDA's literature review is complete.	July 20, 2026.
Stakeholders	Submit comments on the draft report	No later than 30 days after GRDA submits the draft report for review.	September 18, 2026.
GRDA	Submit final report to the Commission, including documentation of consultation with Oklahoma DEQ, the City, the Tribes, and other affected stakeholders, copies of comments and recommendations, and specific descriptions of how comments from Oklahoma DEQ, the City, the Tribes, and other stakeholders were accommodated in the report.	No later than 30 days after the deadline for comments on the draft report.	October 18, 2026.
FERC	Notice of acceptance and ready for environmental analysis.	No later than 45 days after GRDA submits the final report.	November 2, 2026.

Any questions regarding this notice may be directed to Allan Creamer at (202) 502–8365, or by email at *allan.creamer@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: December 12, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–23219 Filed 12–17–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC25–19–000]

Commission Information Collection Activities (Ferc-539) Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–539 (Gas Pipeline Certificates: Import & Export Related Applications), which will be submitted to the Office of Management and Budget (OMB). There are no proposed changes since the updates included in RM22–8–000.

DATES: Comments on the collections of information are due February 17, 2026.

ADDRESSES: Please submit comments via email to *DataClearance@FERC.gov.* You must specify the Docket No. (IC25–19–000) and the FERC Information Collection number (FERC–539) in your email. If you are unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- *Mail via U.S. Postal Service only, addressed to:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
- *Hand (including courier) delivery to:* Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Docket: To view comments and issuances in this docket, please visit *https://elibrary.ferc.gov/eLibrary/search.*

FOR FURTHER INFORMATION CONTACT: Kayla Williams may be reached by email at *DataClearance@FERC.gov,* or by telephone at (202)502–6468.

SUPPLEMENTARY INFORMATION:

Title: FERC–539 (Gas Pipeline Certificates: Import & Export Related Applications).

OMB Control No.: 1902–0062.

Type of Request: Three-year extension of the FERC–539 with no changes to the current reporting requirements.

Abstract: The purpose of FERC–539 is to implement information collections pursuant to Section 3 of the Natural Gas Act (NGA).[1] This statute provides, in part, that ''. . . no person shall export any natural gas from the United States to a foreign country or import any natural gas from a foreign country without first having secured an order from the Commission authorizing it to do so.'' [2] This statute applies not only to natural gas imported and/or exported via pipeline, but also to any import and/or export of liquefied natural gas via a liquefied natural gas terminal. The 1992 amendments to Section 3 of the NGA concern importation or exportation from/to a nation which has a free trade agreement with the United States, and requires that such importation or exportation: (1) Shall be deemed to be a ''first sale'', *i.e.,* not a sale for a resale, and (2) Shall be deemed to be consistent with the public interest, and applications for such importation or exportation shall be granted without modification or delay.

Estimate of Annual Burden: [3] The Commission estimates the annual public reporting burden for the information collection as:

[1] 15 U.S.C. 717–717w.

[2] 15 U.S.C. 717b.

[3] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. See 5 CFR 1320 for additional information on the definition of information collection burden.

Number of respondents	Number of responses per respondent	Total number of responses	Average burden hours & average cost [4] per response ($)	Total annual burden hours & total annual cost ($)	Cost per respondent ($)
(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1) = (6)
6	2	12	15 hours; $1,545	180 hours; $18,540	$3,090

Comments: Comments are invited on: (1) whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collections of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collections; and (4) ways to minimize the burden of the collections of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: December 12, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–23222 Filed 12–17–25; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

EPA–HQ–OAR–2022–0070; FRL–13137–01–OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; NSPS for Flexible Vinyl and Urethane Coating and Printing (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for Flexible Vinyl and Urethane Coating and Printing (EPA ICR Number 1157.14, OMB Control Number 2060–0073) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through December 31, 2025. Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before January 20, 2026.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2022–0070, to EPA online using *www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Muntasir Ali, Sector Policies and Program Division (D243–05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–0833; email address: *ali.muntasir@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through December 31, 2025. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period (89 FR 63933). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The New Source Performance Standards (NSPS) for Flexible Vinyl and Urethane Coating and Printing were promulgated on June 29, 1984; and amended on October 17, 2000. These regulations apply to facilities with rotogravure printing lines used to either print or coat flexible vinyl or urethane products for which construction, modification or reconstruction commenced after January 18, 1983. This information is being collected to assure compliance with 40 CFR part 60, subpart FFF. In general, all NSPS standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to the NSPS.

Form Numbers: None.

Respondents/affected entities: Facilities with rotogravure printing lines used to either print or coat flexible vinyl or urethane products.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart FFF).

Estimated number of respondents: 43 (total).

Frequency of response: Initially, annually, semiannually.

Total estimated burden: 1,360 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $809,000 (per year), which includes $623,000 annualized capital or operation & maintenance costs.

Changes in the Estimates: The increase in burden and costs from the

[4] The Commission staff estimates that industry is similarly situated in terms of hourly cost (for wages plus benefits). Based on the Commission's FY (Fiscal Year) 2025 average cost (for wages plus benefits), $103/hour is used.

most recently approved ICR is due to an adjustment. The adjustment is due to an increase in the number of new or modified sources. The capital and O&M costs also increased due to the number of respondents. Additionally, the capital and O&M costs were increased from 2007 $ to 2024 $ using the CEPCI CE Index.

Courtney Kerwin,

Deputy Director, Data and Enterprise Programs Division.

[FR Doc. 2025–23271 Filed 12–17–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2022–0021; FRL–13140–01–OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; NESHAP for Secondary Aluminum Production (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Secondary Aluminum Production (EPA ICR Number 1894.12, OMB Control Number 2060–0433) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through December 31, 2025. Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before January 20, 2026.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2022–0021, to EPA online using *www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Muntasir Ali, Sector Policies and Program Division (D243–05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–0833; email address: *ali.muntasir@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through December 31, 2025. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period (89 FR 63933). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Aluminum Production (40 CFR part 63, subpart RRR) were promulgated on March 23, 2000; and amended on the following dates: December 30, 2002 (67 FR 79808); September 3, 2004 (69 FR 53980); October 3, 2005 (70 FR 57513); December 19, 2005 (70 FR 75320); September 18, 2015 (80 FR 56700); and June 13, 2016 (81 FR 38085). These regulations apply to existing facilities and new facilities that are secondary aluminum production facilities and major sources of hazardous air pollutants (HAP) either commencing construction, or reconstruction, after the date of proposal. This includes facilities that operate aluminum scrap shredders, thermal chip dryers, scrap dryers/delacquering kilns/decoating kilns, group 1 furnaces, group 2 furnaces, sweat furnaces, dross only furnaces, rotary dross coolers, and secondary aluminum processing units (SAPUs). The SAPUs include group 1 furnaces and in-line fluxers. The regulations also apply to secondary aluminum production facilities that are area sources of HAP only with respect to emissions of dioxins/furans (D/F) from thermal chip dryers, scrap dryers/delacquering kilns/decoating kilns, group 1 furnaces, sweat furnaces, and SAPUs. New facilities include those that commenced either construction, or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 63, subpart RRR.

Form Numbers: None.

Respondents/affected entities: Secondary aluminum production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart RRR).

Estimated number of respondents: 164 (total).

Frequency of response: Initially and semiannually.

Total estimated burden: 13,000 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $5,160,000 (per year), which includes $4,650,000 annualized capital or operation & maintenance costs.

Changes in the Estimates: The increase in burden from the most recently approved ICR is due to an adjustment. The adjustment is due to an increase in the number of new sources expected over the next three years based on feedback received during consultation. There is an increase in the capital/O&M costs due to the increased number of new sources described above.

Courtney Kerwin,

Deputy Director, Data and Enterprise Programs Division.

[FR Doc. 2025–23286 Filed 12–17–25; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0755; FR ID 322385]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before February 17, 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: 3060–0755.

Title: Sections 59.1 through 59.4, Infrastructure Sharing.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 75 respondents; 1,125 responses.

Estimated Time per Response: 1–2 hours.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in *47 U.S.C. 259* of the Communications Act of 1934, as amended.

Total Annual Burden: 2,025 hours.

Total Annual Cost: No cost.

Needs and Uses: There are three reporting and third party disclosure requirements under section 259 of the Communications Act of 1934, as amended. They are: (1) filing of tariffs, contracts or arrangements; (2) providing information concerning deployment of new services and equipment; and (3) notice upon termination of section 259 agreements. The information collections by the Commission under the requirement are: (1) incumbent local exchange carriers (incumbent LECs) will file for public inspection any tariffs, contracts and agreements for infrastructure sharing with third parties (qualifying carriers); (2) incumbent LECs will provide timely information on planned deployments of new services and equipment to third parties (qualifying carriers); and (3) incumbent LECs will furnish third parties (qualifying carriers) with 60 day notice prior to termination of a section 259 sharing agreement to protect customers from sudden changes in service.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2025–23210 Filed 12–17–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1174; FR ID 322358]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA), 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 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 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 should be submitted on or before February 17, 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 contacts 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: As part of its continuing effort to reduce paperwork burdens, and as required by the PRA of 1995 (44 U.S.C. 3501–3520), the FCC 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 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.

OMB Control Number: 3060–1174.

Title: Section 73.503, Licensing requirements and service; Section 73.621, Noncommercial educational TV stations; Section 73.3527, Local public inspection file of noncommercial educational stations.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions.

Number of Respondents and Responses: 2,200 respondents; 33,000 responses.

Estimated Time per Response: 0.5 hours.

Frequency of Response: Recordkeeping requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority which covers these information collections is contained in 47 U.S.C. 151, 154(i), 303, and 399B.

Total Annual Burden: 16,500 hours.

Total Annual Cost: No cost.

Needs and Uses: On April 20, 2017, the Commission adopted a Report and Order in MB Docket No. 12–106, FCC 17–41, In the Matter of Noncommercial Educational Station Fundraising for Third-Party Non-Profit Organizations, which relaxed the rules to allow NCE stations to spend up to one percent of their total annual airtime conducting on-air fundraising activities that interrupt regular programming for the benefit of third-party non-profit organizations. The Report and Order imposed the following information collection requirements on NCE stations:

Audience disclosure: The information collection requirements contained in 47 CFR 73.503(e)(1) require that a noncommercial educational FM broadcast station that interrupts regular programming to conduct fundraising activities on behalf of third-party non-profit organizations must air a disclosure during such activities clearly stating that the fundraiser is not for the benefit of the station itself and identifying the entity for which it is fundraising. The information collection requirements contained in 47 CFR 73.621(f)(1) require that a noncommercial educational TV broadcast station that interrupts regular programming to conduct fundraising activities on behalf of third-party non-profit organizations must air a disclosure during such activities clearly stating that the fundraiser is not for the benefit of the station itself and identifying the entity for which it is fundraising. The audience disclosure must be aired at the beginning and the end of each fundraising program and at least once during each hour in which the program is on the air.

Retention of information on fundraising activities in local public inspection file: The information collection requirements contained in 47 CFR 73.3527(e)(14) require that each noncommercial educational FM broadcast station and noncommercial educational TV broadcast station that interrupts regular programming to conduct fundraising activities on behalf of a third-party non-profit organization must place in its local public inspection file, on a quarterly basis, the following information for each third-party fundraising program or activity: The date, time, and duration of the fundraiser; the type of fundraising activity; the name of the non-profit organization benefitted by the fundraiser; a brief description of the specific cause or project, if any, supported by the fundraiser; and, to the extent that the station participated in tallying or receiving any funds for the non-profit group, an approximation, to the nearest $10,000, of the total funds raised. The information for each calendar quarter is to be filed by the tenth day of the succeeding calendar quarter (*e.g.,* January 10 for the quarter October–December, April 10 for the quarter January–March, etc.).

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2025–23280 Filed 12–17–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 322524]

Sunshine Act; Open Commission Meeting Thursday, December 18, 2025

December 11, 2025.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, December 18, 2025, which is scheduled to commence at 10:30 a.m. in the Commission Meeting Room of the Federal Communications Commission, 45 L Street NE, Washington, DC.

While attendance at the Open Meeting is available to the public, the FCC headquarters building is not open access and all guests must check in with and be screened by FCC security at the main entrance on L Street. Attendees at the Open Meeting will not be required to have an appointment but must otherwise comply with protocols outlined at: *www.fcc.gov/visit.* Open Meetings are streamed live at: *www.fcc.gov/live* and on the FCC's YouTube channel.

Item No.	*Bureau*	*Subject*
1	Wireline Competition	Title: Updating Rules to Curb Robocallers' Access to Phone Numbers (WC Docket No. 13–97); Telephone Number Requirements for IP-Enabled Service Providers (WC Docket No. 07–243); Implementation of TRACED Act Section 6(a)—Knowledge of Customers by Entities with Access to Numbering Resources (WC Docket No. 20–67) Summary: The Commission will consider a Third Report and Order and Third Further Notice of Proposed Rulemaking to strengthen and modernize the Commission's requirements that all providers of Voice over Internet Protocol service must meet to maintain direct access to telephone numbers and protect consumers from illegal robocalling. The Commission would seek comment on ways to further bolster numbering resource protections as bad actors continue to seek new and creative methods for exploiting consumers and causing harm.
2	Media	Title: Advancement of the Low Power Television, TV Translator and Class A Television Service (MB Docket No. 24–148) Summary: The Commission will consider a Report and Order amending its rules to provide regulatory certainty and clarity to LPTV broadcasters and reflect changes in the broadcast industry since the establishment of the LPTV service.

Item No.	Bureau	Subject
3	Office of Engineering and Technology	Title: Delete, Delete, Delete (GN Docket No. 25–133) Summary: The Commission will consider a Direct Final Rule that would continue the Commission's efforts to modernize its regulatory framework by eliminating approximately 35 obsolete, outdated, and unnecessary rules from Parts 2, 15, and 18, totaling 11,970 words or approximately 25 pages of the Code of Federal Regulations.

* * * * *

The meeting will be webcast at: *www.fcc.gov/live.* Open captioning will be provided as well as a text only version on the FCC website. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted but may be impossible to fill. Send an email to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

Press Access—Members of the news media are welcome to attend the meeting and will be provided reserved seating on a first-come, first-served basis. Following the meeting, the Chairman may hold a news conference in which he will take questions from credentialed members of the press in attendance. Also, senior policy and legal staff will be made available to the press in attendance for questions related to the items on the meeting agenda. Commissioners may also choose to hold press conferences. Press may also direct questions to the Office of Media Relations (OMR): *MediaRelations@fcc.gov.* Questions about credentialing should be directed to OMR.

Additional information concerning this meeting may be obtained from the Office of Media Relations, (202) 418–0500. Audio/Video coverage of the meeting will be broadcast live with open captioning over the internet from the FCC Live web page at *www.fcc.gov/live.*

Authority: This meeting is held, in accordance with the Government in the Sunshine Act (Sunshine Act), Public Law 94–409, as amended (5 U.S.C. 552b).

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2025–23326 Filed 12–16–25; 4:15 pm]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1269; FR ID 322531]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before February 17, 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: 3060–1269.

Title: Enhanced Geo-targeted Wireless Emergency Alerts.

Form No.: N/A.

Type of Review: Extension of a currently-approved collection.

Respondents: Individuals or households; State, Local or Tribal Government.

Number of Respondents and Responses: 25,714 respondents; 25,714 responses.

Estimated Time per Response: 0.1167 hours (7 minutes).

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Voluntary. Statutory authority for this information collection is authorized under the Warning, Alert and Response Network Act, Title VI of the Security and Accountability for Every Port Act of 2006 (120 Stat. 1884, section 602(a), codified at 47 U.S.C. 1201, *et seq.,* 1202(a)) (WARN Act) and 47 U.S.C. 151, 154(i), 154(j), 154(n), 218, 219, 230, 256, 301, 302(a), 303(f), 303(g), 303(j), 303(r) and 403.

Total Annual Burden: 3,000 hours.

Total Annual Cost: No Cost.

Needs and Uses: The WARN Act gives the Commission authority to adopt relevant technical standards, protocols, procedures and other technical requirements governing Wireless Emergency Alerts (WEA). The Commission adopted rules to implement the WEA system (previously known as the Commercial Mobile Service Alert System) pursuant to the WARN Act to satisfy the Commission's mandate to promote the safety of life and property through the use of wire and radio communication. The WEA system transmits emergency alerts to WEA-capable mobile devices, providing consumers with timely warnings and information in emergencies. In 2018, the Commission issued a Report & Order requiring that Participating Commercial Mobile Service Providers (providers)

implement enhanced geo-targeting functionality by November 30, 2019 to allow WEA alert originators (*e.g.,* local emergency management offices) to target a WEA alert to eligible devices in a prescribed geographic area (*e.g.,* an area where there is imminent threat of the loss of life or property). See Federal Communications Commission, Wireless Emergency Alerts; Emergency Alert System, 83 FR 8619, 8623 (Feb. 28, 2018) (announcing a Nov. 30, 2019 amendment to 47 CFR 10.450).

The Commission seeks to evaluate WEA performance, particularly with respect to the accuracy of providers' geo-targeting capabilities. To do so, the Commission will use surveys to collect information and evaluate performance during a WEA test. Survey respondents affiliated with alert originators, partnered with the Commission in different geographic areas of the country, will be asked to complete a survey. The survey will be accessible by a hyperlink embedded in a WEA test alert and by a URL provided by the Commission. The Commission has developed a survey, which is available at *https://www.fcc.gov/wea.* The Commission also made available a Spanish-language version of the test message at, *https://www.fcc.gov/wea-es.* The information sought in this collection is necessary and vital to ensuring that WEA is effective at protecting the life and property of the public.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2025–23209 Filed 12–17–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0075; FR ID 322480]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA), 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 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 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 should be submitted on or before February 17, 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 contacts 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: As part of its continuing effort to reduce paperwork burdens, and as required by the PRA of 1995 (44 U.S.C. 3501–3520), the FCC 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 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.

OMB Control Number: 3060–0075.

Title: Form 2100, Schedule 345—Application for Consent to Assign Construction Permit or License for TV or FM Translator Station or Low Power Television Station or to Transfer Control of Entity Holding TV or FM Translator or Low Power Television Station.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not for profit institutions; Local or Tribal Government.

Number of Respondents and Responses: 1,700 respondents; 3,900 responses.

Estimated Time per Response: 0.075–1.25 hours.

Frequency of Response: Third party disclosure requirement and on occasion reporting requirement.

Total Annual Burden: 3,013 hours.

Total Annual Cost: $4,168,379.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i) and 310 of the Communications Act of 1934, as amended.

Needs and Uses: Filing of Schedule 345 is required when applying for authority for assignment of license or permit, or for consent to transfer of control of a corporate licensee or permittee for an FM or TV translator station, or low power TV station (LPTV).

This collection also includes the third-party disclosure requirement of 47 CFR 73.3580 (OMB approval was received for Section 73.3580 under OMB Control Number 3060–0031). Section 73.3580, as amended in the Commission's 2020 Public Notice Second Report and Order, discussed below, requires local public notice of the filing of all applications to assign or transfer control of a broadcast station authorization, including those of an FM or TV translator or booster station or LPTV station. Notice is given by an applicant posting notice of the application filing on its station website, its licensee website, its parent entity website, or on a publicly accessible, locally targeted website, for 30 consecutive days beginning within five business days of acceptance of the application for filing. The online notice must link to a copy of the application as filed in the Commission's LMS licensing database. Applicants for assignment or transfer of control of a LPTV station that locally originates programming must also make a total of six on-air announcements giving notice that their applications have been accepted for filing.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2025–23308 Filed 12–17–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0896; FR ID 322503]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA), 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 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 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 should be submitted on or before February 17, 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 contacts 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: As part of its continuing effort to reduce paperwork burdens, and as required by the PRA of 1995 (44 U.S.C. 3501–3520), the FCC 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 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.

OMB Control Number: 3060–0896.

Title: Broadcast Auction Form Exhibits.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other-for profit entities, not-for-profit institutions, State, local or tribal government.

Number of Respondents and Responses: 2,000 respondents and 5,350 responses.

Estimated Hours per Response: 0.5 hours–2 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of Information is contained in Sections 154(i) and 309 of the Communications Act of 1934, as amended.

Annual Hour Burden: 6,663 hours.

Annual Cost Burden: $12,332,500.

Needs and Uses: The Commission's rules require that broadcast auction participants submit exhibits disclosing ownership, bidding agreements, bidding credit eligibility and engineering data. These data are used by Commission staff to ensure that applicants are qualified to participate in Commission auctions and to ensure that license winners are entitled to receive the new entrant bidding credit, if applicable. Exhibits regarding joint bidding agreements are designed to prevent collusion. Submission of engineering exhibits for non-table services enables the Commission to determine which applications are mutually exclusive.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2025–23309 Filed 12–17–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of Intent To Terminate Receivership

Notice is hereby given that the Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for the institution listed below, intends to terminate its receivership for said institution.

NOTICE OF INTENT TO TERMINATE RECEIVERSHIP

Fund	Receivership name	City	State	Date of appointment of receiver
10041	Silver Falls Bank	Silverton	OR	02/20/2009

The liquidation of the assets for the receivership has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors. Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than 30 days after the date of this notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing, identify the receivership to which the comment

pertains, and sent within 30 days of the date of this notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Section, 600 North Pearl, Suite 700, Dallas, TX 75201. No comments concerning the termination of this receivership will be considered that are not sent within this time frame.

(Authority: 12 U.S.C. 1819)

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on December 16, 2025.

Jennifer M. Jones,

Deputy Executive Secretary.

[FR Doc. 2025–23293 Filed 12–17–25; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meetings

TIME AND DATE: 10 a.m., Thursday, January 8, 2026.

PLACE: The Richard V. Backley Hearing Room, Room 511, 1331 Pennsylvania Avenue NW, Suite 504 North, Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor* v. *Cactus Canyon Quarries, Inc.,* Docket Nos. CENT 2023–0045, CENT 2023–0046, CENT 2023–0047, CENT 2023–0048, CENT 2023–0049, CENT 2023–0050, CENT 2023–0051, CENT 2023–0052, CENT 2023–0053, CENT 2023–0054, CENT 2023–0089 (Issues include: (1) whether the Judge erred in denying a motion for recusal filed by the operator; and (2) whether a facility constitutes a ''mine'' under section 3(h)(1)(c) of the Mine Act.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFORMATION: Rory P. Smith (202) 525–8649 / (202) 708–9300 for TDD Relay / 1–800–877–8339 for toll free.

Phone Number for Listening to Meeting: 1–(866) 236–7472. Passcode: 678–100.

Authority: 5 U.S.C. 552b.

Dated: December 16, 2025.

Rory P. Smith,

Attorney-Advisor.

[FR Doc. 2025–23291 Filed 12–16–25; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meetings

TIME AND DATE: 10 a.m., Thursday, January 15, 2026.

PLACE: The Richard V. Backley Hearing Room, Room 511, 1331 Pennsylvania Avenue NW, Suite 504 North, Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor on behalf of Rubio* v. *Castle Mountain Venture,* Docket No. WEST 2024–0283–DM (Issues include whether the Judge erred in sealing a settlement agreement).

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFORMATION: Rory P. Smith (202) 525–8649 / (202) 708–9300 for TDD Relay / 1–800–877–8339 for toll free.

Phone Number for Listening to Meeting: 1–(866) 236–7472. Passcode: 678–100.

Authority: 5 U.S.C. 552b.

Dated: December 16, 2025.

Rory P. Smith,

Attorney-Advisor.

[FR Doc. 2025–23290 Filed 12–16–25; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Deputy Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than January 2, 2026.

A. Federal Reserve Bank of St. Louis (Holly A. Rieser, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *Justin Byrd, individually and as trustee of The Robert C. Byrd, Sr. Irrevocable Trust, both of Germantown, Tennessee; Christina Byrd, New York, New York; Carson Byrd, Los Angeles, California; Robert C. Byrd, Jr., Denver, Colorado; and Lauren Byrd, Memphis, Tennessee;* to join the Byrd Family Control Group, a group acting in concert, to retain voting shares of West Tennessee Bancshares, Inc., and thereby indirectly retain voting shares of the Bank of Bartlett, both of Bartlett, Tennessee.

Board of Governors of the Federal Reserve System.

Erin Cayce,

Assistant Secretary of the Board.

[FR Doc. 2025–23279 Filed 12–17–25; 8:45 am]

BILLING CODE 6210–01–P

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0034; Docket No. 2025–0120; Sequence No. 1]

Information Collection; Examination of Records by Comptroller General and Contract Audit

AGENCY: Office of Federal Procurement Policy (OFPP), Office of Management and Budget (OMB); Department of Defense (DOD); General Services Administration (GSA); and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and OMB regulations, OFPP, DoD, GSA, and NASA invite the public to comment on an extension concerning examination of records by Comptroller General and contract audit. OFPP, DoD, GSA, and NASA invite comments on: whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through April 30, 2026. OFPP, DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: OFPP, DoD, GSA, and NASA will consider all comments received by February 17, 2026.

ADDRESSES: OFPP, DoD, GSA, and NASA invite interested persons to submit comments on this collection through *https://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

Instructions: All items submitted must cite OMB Control No. 9000–0034, Examination of Records by Comptroller General and Contract Audit. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: *FARPolicy@gsa.gov* or call 202–969–4075.

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0034, Examination of Records by Comptroller General and Contract Audit.

B. Need and Uses

This clearance covers the information that contractors must submit to comply with the following Federal Acquisition Regulation (FAR) requirements, as codified in Chapter 1 of Title 48 of the Code of Federal Regulations:

FAR 52.212–5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Products and Commercial Services. Paragraph (d) of this clause requires contractors to make available at its offices at all reasonable times the records, materials, and other evidence for examination, audit, or reproduction by the Comptroller General of the United States, or an authorized representative. As used in this clause, records include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of form.

FAR 52.214–26, Audit and Records—Sealed Bidding. This clause requires contractors required to submit certified cost or pricing data in connection with the pricing of a modification under a contract and to make all records available to the contracting officer, or its authorized representative, including computations and projections related to the proposal for the modification; the discussions conducted on the proposal(s), including those related to negotiating; pricing of the modification; or performance of the modification. This clause requires contractors to make all records available to the Comptroller General of the United States, or an authorized representative, in the case of pricing a modification. This clause allows the Comptroller General to interview any current employee regarding such transactions.

FAR 52.215–2, Audit and Records—Negotiation. This clause requires contractors to maintain records for cost-reimbursement, incentive, time-and-materials, labor-hour, or price redeterminable contracts, or any combination of these, for contracting officers, or an authorized representative, to examine and audit all records and other evidence sufficient to reflect properly all costs claimed to have been incurred or anticipated to be incurred directly or indirectly in performance of a contract. The right of examination includes inspection at all reasonable times of contractor's plants, or parts of them, engaged in performing the pertinent contract. Contractors required to submit certified cost or pricing data in connection with a pricing action under a contract must make all records available to the contracting officer, or its authorized representative, including computations and projections related to the proposal for the contract, subcontract, or modification; the discussions conducted on the proposal(s), including those related to negotiating; pricing of the contract, subcontract, or modification; or performance of the contract, subcontract or modification. Also, this clause requires contractors to make all records available to the Comptroller General of the United States, or an authorized representative, to examine any of the contractor's directly pertinent records involving transactions under the pertinent contract or subcontract. This clause allows the Comptroller General to interview any current employee regarding such transactions.

The information must be retained so that audits necessary for contract surveillance, verification of contract pricing, and reimbursement of contractor costs can be performed. This information collection does not require contractors to create or maintain any record that the contractor does not maintain in its ordinary course of business.

C. Annual Burden

Respondents: 16,474.
Total Annual Responses: 52,344.
Total Burden Hours: 52,344.
Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 9000–0034, Examination of

Records by Comptroller General and Contract Audit.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2025–23212 Filed 12–17–25; 8:45 am]

BILLING CODE 6820–EP–P

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0161; Docket No. 2025–0121; Sequence No. 1]

Information Collection; Reporting Purchases From Sources Outside the United States

AGENCY: Office of Federal Procurement Policy (OFPP), Office of Management and Budget (OMB); Department of Defense (DOD); General Services Administration (GSA); and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and OMB regulations, OFPP, DoD, GSA, and NASA invite the public to comment on an extension concerning reporting purchases from sources outside the United States. OFPP, DoD, GSA, and NASA invite comments on: whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through April 30, 2026. OFPP, DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: OFPP, DoD, GSA, and NASA will consider all comments received by February 17, 2026.

ADDRESSES: OFPP, DoD, GSA, and NASA invite interested persons to submit comments on this collection through *https://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov*.

Instructions: All items submitted must cite OMB Control No. 9000–0161, Reporting Purchases from Sources Outside the United States. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: *FARPolicy@gsa.gov* or call 202–969–4075.

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0161, Reporting Purchases from Sources Outside the United States.

B. Need and Uses

This clearance covers the information that offerors must submit to comply with the FAR provision 52.225–18, Place of Manufacture. This provision requires offerors of manufactured end products to indicate in response to a solicitation, by checking a box, whether the place of manufacture of the end products it expects to provide is predominantly manufactured in the United States or outside the United States. Contracting officers use the information as the basis for entry into the Federal Procurement Data System for further data on the rationale for purchasing foreign manufactured items. The data is necessary for analysis of the application of the Buy American statute and the trade agreements.

C. Annual Burden

Respondents: 23,134.

Total Annual Responses: 1,295,504.

Total Burden Hours: 12,955.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division by calling 202–501–4755 or emailing *GSARegSec@gsa.gov*. Please cite OMB Control No. 9000–0161, Reporting Purchases from Sources Outside the United States.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2025–23211 Filed 12–17–25; 8:45 am]

BILLING CODE 6820–EP–P

OFFICE OF GOVERNMENT ETHICS

Agency Information Collection Activities; Information Collection Renewal; Comment Request for Legal Expense Fund Information Collection

AGENCY: Office of Government Ethics (OGE).

ACTION: Notice of request for agency and public comments.

SUMMARY: After this first round notice and public comment period, the U.S. Office of Government Ethics (OGE) plans to request that the Office of Management and Budget (OMB) renew its approval under the Paperwork Reduction Act for an existing information collection related to OGE's Legal Expense Fund regulation at 5 CFR part 2635, subpart J.

DATES: Written comments by the public and the agencies on this proposed extension are invited and must be received on or before February 17, 2026.

ADDRESSES: Comments may be submitted to OGE by any of the following methods:

Email: usoge@oge.gov (Include reference to ''OGE Legal Expense Fund paperwork comment'' in the subject line of the message.)

Mail: Office of Government Ethics, Suite 750, 250 E Street SW, Washington, DC 20024, Attention: McEvan Baum, Assistant Counsel.

Instructions: Comments may be posted on OGE's website, *www.oge.gov*. Sensitive personal information, such as account numbers or Social Security numbers, should not be included. Comments generally will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: McEvan Baum at the U.S. Office of Government Ethics; telephone: 202–482–9287; TTY: 800–877–8339; Email: *usoge@oge.gov.*

SUPPLEMENTARY INFORMATION:

Title: OGE Legal Expense Fund Information Collection.

Type of Information Collection: Extension of a currently approved collection.

Type of Review Request: Regular.

Respondents: Current executive branch employees (and/or their representatives) seeking to accept payments for legal expenses from a legal expense fund or the provision of pro bono legal services for matters arising in connection with the employee's past or current official position, the employee's prior position on a campaign of a candidate for President or Vice President, or the employee's prior position on a Presidential Transition Team; legal expense fund trustees.

Estimated Average Annual Number of Responses: 133.

Total Estimated Time per Response: 5 minutes to 20 hours (see table below for detailed explanation).

Estimated Average Total Annual Burden: 109.2 hours.

OMB Control Number: 3209–0012.

Abstract: On May 25, 2023, OGE published a final rule establishing a framework to govern an executive branch employee's acceptance of payments for legal expenses through a Legal Expense Fund (LEF) for matters arising in connection with the employee's official position, the employee's prior position on a campaign of a candidate for President or Vice President, or the employee's prior position on a Presidential Transition Team. The requirements for establishing and maintaining an LEF are found in 5 CFR part 2635, subpart J (LEF regulation).

The LEF regulation requires that employees who wish to establish a legal expense fund do so through a trust with a single, named employee beneficiary and a trustee. It also requires an employee beneficiary to file quarterly reports that include information (1) regarding members of the public who make financial donations to help pay for the employee beneficiary's legal expenses (donors) and (2) members of the public who receive payments from a legal expense fund (payees). The employee beneficiary must also file a termination report upon the termination of the trust and/or executive branch employment. The trust documents, quarterly reports, and termination reports will be posted directly on OGE's website in accordance with 5 CFR 2635.1007(g). Together, this information collection (IC) is titled ''OGE Legal Expense Fund Information Collection.'' The IC was approved by OMB and assigned OMB Control Number 3209–0012 on July 21, 2023.

The following table estimates the total annual burden resulting from the OGE Legal Expense Fund Information Collection.

Instrument	Time per response	Number of annual responses	Total burden (hours)
Trust Document	20 hours	3	60
Quarterly and Termination Reports (beneficiary burden)	2 hours	20	40
Quarterly and Termination Reports (donor and payee burden)	5 minutes	110	9.2
Total			109.2

OGE estimates that there will be approximately three new legal expense funds filed each year. It is anticipated that there may be an average of five legal expense fund trusts in existence each year. Each trust is anticipated to have approximately 20 donors, whose reporting requirements are tied to the frequency with which they donate, and approximately two payees, who will submit information each time they receive a distribution. The burden for collecting this information from donors and payees is on the trustees. These estimates are based in part on OGE's knowledge of several legal expense funds that have been established for Executive branch employees, as well as OGE's consultation with the U.S. House of Representatives and the U.S. Senate regarding the legal expense funds that they oversee.

Based on the above, OGE estimates an average annual time burden during the next three years of 109.2 hours. Using an estimated rate of $340 per hour for the services of a professional trustee or private representative, the estimated annual cost burden is $37,128.

Under OMB's implementing regulations for the Paperwork Reduction Act, any recordkeeping, reporting, or disclosure requirement contained in a rule of general applicability is deemed to involve ten or more persons. See 5 CFR 1320.3(c)(4)(i).

OGE plans to submit the instruments described above to OMB for a three-year extension of approval without modification, pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Request for Comments: Agency and public comments are invited specifically on the need for and practical utility of this information collection, on the accuracy of OGE's burden estimate, on the enhancement of quality, utility, and clarity of the information collected, and on minimizing the burden to the public. Comments received in response to this notice will be summarized for, and may be included with, the OGE request for extension of OMB approval. The comments will also become a matter of public record.

Specifically, OGE seeks public comment on the following:

1. What problems do you have using the form?
2. Are there sections of the form or instructions that are unclear?
3. Is there information provided that is confusing?
4. What additional information would be helpful?
5. Is it clear from the form that the filing requirement begins once a Legal Expense Fund is approved under Subpart J of 5 CFR part 2635, regardless of whether a reportable contribution or distribution is made during a reporting period?

Authority: 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1); 5 CFR part 2635, subpart J.

Approved: December 15, 2025.

Shelley K. Finlayson,

Chief of Staff and Chief Counsel, Office of Government Ethics.

[FR Doc. 2025–23267 Filed 12–17–25; 8:45 am]

BILLING CODE 6345–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Solicitation of Nominations for Appointment to the Board of Scientific Counselors, National Center for Injury Prevention and Control

AGENCY: Centers for Disease Control and Prevention (CDC), 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), within the Department of Health and Human Services (HHS), is soliciting nominations for membership on the Board of Scientific Counselors, National Center for Injury Prevention and Control (BSC, NCIPC). The BSC, NCIPC consists of 18 experts in fields associated with surveillance, basic epidemiologic research, intervention research, and implementation, dissemination, and evaluation of promising and evidence-based strategies for the prevention of injury and violence.

DATES: Nominations for membership on the BSC, NCIPC must be received no later than February 28, 2026. Packages received after this time will not be considered for the current membership cycle.

ADDRESSES: All nominations should be emailed (recommended) to *ncipcbsc@cdc.gov.*

FOR FURTHER INFORMATION CONTACT: Christopher R. Harper, Ph.D., Designated Federal Officer, Board of Scientific Counselors, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, 4770 Buford Highway NE, Mailstop S–1069, Atlanta, GA 30341, Telephone (404) 718–8330. Email address: *ncipcbsc@cdc.gov*.

SUPPLEMENTARY INFORMATION: Nominations are being sought for individuals who have expertise and qualifications necessary to contribute to the accomplishments of the Board of Scientific Counselors, National Center for Injury Prevention and Control (BSC, NCIPC) objectives. Nominees will be selected based on expertise in the fields of pertinent disciplines involved in injury and violence prevention, including, but not limited to, epidemiology, statistics, trauma surgery, rehabilitation medicine, behavioral science/psychology, health economics, program evaluation, political science, law, criminology, informatics and other aspects of injury management. Federal employees will not be considered for membership. Members may be invited to serve for up to four-year terms. Selection of members is based on candidates' qualifications to contribute to the accomplishment of BSC, NCIPC objectives *https://www.cdc.gov/injury/bsc/.*

Department of Health and Human Services (HHS) policy stipulates that committee membership be balanced in terms of points of view represented and the committee's function. Appointments shall be made without discrimination on the basis of race, religion, color, national origin, age, disability, or sex. Nominees must be U.S. citizens and cannot be full-time employees of the U.S. Government. Current participation on Federal workgroups or prior experience serving on a Federal advisory committee does not disqualify a candidate; however, HHS policy is to avoid excessive individual service on advisory committees and multiple committee memberships. Committee members are Special Government Employees, requiring the filing of financial disclosure reports at the beginning and annually during their terms. The Centers for Disease Control and Prevention (CDC) reviews potential candidates for BSC, NCIPC membership each year and provides a slate of nominees for consideration to the Secretary of HHS for final selection. HHS notifies selected candidates of their appointment near the start of the term in September, or as soon as the HHS selection process is completed. Note that the need for different expertise varies from year to year and a candidate who is not selected in one year may be reconsidered in a subsequent year. Candidates should submit the following items:

- Current curriculum vitae, including complete contact information (telephone numbers, mailing address, email address).
- At least one letter of recommendation from person(s) not employed by HHS. Candidates may submit letter(s) from current HHS employees if they wish, but at least one letter must be submitted by a person not employed by an HHS agency (*e.g.,* CDC, National Institutes of Health, Food and Drug Administration).

Nominations may be submitted by the candidate or by the person/organization recommending the candidate.

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. 2025–23262 Filed 12–17–25; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Award of a Single Source Unsolicited Grant To Fund University of Southern Denmark (SDU)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), announces the award of approximately $1,600,000 over a five-year period, in response to an unsolicited proposal that has been submitted by University of Southern Denmark (SDU). The award will support a comparable study of the optimal timing and delivery of monovalent Hepatitis B vaccinations on newborns in Guinea-Bissau. Activities will include conducting a randomized controlled trial to assess the effects of neonatal Hepatitis B vaccination on early-life mortality, morbidity, and long-term developmental outcomes. The award is in response to an unsolicited proposal.

DATES: The period for this award will be January 5, 2026, through January 4, 2031.

FOR FURTHER INFORMATION CONTACT: Sam Beyda, Office of the Director, Office of the Chief of Staff, Centers for Disease Control and Prevention, 4770 Buford Highway NE, Atlanta, GA 30341, Telephone: (404) 404–639–7000, E-Mail: *DirectorsIncoming@cdc.gov.*

SUPPLEMENTARY INFORMATION: The proposed work being funded will support a single-blind, multi-center, phase IV randomized controlled trial enrolling over 14,000 neonates in Guinea-Bissau to evaluate the impact of neonatal monovalent Hepatitis B vaccination (HBV0) on all-cause mortality, severe morbidity, and long-term developmental outcomes. The study will also assess potential sex-differential effects of the vaccine. While the World Health Organization (WHO) recommends three vaccines at birth in low-income settings—Bacille Calmette Guérin (BCG), oral polio vaccine (OPV0), and HBV0—there is limited evidence on the broader health effects of HBV0. This study aims to fill that gap by rigorously evaluating the overall health impact of HBV0 in early life.

CDC performed an objective review of the proposed work and determined, in accordance with its process for reviewing unsolicited proposals that the

proposal has merit and that SDU is in a unique position to conduct this work, as it has extensive experience conducting vaccine trials in West Africa, established partnerships with local hospitals and health authorities in Guinea-Bissau, and a proven track record in neonatal and pediatric research in low-resource settings.

The award is being made non-competitively because there is no current, pending, or planned funding opportunity announcement under which this proposal could compete.

Summary of the Award

Recipient: University of Southern Denmark (SDU).

Purpose of the Award: The purpose of this award is to evaluate the effects of neonatal monovalent Hepatitis B vaccination (HBV0) on early-life mortality and morbidity, as well as long-term neurodevelopmental outcomes, through a randomized controlled trial in Guinea-Bissau. The findings will inform global immunization policy and practice, particularly regarding the broader health effects of HBV0, which remain less well understood compared to BCG and OPV0.

Amount of Award: $1,600,000 in Federal Fiscal Year (FFY) 2026 funds, with the total estimated $1,600,000 provided for the full five-year period of performance, subject to availability of funds.

Authority: This program is authorized under the Public Health Service Act, Sections 301(a) [42 U.S.C. 241], 307 (42 U.S.C. 242l], and 317(k)(2) [42 U.S.C. 247b], as amended.

Period of Performance: January 5, 2026, through January 4, 2031.

Dated: December 15, 2025.

Jamie Legier,

Chief Grants Management Officer, Centers for Disease Control and Prevention.

[FR Doc. 2025–23245 Filed 12–17–25; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for Office of Management and Budget Review; Personal Responsibility Education Program (PREP) Innovative Strategies (PREIS) Local Evaluation Support: Final Evaluation Report Template (New Collection)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Administration for Children and Families (ACF) at the U.S. Department of Health and Human Services seeks approval of the Personal Responsibility Education Program (PREP) Innovative Strategies (PREIS) Local Evaluation Support: Final Evaluation Report Template for PREIS grantees. PREIS grant recipients are required to carry out local evaluations of their programs and submit a final evaluation report to ACF documenting their analyses and findings. This request includes guidance for grant recipients in the form of templates. Information will inform technical assistance (TA) to support grantees in developing and submitting the final reports to ACF to fulfill a grant requirement. We do not intend for this information to be used as the principal basis for public policy decisions.

DATES: *Comments due* January 20, 2026.

ADDRESSES: The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202512-0970-005.* You can also obtain copies of the proposed collection of information by emailing *opreinfocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The purpose of the current information collection request is to provide a standardized template and accompanying instructions to the 12 PREIS grant recipients carrying out impact evaluations. This template will help them document their evaluation's research questions, measures, study design, planned and actual implementation of the program, analytic methods, and findings. A structured final evaluation report template will facilitate grant recipients' efficient and effective reporting of evaluation findings. The completed reports will be reviewed by the PREP Local Evaluation Support (LES) team to determine whether they meet ACF's standards of rigor. The LES team will then develop recommendations for improvement and provide TA to support report development prior to final submission to ACF. While grantees are developing the reports, the PREP LES team will continue to provide support primarily by continuing to offer one-on-one TA calls with grant recipients.

The template will be used by grant recipients upon Office of Management and Budget approval until September 2026 (or until the end of their grant, if a no-cost extension is granted), which will allow them to submit draft versions of their final evaluation reports before revising and finalizing their reports by the end of their grant. Grant recipients will complete the PREIS Final Evaluation Report Template using the instructions which are included within each template section.

The information collected is meant to contribute to the body of knowledge on ACF programs. It is not intended to be used as the principal basis for a decision by a federal decision-maker and is not expected to meet the threshold of influential or highly influential scientific information.

Respondents: PREP PREIS Grant Recipients.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Aerage burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
PREIS Final Evaluation Report Template	12	1	40	480	240

Authority: Authorized and appropriated by Social Security Act section 513.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2025–23261 Filed 12–17–25; 8:45 am]

BILLING CODE 4184–37–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Office of Management and Budget #: 0970–0599]

Proposed Information Collection Activity; Office of Refugee Resettlement Services for Survivors of Torture Program Data Points and Performance Progress Report

AGENCY: Office of Refugee Resettlement, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Administration for Children and Families' (ACF) Office of Refugee Resettlement (ORR) intends to continue collecting demographic, programmatic, and outcome data on Services for Survivors of Torture (SOT) grant recipients and the clients they serve. ORR collects information from the grantee cohort under the Survivors of Torture Program Data Points (PDP) and Program Performance Progress Report (PPR) (Office of Management and Budget (OMB) #: 0970–0599; Expiration date: February 28, 2026) to learn more about the populations served; the types and effectiveness of services provided; methods, challenges, and facilitators of implementing services; and grant recipients' progress towards programmatic goals. Revisions are proposed as described in the discussion section that follows.

DATES: Comments due February 17, 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: ORR proposes to continue to use the PDP Form and PPR, with revisions, to collect data on the Services for SOT grant recipients and their clients. The Recipients will continue to report their PDP through the ORR Refugee Arrivals Data System (RADS), an information technology platform used for enhanced data collection and record keeping.

Grant recipients will provide aggregated data on new and continuing clients annually, including demographic information, characteristics related to experiences of torture, services received, length of service, and wellbeing across six outcome domains.

Grant recipients will also provide information about community attendance at trainings and pro-bono services donated to the program. In the PPR, grant recipients will provide program narrative and program metric information on grant-funded activities and progress towards grant goals semi-annually.

Information collected will be used in aggregate by ORR to provide reports to stakeholders, including a required Report to Congress, and responses to funding requests.

ORR has made changes to the data collection, which include removing a total of twelve subcategories for two program indicators and reducing the frequency of reporting percentage-based outcomes in the program metrics. ORR has also added one subcategory in one program indicator. Overall, these changes have reduced the estimated reporting burden by 30 percent.

Respondents: Services for SOT grant programs (this may include non-profit social service, health, and higher education organizations, states, municipalities, and for-profit organizations).

Annual Burden Estimates

Estimated annual burden has been updated to reflect a reduction in estimated time per response from an average of 6 hours per response to an average of 4 hours per response.

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Annual burden hours
PDP Form	35	1	4.2	147
PPRs—Parts A and B	35	2	4.2	294
Total Annual Burden	.....	.....	.....	441

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: Section 5(a) of the ''Torture Victims Relief Act of 1998,'' Public Law 105–320 (22 U.S.C. 2152 note) Assistance for Treatment of Torture Victims.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2025–23145 Filed 12–17–25; 8:45 am]

BILLING CODE 4184–46–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Office of Management and Budget #: 0970–0554]

Correction to Published Federal Register Notice; Office of Management and Budget Review Placement and Transfer of Unaccompanied [Alien] Children Into Office of Refugee Resettlement Care Provider Facilities

AGENCY: Office of Refugee Resettlement, Administration for Children and

Families, Department of Health and Human Services.

ACTION: Notice; correction.

SUMMARY: The Office of Refugee Resettlement (ORR), Administration for Children and Families (ACF), U.S. Department of Health and Human Services published a notice in the **Federal Register** on September 30, 2025 inviting public comments on a request to extend approval of forms approved for the Placement and Transfer of Unaccompanied [Alien] Children into ORR Care Provider Facilities. Prior to publishing the notice, ORR received emergency approval from the Office of Management and Budget (OMB) for revisions to two forms included in this collection of forms: Form P–7 and Form P–4. The incorrect version of form P–7 was inadvertently approved and distributed for public comment.

FOR FURTHER INFORMATION CONTACT: ACF Paperwork Reduction Act Staff; *infocollection@acf.hhs.gov.* Identify all emailed requests by the title of the information collection. The correct version of P–7 is now available here: *https://www.reginfo.gov/public/do/PRAICList?ref_nbr=202512-0970-002*.

DATES: *Comments due* January 20, 2026.

SUPPLEMENTARY INFORMATION:

Correction

Federal Register Document Number 2025–18927 (90 FR 46898) requested public comment on information collection materials to be submitted to OMB for extension beyond the current expiration date of February 28, 2025. The incorrect version of form P–7 was inadvertently approved and distributed for public comment, but is now available here: *https://www.reginfo.gov/public/do/PRAICList?ref_nbr=202512-0970-002* and available for comment by emailing *infocollection@acf.hhs.gov.*

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2025–23265 Filed 12–17–25; 8:45 am]

BILLING CODE 4184–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2023–D–4395]

Use of Real-World Evidence To Support Regulatory Decision-Making for Medical Devices; Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing the availability of a final guidance entitled ''Use of Real-World Evidence to Support Regulatory Decision-Making for Medical Devices.'' FDA is issuing this guidance to clarify how FDA evaluates real-world data (RWD) to determine whether they are of sufficient quality for generating real-world evidence (RWE) that can be used in FDA regulatory decision-making for medical devices. This final guidance supersedes the final guidance, ''Use of Real-World Evidence to Support Regulatory Decision-Making for Medical Devices,'' issued August 31, 2017, and provides expanded and updated recommendations.

DATES: The announcement of the guidance is published in the **Federal Register** on December 18, 2025.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov*.
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2023–D–4395 for ''Use of Real-World Evidence to Support Regulatory Decision-Making for Medical Devices.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the guidance document entitled ''Use of Real-World Evidence to Support Regulatory Decision-Making for Medical Devices'' to the Office of Policy, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5441, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Soma Kalb, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 318, Silver Spring, MD 20993–0002, 301–796–6359; or Phillip Kurs, Center for Biologics Evaluation and Research, Food and Drug Administration, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is issuing this guidance to clarify how FDA evaluates RWD to determine whether they are of sufficient quality for generating RWE that can be used in FDA regulatory decision-making for medical devices. This guidance provides expanded and updated recommendations to the 2017 guidance, ''Use of Real-World Evidence to Support Regulatory Decision-Making for Medical Devices'' (the 2017 RWE Guidance) and supersedes the 2017 RWE Guidance. On December 29, 2022, the Food and Drug Omnibus Reform Act of 2022 (FDORA) was signed into law as part of the Consolidated Appropriations Act, 2023, Public Law 117–328. Section 3629 of FDORA ''Facilitating the Use of Real World Evidence'' directs FDA to issue or revise existing guidance on considerations for the use of RWD and RWE to support regulatory decision-making. FDA issued the draft guidance on December 19, 2023, to propose revisions to the 2017 RWE Guidance to satisfy the requirement under section 3629(a)(2), and is finalizing this guidance to fulfill a commitment in section V.F. of the Medical Device User Fee Amendments Performance Goals and Procedures, Fiscal Years 2023 Through 2027 (MDUFA V).

This guidance includes FDA's recommendations and considerations on the factors that sponsors should assess to demonstrate whether the RWD are relevant and reliable for a particular regulatory decision relating to medical devices. These recommendations and considerations apply regardless of the RWD source and encompass processes for conducting studies to generate RWE. FDA recognizes that there may be other approaches to address the considerations identified in this guidance. We encourage sponsors to discuss their approach with FDA, especially if the approach diverges from the recommendations in this guidance.

The topics covered within this guidance are framed specifically for the use of RWD/RWE in regulatory submissions. This guidance includes additional clarity regarding the recommended methodologies for collection and analysis of RWD to generate RWE, and provides updated examples on previously used and accepted methodologies. This guidance also provides additional clarity regarding the use of clinical data collected from the use of a device authorized under an Emergency Use Authorization (EUA) and describes the type of information that could be applicable to support a determination under the Clinical Laboratory Improvement Amendments (CLIA) (*e.g.,* Waiver by Application).

FDA recognizes and anticipates that the Agency and industry may need up to 60 days to perform activities to operationalize the recommendations within this final guidance. For regulatory submissions that will be currently pending with FDA after publication of this final guidance, as well as those submissions received within 60 days following publication of this final guidance, FDA generally does not anticipate that sponsors will be ready to include the newly recommended information outlined in this final guidance in their submission. FDA, however, intends to review any such information if submitted at any time.

A notice of availability of the draft guidance appeared in the **Federal Register** of December 19, 2023 (88 FR 87782). FDA considered comments received and revised the guidance as appropriate in response to the comments, including clarifying the recommendations in the guidance. This included clarifications on the relevance and reliability assessment, updating examples of how RWE is used in regulatory decision-making for medical devices, and how the relevance and reliability assessment fits into existing benefit/risk frameworks.

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 ''Use of Real-World Evidence to Support Regulatory Decision-Making for Medical Devices.'' 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. FDA considered the applicability of Executive Order 14192, per OMB guidance in M–25–20, and finds this action to be deregulatory in nature.

II. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/guidance-documents-medical-devices-and-radiation-emitting-products.* This guidance document is also available at *https://www.regulations.gov, https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics.* Persons unable to download an electronic copy of ''Use of Real-World Evidence to Support Regulatory Decision-Making for Medical Devices'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number GUI01500012 and complete title to identify the guidance you are requesting.

III. Paperwork Reduction Act of 1995

While this guidance contains no new collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in the following table have been approved by OMB:

21 CFR part or guidance	Topic	OMB control No.
807, subpart E	Premarket notification	0910–0120
814, subparts A through E	Premarket approval	0910–0231
814, subpart H	Humanitarian Use Devices; Humanitarian Device Exemption	0910–0332
812	Investigational Device Exemption	0910–0078
860, subpart D	De Novo classification process	0910–0844
822	Postmarket Surveillance of Medical Devices	0910–0449
''Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program''.	Q-submissions and Early Payor Feedback Request Programs for Medical Devices.	0910–0756
''Administrative Procedures for CLIA Categorization'' and ''Recommendations: Clinical Laboratory Improvement Amendments of 1988 (CLIA) Waiver Applications for Manufacturers of In Vitro Diagnostic Devices''.	CLIA Administrative Procedures; CLIA Waivers	0910–0607
800, 801, 809, and 830	Medical Device Labeling Regulations; Unique Device Identification.	0910–0485
803	Medical Device Reporting	0910–0437
50, 56	Protection of Human Subjects and Institutional Review Boards.	0910–0130
601	Biologics License Application	0910–0338
860	Reclassification Petition for Medical Devices	0910–0138
''Emergency Use Authorization of Medical Products and Related Authorities''.	EUA	0910–0595

Lowell M. Zeta,

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

[FR Doc. 2025–23252 Filed 12–17–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–D–2246]

Questions and Answers Regarding Mandatory Cosmetics Recalls: 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 document entitled ''Questions and Answers Regarding Mandatory Cosmetics Recalls: Guidance for Industry.'' The draft guidance document, when finalized, will provide answers to common questions that might arise about FDA's mandatory recall authority for cosmetics. It is intended to inform regulated industry about the Agency's current thinking on implementation of certain aspects, including the criteria, process, and expectations, for mandatory recalls of cosmetic products.

DATES: Submit either electronic or written comments on the draft guidance by February 17, 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–2246 for ''Questions and Answers Regarding Mandatory Cosmetics Recalls: Guidance for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov*. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed

except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)). Submit written requests for single copies of the draft guidance to the Division of Inspectorate Policy, Office of Inspections and Investigations, Food and Drug Administration, Element Building, 12420 Parklawn Dr., Rockville, MD 20852. Send two self-addressed adhesive labels to assist the office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Patrick Clouser, Office of Inspections and Investigations, Food and Drug Administration, Element Building, 12420 Parklawn Dr., Rockville, MD 20852, 240–402–5276, *Patrick.Clouser@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance document entitled ''Questions and Answers Regarding Mandatory Cosmetics Recalls: Guidance for Industry.'' The purpose of this draft guidance document, when finalized, is to provide guidance to industry on the implementation of the mandatory cosmetics recall provisions of section 611 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act or the Act), which was added by section 3502 of the Modernization of Cosmetics Regulation Act of 2022 (MoCRA). The guidance is in the form of Questions and Answers and provides answers to common questions that might arise about these mandatory recall provisions and FDA's current thinking regarding their implementation.

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 mandatory cosmetics recalls. 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

FDA tentatively concludes that this draft guidance contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *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. 2025–23249 Filed 12–17–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Child Health and Human Development Council.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Child Health and Human Development Council.

Date: March 20, 2026.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate to review and evaluate grant applications.

Address: Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes, 6710B Rockledge Drive, Bethesda, MD 20817.

Meeting Format: Virtual Meeting.

Contact Person: Rebekah S. Rasooly, Ph.D., *Eunice Kennedy Shriver* National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Bethesda, MD 20817, Phone: 301–827–2599, Email: *Rebekah.rasooly@nih.gov.*

Information is also available on the Institute's/Center's home page: *https://www.nichd.nih.gov/about/advisory/council,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: December 15, 2025.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–23216 Filed 12–17–25; 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: NIH Blueprint and BRAIN Initiative Diversity Specialized Predoctoral to Postdoctoral Advancement in Neuroscience (D–SPAN) Award (F99/K00 Clinical Trial Not Allowed).

Date: January 21, 2026.

Time: 9:00 a.m. to 3:00 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: Gek Ming Sia, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–3341, *gekming.sia@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Disease Management, Risk, Prevention and Health Behavior.

Date: January 21, 2026.

Time: 9:30 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: Christiane M. Robbins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, (301) 451–4989, *crobbins@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Topics in Clinical Care and Health Interventions.

Date: January 21, 2026.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Karen Nieves Lugo, Ph.D., MPH Scientific Review Officer, National Institute on Minority Health and Health Disparities, National Institutes of Health, 7201 Wisconsin Ave, Ste 533, Bethesda, MD 20892, 301–402–1366, *karen.nieveslugo@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topics in Biochemistry and Biophysics.

Date: February 3–4, 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: John J. Laffan, Ph.D., Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 3AN18J, Bethesda, MD 20892, (301) 443–7154, *laffanjo@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–21–321: Cancer Center Support Grant.

Date: February 13, 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: Eun Ah Cho, Ph.D., Scientific Review Officer, Cancer Diagnosis, Prevention & Therapeutics (CDPT), Center for Scientific Review, National Cancer Institute, NIH 6701, Rockledge Drive, Bethesda, MD 20892, (301) 496–3591, *choe@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: December 15, 2025.

Sterlyn H. Gibson,

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–23214 Filed 12–17–25; 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, 2026, 12:00 p.m. to January 27, 2026, 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.

The originally scheduled two-day meeting was changed to a one-day meeting that will be held on January 26, 2026, from 12:00 p.m. to 05:00 p.m. The January 26, 2026, meeting is open to the public and its agenda will cover the open meeting agenda topics from the initial **Federal Register** Notice. The topics that were originally intended to be covered in the closed session will be discussed in a new meeting scheduled for March 20, 2026. A new **Federal Register** notice will be provided to the public with the March 20, 2026, meeting details.

Dated: December 15, 2025.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–23215 Filed 12–17–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

NIH Controlled-Access Data Policy and Proposed Revisions to NIH Genomic Data Sharing Policy

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Institutes of Health (NIH) is requesting public input on its proposal to establish harmonized and transparent policy requirements for protecting human participant research data. Specifically, NIH proposes (1) establishing policy requirements for which data should be controlled-access under NIH data sharing policies, and (2) revising the NIH Genomic Data Sharing Policy to simplify and harmonize requirements.

DATES: To ensure consideration, comments must be submitted in writing by March 18, 2026.

ADDRESSES: Comments may be submitted electronically to *https://osp.od.nih.gov/comment-form-draft-nih-controlled-access-data-policy-and-proposed-revisions-to-nih-genomic-data-sharing-policy/.*

Comments are voluntary and may be submitted anonymously. You may also voluntarily include your name and contact information with your response. Other than your name and contact information, please do not include in the response any personally identifiable information or any information that you do not wish to make public. Proprietary, classified, confidential, or sensitive information should not be included in your response. After the NIH Office of Science Policy (OSP) has finished reviewing the responses, the responses may be posted to the OSP website without redaction.

FOR FURTHER INFORMATION CONTACT: Taunton Paine, Director, Division of Scientific Data Sharing, NIH Office of Science Policy, at (301) 496–9838 or *SciencePolicy@od.nih.gov.*

SUPPLEMENTARY INFORMATION:

Background

NIH serves as the steward of a wide range of research data and continuously works to optimize open sharing with appropriate protections throughout the entire data lifecycle. Given its numerous established data policies, NIH is proposing a holistic update to its data policy framework to strengthen data protections, clarify requirements, and reduce duplicative burden.

First, NIH is proposing a new NIH Controlled-Access Data Policy to support the research community in fulfilling NIH data sharing expectations. This proposed policy specifies human participant data types required to be managed via controlled-access and provides criteria for assessing the need for controls for other data types. It also provides a standard set of expectations across NIH Institutes, Centers and

Offices to promote maximal responsible human participant data sharing through controlled access while simultaneously responding to emergent privacy and security risks, including those outlined in the following security directives:

1. Executive Order 14117 and the Department of Justice's final rule ''Preventing Access to Americans' Bulk Sensitive Personal Data and United States Government-Related Data by Countries of Concern or Covered Persons'' 28 CFR part 202 (see: *https://www.federalregister.gov/documents/2025/01/08/2024-31486/preventing-access-to-us-sensitive-personal-data-and-government-related-data-by-countries-of-concern*) identifying specific data types, along with associated thresholds, that should be protected to mitigate national security risks.

2. The Consolidated Appropriations Act, 2023, requiring updates to genomic data sharing policies and practices to account for national security risks, Public Law No: 117–328. (see: *https://www.congress.gov/bill/117th-congress/house-bill/2617/text*).

3. The Government Accountability Office report on Human Genomic Data, recommending NIH develop and implement procedures to proactively and comprehensively monitor researcher compliance with data management and security measures for human genomic data, GAO–25–107377 (see: *https://www.gao.gov/products/gao-25-107377*).

Second, NIH is proposing to revise the NIH Genomic Data Sharing (GDS) Policy to reduce duplicative policy requirements and improve overall performance. The GDS Policy, issued in 2014, promotes broad, responsible, and timely sharing of genomic research data derived from NIH research. As a landmark policy, it has played a crucial role in facilitating rapid access to valuable genomic data while ensuring participant protection through rigorous informed consent and privacy safeguards. Since 2014, NIH has issued the NIH Data Management and Sharing (DMS) Policy as well as streamlined and strengthened its controlled-access practices, including:

- harmonizing the oversight and management of controlled-access data repositories and access management systems (see: *https://grants.nih.gov/grants/guide/notice-files/NOT-OD-25-159.html*),
- modernizing security standards for controlled-access data subject to the GDS Policy (see: *https://grants.nih.gov/grants/guide/notice-files/NOT-OD-24-157.html*),
- establishing minimum expectations for access to controlled-access data by developers (see: *https://grants.nih.gov/grants/guide/notice-files/NOT-OD-24-157.html*), and
- prohibiting access to NIH controlled-access data repositories and associated data by institutions located in countries of concern (see: *https://grants.nih.gov/grants/guide/notice-files/NOT-OD-25-083.html*).

NIH is proposing to revise the GDS Policy to enhance efficiency and reduce redundancies with these recent directives and policy developments.

NIH requests public input on both the Draft NIH Controlled-Access Data Policy and the proposed revisions to the NIH Genomic Data Sharing Policy.

NIH Controlled-Access Data Policy

Scope and Applicability

This Policy applies to all NIH-supported research generating human data or deriving data from human data, cell lines, or biospecimens. This Policy applies to the NIH Intramural Research Program and all NIH funding mechanisms (*e.g.,* grants, cooperative agreements, contracts, Other Transactions), regardless of activity code.

This Policy does not apply to NIH research that only involves:

- Generation and sharing of non-human data
- Collection and sharing of human cell lines and biospecimens (see: *https://grants.nih.gov/grants/guide/notice-files/NOT-OD-25-160.html*)

Human data or data derived from human cell lines or biospecimens already shared prior to the effective date of this Policy should be assessed for risk but are not required to be controlled to comport with this Policy. Additionally, this Policy is not intended to address sharing data for regulatory approval or to comply with regulatory requirements (*e.g.* submission of data to regulatory approval bodies).

Requirements

Human Data Types Required To Be Protected Through Controlled-Access (*see* Appendix for Definitions)

The following data types, listed below, must be protected throughout the data lifecycle. Institutions conducting NIH-supported research must ensure that these data types are protected even if not sharing through a controlled-access data repository. These categories are based on the data types provided in 28 CFR part 202, as well as other data commonly generated or used in NIH-supported research that warrant additional controls. These data types may only be shared without access controls if (1) there is informed consent explicitly stating data are to be shared openly without controls. In these instances, institutions must still review to determine that openly sharing these data pose very low risk when shared and used; or (2) open sharing is required or authorized by Federal law or international agreements to which the United States is a party. Protected data types include:

- Covered personal identifiers
- Precise geolocation data
- Biometric identifiers
- Genomic data
- Epigenomic data
- Proteomic data
- Transcriptomic data
- Personal health data
- Personal financial data
- Individual level clinical trial data
- Imaging data of the human face or head regions

Requirements for Controlled-Access Data Sharing

Controlled-access data repositories sharing human participant data types identified in this Policy must adhere to security and operational standards appropriate for safeguarding of human data. NIH Controlled-Access Data Repositories (CADRs) subject to the ''Required Security and Operational Standards for NIH Controlled-Access Data Repositories'' are fully compliant with the requirements of this Policy (*https://grants.nih.gov/policy-and-compliance/policy-topics/sharing-policies/accessing-data/requirements*). Other controlled-access data repositories can meet the requirements of this policy if, at a minimum, their security and operational standards include:

- Prospective review of requests to access controlled data;
- Authentication of the identity of data requesters;
- Restrictions for sharing data with countries of concern as identified in Part 202; and
- Employing security standards for protection of controlled data (*e.g.,* NIST–SP–800–171 or equivalent).

NIH does not consider repositories only requiring user registration and/or provide non-binding guidance on data usage to be controlled-access repositories.

Additional Policy Considerations

Data not explicitly required to be managed via controlled-access under this Policy should be assessed for the need for controls. Criteria for making these assessments include any of the following:

1. Explicit limitations on subsequent use, such as those imposed by laws, regulations, policies, informed consent, and agreements.

2. Potential sensitivities, such as information regarding potentially stigmatizing traits, illegal behaviors, or other information that could be perceived as causing group harm or used for discriminatory purposes. Sensitive data may also include data from individuals, groups, or populations with unique attributes that increase the risk of re-identification.

3. Lack of adequate data de-identification or the possibility of re-identification cannot sufficiently be reduced.

Proposed Revisions to the NIH Genomic Data Sharing Policy

NIH is proposing several revisions to the GDS Policy to reduce duplicative policy requirements and improve overall performance. Importantly, the core tenets of this policy will remain intact. The effective date for changes will align with the target effective date of the NIH Controlled-Access Data Policy described above.

Proposed GDS Policy revisions:

1. *The scope of the GDS Policy is proposed to be revised as follows:*

• *Apply only to human data.* The NIH Data Management and Sharing Policy (DMS Policy) encompasses all types of scientific data, including genomic data. The GDS Policy scope will apply specifically to human genomic data to outline the specific protections needed to ensure participant autonomy, privacy, and security. Non-human genomic data will no longer be subject to the GDS Policy.

• *Simplify thresholds for ''large scale'' genomic data.* Any amount of human genomic data collected from 100 individuals or more will be defined as ''large scale'' and required to comply with the GDS Policy's consent and data sharing requirements. Studies generating and sharing human genomic data below this threshold will be subject to the expectations of the DMS Policy and the proposed NIH Controlled-Access Data Policy described above.

• *Establish consistent requirements across NIH.* To reduce complexity, NIH Institutes, Centers, and Offices (ICOs) will not be permitted to expand the scope of the GDS Policy through individual program or policy expectations. While ICs may request additional data protections or submission of data to NIH controlled-access repositories in NOFOs, they may not characterize these requests as modifying the expectations of the GDS Policy. These data submissions will be governed by the DMS Policy, the ''Required Security and Operational Standards for NIH Controlled-Access Data Repositories,'' the proposed NIH Controlled-Access Data Policy, and other relevant policies.

2. *Timelines for Data Processing:* Timing of data release will be removed from the GDS Policy as data release should be immediate, depending on repository operations. The levels of data processing previously provided in supplementary information to the GDS Policy will no longer be used. Human genomic data should be submitted to an approved NIH controlled-access data repository (see: *https://grants.nih.gov/policy-and-compliance/policy-topics/sharing-policies/accessing-data/best-practices*) to make the data available within 6 months of generation, to allow time for data cleaning, quality control, and repository release processes. Initial sequence reads and raw data do not have to be shared, consistent with previous GDS Policy expectations. Data not shared within 6 months of data cleaning and quality control should be shared consistent with DMS Policy requirements (publication date or end of the award period, whichever comes first).

3. *NIH proposes modernizing the following data submission and sharing practices by:*

• *Clarifying expectations for sharing human genomic data openly.* Expectations for sharing genomic data (and other omics data) openly or with controls will be entirely governed by the proposed NIH Controlled-Access Data Policy, including expectations for informed consent to share data openly.

• *Allowing for HIPAA Expert Determination.* Identifiers are allowed to be submitted under the GDS Policy so long as the dataset is de-identified according to Expert Determination and is accepted by the controlled-access data repository. Data derived from human research participants must be de-identified according to the following standards:

○ Identities of research participants cannot be readily ascertained or otherwise associated with the data by the repository staff or secondary data users (45 CFR 46.102(e); Federal Policy for the Protection of Human Subjects); and

○ Either remove 18 identifiers enumerated at 45 CFR 164.514(b)(2) (the HIPAA Privacy Rule) or meet the Expert Determination standard according to 45 CFR 164.514(b)(1)

• *Expanding institutional review capacity.* Institutions are permitted to appoint an individual or institutional body technically and legally capable of reviewing Institutional Certifications for data submission beyond an Institutional Review Board, Privacy Board, or equivalent. For example, Human Research Protection Programs (HRPPs) would be permitted to review and approve data submissions.

• *Strengthening requirements for participant consent.* Human genomic data collected under the GDS Policy from biospecimens or cell lines created or collected after 2015 must have consent for use and sharing, consistent with 45 CFR 46.116(d) (the Common Rule). If consent has not been obtained, the data cannot be shared. NIH accepts data when collected under informed consent for research use from a Legally Authorized Representative, consistent with the Common Rule, as long as the consent meets other expectations of the GDS Policy (*e.g.,* consent is expected to be for future research use and be opt-in, not opt-out). This includes, but is not limited to, the following situations:

• Consent is obtained from next-of-kin or applicable legal authority in cases where the individual is deceased

• Consent is obtained from a Legally Authorized Representative, next-of-kin, or other forms of surrogate or proxy decision-making in cases where the individual lacks capacity to consent for themselves

• Assent is obtained from minors, with parental permission

• *Updating expectations for imputation servers.* NIH currently allows Approved Users to use imputation servers for imputation with controlled-access data from studies subject to the GDS Policy only in limited circumstances, such as the National Heart, Lung, and Blood Institute (NHLBI) Trans-Omics in Precision Medicine (TOPMed) Imputation Server. Specifically, these servers offer a secure environment for users to upload genotypes, the results are encrypted, and after 7 days the data are deleted from the server upholding the non-transferability agreement in the Data Use Certification (DUC) Agreement. The server operates in an environment consistent with security standards in the NIH Security Best Practices for Controlled-Access Data Repositories and employs countermeasures to reduce the risks of certain attacks.

NIH currently does not allow users to develop their own imputation panels or servers. NIH has heard interest from the research community in allowing Approved Users to develop their own imputation panels and servers using controlled-access data from studies subject to the GDS Policy. NIH requests input on clarifying that Approved Users

may operate imputation servers if they ensure that (1) the controlled-access data used to develop the imputation panels are protected from disclosure and attacks specific to imputation servers, (2) the imputation server operates in an environment consistent with security controls in the NIH Security Best Practices for Controlled-Access Data Repositories and, (3) the imputation servers are funded or operated by NIH or another federal agency.

Request for Input

NIH invites public input on any aspect of the Draft NIH Controlled-Access Data Policy and the proposed revisions to the NIH Genomic Data Sharing Policy. Input is specifically requested on:

1. *Availability of established repositories for implementing the proposed Controlled-Access Data Policy.* NIH has made investments in expanding the capacity of controlled-access data repositories (see: *https://grants.nih.gov/policy-and-compliance/policy-topics/sharing-policies/accessing-data/best-practices*) and is interested in additional resources that may be needed to meet an anticipated increased demand for storing and managing larger amounts of controlled-access data.

2. *Appropriateness of the protected data types designated to be controlled-access.* The data types subject to the Controlled-Access Data Policy, including whether any should be added, removed, or definitions clarified (*e.g.,* whether NIH should consider adding thresholds for the number of analytes for particular data types). Additionally, any factors that should be considered when sharing data openly without controls, given the Draft Controlled-Access Data Policy's requirements for informed consent and institutional review. NIH may provide FAQs or additional guidance on data types that typically should not be controlled, such as genomic summary results, summarized result data (including from clinical trials), and specific low-risk components of controlled-access data.

3. *Proposed Updates to the GDS Policy for Imputation Servers.* NIH is interested in options or strategies that maintain the privacy of imputation servers and reference panels, such as technologies that operate servers in secure environments or use privacy enhancing technologies (PETs).

Appendix to the Controlled-Access Policy: Definitions

• *Genomic summary results.* The output of analyses of genomic data across many individuals included within a dataset. Includes systematically computed statistics such as, but not limited to: (1) frequency information (*e.g.,* genotype counts and frequencies, or allele counts and frequencies); and (2) association information (*e.g.,* effect size estimates and standard errors, and p-values). These values may be defined and calculated using scientifically relevant subsets of research participants included within study populations (*e.g.,* disease, trait-based, or control populations).

• *Covered personal identifiers.* Any listed identifier: (1) In combination with any other listed identifier; or (2) In combination with other data that is disclosed such that the listed identifier is linked or linkable to other listed identifiers or to other sensitive personal data. This excludes (1) Demographic or contact data that is linked only to other demographic or contact data (such as first and last name, birthplace, ZIP code, residential street or postal address, phone number, and email address and similar public account identifiers); and (2) A network-based identifier, account-authentication data, or call-detail data that is linked only to other network-based identifier, account-authentication data, or call-detail data as necessary for the provision of telecommunications, networking, or similar service (28 CFR 202.212).

• *Listed identifier.* Any piece of data in any of the following data fields: (a) Full or truncated government identification or account number (such as a Social Security number, driver's license or State identification number, passport number, or Alien Registration Number); (b) Full financial account numbers or personal identification numbers associated with a financial institution or financial-services company; (c) Device-based or hardware-based identifier (such as International Mobile Equipment Identity (''IMEI''), Media Access Control (''MAC'') address, or Subscriber Identity Module (''SIM'') card number); (d) Demographic or contact data (such as first and last name, birth date, birthplace, ZIP code, residential street or postal address, phone number, email address, or similar public account identifiers); (e) Advertising identifier (such as Google Advertising ID, Apple ID for Advertisers, or other mobile advertising ID (''MAID'')); (f) Account-authentication data (such as account username, account password, or an answer to security questions); (g) Network-based identifier (such as internet Protocol (''IP'') address or cookie data); or (h) Call-detail data (such as Customer Proprietary Network Information (''CPNI'') (28 CFR 202.212).

• *Precise geolocation data.* Data, whether real-time or historical, that identifies the physical location of an individual or a device with a precision of within 1,000 meters (28 CFR 202.242).

• *Biometric identifiers.* Measurable physical characteristics or behaviors used to recognize or verify the identity of an individual, including facial images, voice prints and patterns, retina and iris scans, palm prints and fingerprints, gait, and keyboard usage patterns that are enrolled in a biometric system and the templates created by the system (28 CFR 202.204).

• *Genomic data.* Data representing the nucleic acid sequences that constitute the entire set or a subset of the genetic instructions found in a human cell, including the result or results of an individual's ''genetic test'' (as defined in 42 U.S.C. 300gg–91(d)(17)) and any related human genetic sequencing data (28 CFR 202.224).

• *Epigenomic data.* Data derived from a systems-level analysis of human epigenetic modifications, which are changes in gene expression that do not involve alterations to the DNA sequence itself. These epigenetic modifications include modifications such as DNA methylation, histone modifications, and non-coding RNA regulation. Routine clinical measurements of epigenetic modifications for individualized patient care purposes would not be considered epigenomic data because such measurements would not entail a systems-level analysis of the epigenetic modifications in a sample (28 CFR 202.224).

• *Proteomic data.* Data derived from a systems-level analysis of proteins expressed by a human genome, cell, tissue, or organism. Routine clinical measurements of proteins for individualized patient care purposes would not be considered proteomic data under this rule because such measurements would not entail a systems-level analysis of the proteins found in such a sample (28 CFR 202.224).

• *Transcriptomic data.* Data derived from a systems-level analysis of RNA transcripts produced by the human genome under specific conditions or in a specific cell type. Routine clinical measurements of RNA transcripts for individualized patient care purposes would not be considered transcriptomic data under this rule because such measurements would not entail a systems-level analysis of the RNA

transcripts in a sample (28 CFR 202.224).

• *Personal health data.* Health information related to disease, diagnosis, or treatment and indicates, reveals, or describes the past, present, or future physical or mental health or condition of an individual; the provision of healthcare to an individual; or the past, present, or future payment for the provision of healthcare to an individual. This term includes basic physical measurements and health attributes (such as bodily functions, height and weight, vital signs, symptoms, and allergies); social, psychological, behavioral, and medical diagnostic, intervention, and treatment history; test results; logs of exercise habits; immunization data; data on reproductive and sexual health; and data on the use or purchase of prescribed medications (28 CFR 202.241).

• *Personal financial data.* Data about an individual's credit, charge, or debit card, or bank account, including purchases and payment history; data in a bank, credit, or other financial statement, including assets, liabilities, debts, or trades in a securities portfolio; or data in a credit report or in a ''consumer report'' (as defined in 15 U.S.C. 1681a(d)) (28 CFR 202.240).

• *Individual level clinical trial data.* Detailed data collected from each participant during a clinical trial, excluding summary results.

• *Imaging data of the human face or head regions.* Visual representations (including functional imaging, ultrasound imaging, photographic images, 3D models, radiological scans, X-rays, and others) that depict anatomical or functional details of the human face or head regions.

Dated: December 11, 2025.

Matthew Memoli,

Principal Deputy Director, National Institutes of Health.

[FR Doc. 2025–23246 Filed 12–17–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; Special Volunteer and Guest Researcher Assignment (Office of Intramural Research, Office of the Director)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

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: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact:

Dr. Arlyn Garcia-Perez, Director of Policy and Analysis, Office of Intramural Research, Office of the Director, National Institutes of Health, 1 Center Drive MSC 0140, Building 1, Room 160, MSC–0140, Bethesda, Maryland 20892 or call non-toll-free number (301) 496–1921 or (301) 496–1381 or Email your request, including your address to: *GarciaA@od.nih.gov.*

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** on September 25, 2025, page 46230 (90 FR 46230) and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

The Office of Intramural Research (OIR), Office of the Director, National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection: Special Volunteer and Guest Researcher Assignment, Extension of NIH Form 590, NIH Form 590–1 and NIH Form 590–2, OMB # 0925–0177, exp. date March 31, 2026, Office of Intramural Research (OIR), Office of the Director (OD), National Institutes of Health (NIH).

Need and Use of Information Collection: Form Number NIH–590 is a single form completed by an NIH official for each Guest Researcher or Special Volunteer prior to his/her arrival at NIH. The information on the form is necessary for the approving official to reach a decision on whether to allow a Guest Researcher to use NIH facilities, or whether to accept volunteer services offered by a Special Volunteer. If the original assignment is extended, another form notating the extension is completed to update the file. In addition to NIH Form 590, Guest Researchers fill a separate Guest Researcher Agreement, NIH Form 590–1, and Special Volunteers fill a separate Special Volunteer Agreement, NIH Form 590–2. These additional forms are the legal instruments for the Guest Researcher or Special Volunteer to acknowledge and agree to the conditions and responsibilities of their assignment at NIH. No revisions are proposed for any of the three forms currently.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 652.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual hour burden hours
Special Volunteer and Guest Researcher Assignment.	Special Volunteers and Guest researchers.	2,300	2	6/60	460

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Form name	Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual hour burden hours
NIH Special Volunteer Agreement	Special Volunteers	2,100	1	5/60	175
NIH Guest Researcher Agreement ...	Guest Researchers	200	1	5/60	17
Totals	.....	2,300	6,900	.....	652

Dated: December 11, 2025.

Matthew J. Memoli,

Principal Deputy Director, National Institutes of Health.

[FR Doc. 2025–23251 Filed 12–17–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of meetings of the National Advisory Dental and Craniofacial Research Council.

The meeting will be held as a virtual meeting and is partially open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance to view the meeting, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below or use the Federal Relay, 1–800–877–8339, in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting website (*http://videocast.nih.gov/*). Registration is not required to access the videocast.

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: National Advisory Dental and Craniofacial Research Council.

Date: January 21, 2026.

Open: 11:15 a.m. to 2:15 p.m.

Agenda: Report of the Director, NIDCR and concept clearances.

Address: National Institute of Health, National Institute of Dental and Craniofacial Research, 31 Center Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Closed: 2:45 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institute of Health, National Institute of Dental and Craniofacial Research, 31 Center Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Sanoj Suneja, Ph.D., Acting Director, Division of Extramural Activities, National Institute of Dental and Craniofacial Research, National Institutes of Health, 31 Center Drive, Bethesda, MD 20892, (301) 402–7710, *Sanoj.suneja@nih.gov.*

The meeting identified below has been scheduled in the event the Council is unable to complete all agenda items identified for the January 21, 2026, meeting. Information on the agenda items and/or the necessity to hold the meeting listed below will be posted on the Institute/Center homepage (link identified below).

Name of Committee: National Advisory Dental and Craniofacial Research Council.

Date: March 17, 2026.

Closed: 2:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications not completed at the January meeting.

Address: National Institute of Health, National Institute of Dental and Craniofacial Research, 31 Center Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Sanoj Suneja, Ph.D., Acting Director, Division of Extramural Activities, National Institute of Dental and Craniofacial Research, National Institutes of Health, 31 Center Drive, Bethesda, MD 20892, (301) 402–7710, *Sanoj.suneja@nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person. Information is also available on the Institute's/Center's home page: *https://www.nidcr.nih.gov/about-us/advisorycommittees/advisory-council,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program No. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: December 12, 2025.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–23208 Filed 12–17–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Revocation of Customs Brokers' National Permits

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

ACTION: Revocation of customs brokers' national permits.

SUMMARY: This document provides notice of the revocation by operation of law of certain customs brokers' national permits for failure to submit a 2025 permit user fee.

FOR FURTHER INFORMATION CONTACT: Mohammad O. Qureshi, Chief, Broker Management Branch, Office of Trade, (202) 909–3753, or *mohammad.o.qureshi@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION: This document provides notice that, pursuant to section 641 of the Tariff Act of 1930, as amended (19 U.S.C. 1641), and sections 111.45(b) and 111.96(c) of title 19 of the Code of Federal Regulations (19 CFR 111.45(b) and 19 CFR 111.96(c)), the following customs brokers' national permits were revoked by operation of law, without prejudice,

[1] U.S. Customs and Border Protection publishes the date by which the permit user fee must be paid annually. *See* 89 FR 92697 (November 22, 2024).

for failure to pay the annual permit user fee for calendar year 2025 by January 31, 2025.[1] Pursuant to 19 CFR 111.45(c), a list of revoked customs brokers' national permits appears below, set forth alphabetically.

Last name/company name	First name	Permit No.
ABL Customs Broker, LLC		2024–0078
Adolfo A. Cuellar CHB, Inc		2022–0052
Air Sea Customs Service, Inc		07–0058
Airstream Brokerage Corporation		2022–0097
Bonn	John Gregory	09–0099
C. Martin Taylor Customs Broker, Inc		11–042
Clement	Stanislas	2023–0109
Dimsa Trade Services, LLC		2019–0181
Dorfman	Pilar	2023–0057
"E" Customs Clearing Inc		2022–0163
ECI Customs Brokerage, Inc		05–092
Far East Forwarding, Inc		12–064
Genesis World Corporation		11–061
Gil	Julio E	2022–0268
Impexp Logistics, LLC		18–032
International Activities Corporation		06–0043
KFS Custom Services Inc		10–080
Kohl III	John Michael	18–113
Nguyen	Diem Trang	2022–0203
NPH Logistics, LLC		2021–0036
Persaud	Anthony R	13–060
Queue Enterprises, Inc		17–127
R G A Logistics, LLC		99–00474
Saucedo	Maritza	2022–0425
Senator International Freight Forwarding		09–0176
Silveira	Aylin D	2023–0028
Soo	Mary	18–051
Trans-Mar Customs Brokers Inc		2021–0026
Vasquez	Joy	09–0066
W.J. Benkler, Inc		10–020
Will Clear Customs LLC		2024–0071

Jeffrey M. Rezmovic,

Deputy Executive Assistant Commissioner, Office of Trade.

[FR Doc. 2025–23213 Filed 12–17–25; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2025–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Acting Director, Engineering and Modeling Division, National Flood Insurance Program, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Assistant Administrator for the Federal Insurance Directorate, Resilience, has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The current effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

[1] U.S. Customs and Border Protection publishes the date by which the permit user fee must be paid annually. *See* 89 FR 92697 (November 22, 2024).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Elizabeth Asche,

Assistant Administrator, Federal Insurance Directorate, Resilience Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Arizona: Pinal (FEMA Docket No.: B–2542).	City of Casa Grande (25–09–0247P).	The Honorable Lisa Navarro Fitzgibbons, Mayor, City of Casa Grande, 510 East Florence Boulevard, Casa Grande, AZ 85122.	City Hall, 510 East Florence Boulevard, Casa Grande, AZ 85122.	Sep. 12, 2025	040080
California:					
Riverside (FEMA Docket No.: B–2542).	City of Jurupa Valley (23–09–1402P).	The Honorable Brian Berkson, Mayor, City of Jurupa Valley, 8930 Limonite Avenue, Jurupa Valley, CA 92509.	City Hall, 8930 Limonite Avenue, Jurupa Valley, CA 92509.	Sep. 9, 2025	060286
Riverside (FEMA Docket No.: B–2542).	City of Menifee (25–09–0210P).	Armando G. Villa, City Manager, City of Menifee, 29844 Haun Road, Menifee, CA 92586.	City Hall, 29844 Haun Road, Menifee, CA 92586.	Sep. 12, 2025	060176
Riverside (FEMA Docket No.: B–2542).	City of Temecula (24–09–0182P).	The Honorable Brenden Kalfus, Mayor, City of Temecula, 41000 Main Street, Temecula, CA 92590.	City Hall, Public Works Department, 41000 Main Street, Temecula, CA 92590.	Sep. 22, 2025	060742
San Diego (FEMA Docket No.: B–2542).	City of Vista (24–09–0198P).	The Honorable John Franklin, Mayor, City of Vista, 200 Civic Center Drive, Vista, CA 92084.	Civic Center, 200 Civic Center Drive, Vista, CA 92084.	Sep. 8, 2025	060297
Colorado:					
Arapahoe (FEMA Docket No.: B–2542).	City of Aurora (24–08–0576P).	The Honorable Mike Coffman, Mayor, City of Aurora, 15151 East Alameda Parkway, Aurora, CO 80012.	Public Works Department, 15151 East Alameda Parkway, Suite 3200, Aurora, CO 80012.	Sep. 12, 2025	080002
Arapahoe (FEMA Docket No.: B–2542).	Unincorporated areas of Arapahoe County (24–08–0576P).	The Honorable Leslie Summey, Chair, Arapahoe County Board of Commissioners, 5334 South Prince Street, Littleton, CO 80210.	Arapahoe County, Public Works and Development Department, 6924 South Lima Street, Centennial, CO 80112.	Sep. 12, 2025	080011
Gunnison (FEMA Docket No.: B–2542).	Unincorporated areas of Gunnison County (24–08–0251P).	The Honorable Laura Puckett Daniels, Chair, Gunnison County Board of Commissioners, 200 East Virginia Avenue, Gunnison, CO 81230.	Gunnison County Administration Building, 200 East Virginia Avenue, Gunnison, CO 81230.	Sep. 12, 2025	080078
Pitkin (FEMA Docket No.: B–2542).	City of Aspen (24–08–0425P).	The Honorable Rachel Richards, Mayor, City of Aspen, 427 Rio Grande Place, Aspen, CO 81611.	Engineering Department, 427 Rio Grande Place, Aspen, CO 81611.	Sep. 23, 2025	080143
Idaho: Canyon (FEMA Docket No.: B–2542).	Unincorporated areas of Canyon County (24–10–0627P).	The Honorable Brad Holton, Chair, Canyon County Board of Commissioners, 1115 Albany Street, Room 101, Caldwell, ID 83605.	Canyon County Development Services Department, 111 North 11th Avenue, Room 310, Caldwell, ID 83605.	Sep. 12, 2025	160208
Nevada: Clark (FEMA Docket No.: B–2542).	Unincorporated areas of Clark County (24–09–1045P).	The Honorable Tick Segerblom, Chair, Clark County Board of Commissioners, 500 South Grand Central Parkway, Las Vegas, NV 89155.	Clark County Government Center, 500 South Grand Central Parkway, Las Vegas, NV 89155.	Sep. 2, 2025	320003
North Carolina:					
Guilford (FEMA Docket No. B–2551).	Town of Oak Ridge (24–04–7076P).	The Honorable Jim Kinneman, Mayor, Town of Oak Ridge, P.O. Box 374, Oak Ridge, NC 27310.	Planning and Zoning, 8315 Linville Road, Oak Ridge, NC 27310.	Oct. 30, 2025	370596
Henderson (FEMA Docket No.: B–2538).	Town of Fletcher (24–04–0421P).	The Honorable Preston Blakely, Mayor, Town of Fletcher, 300 Old Cane Creek Road, Fletcher, NC 28732.	Planning and Zoning Department, 300 Old Cane Creek Road, Fletcher, NC 28732.	Oct. 13, 2025	370568
Henderson (FEMA Docket No.: B–2538).	Town of Mills River (24–04–0421P).	The Honorable Shanon Gonce, Mayor, Town of Mills River, 124 Town Center Drive Mills River, NC 28759.	Planning and Zoning Department, 124 Town Center Drive, Mills River, NC 28759.	Oct. 13, 2025	370025
Henderson (FEMA Docket No.: B–2538).	Unincorporated areas of Henderson County (24–04–0421P).	The Honorable William Lapsley, Chair, Henderson County Board of Commissioners, 1 Historic Courthouse Square, Suite 1, Hendersonville, NC 28792.	Henderson County Planning Department 100 North King Street, Hendersonville, NC 28792.	Oct. 13, 2025	370125
Utah: Washington (FEMA Docket No.: B–2542).	City of St. George (24–08–0300P).	The Honorable Michele Randall, Mayor, City of St. George, 175 East 200 North, St. George, UT 84770.	City Hall, 175 East 200 North, St. George, UT 84770.	Sep. 4, 2025	490177

[FR Doc. 2025–23167 Filed 12–17–25; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2025–0002; Internal Agency Docket No. FEMA–B–2570]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The current effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Assistant Administrator for the Federal Insurance Directorate, Resilience, reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Acting Director, Engineering and Modeling Division, National Flood Insurance Program, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Elizabeth Asche,

Assistant Administrator, Federal Insurance Directorate, Resilience Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Florida:						
Bay	Unincorporated areas of Bay County (25–04–4144P).	Robert Majka, County Manager, Bay County, 840 West 11th Street, Panama City, FL 32401.	Planning and Zoning Department, 840 West 11th Street, Panama City, FL 32401.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 20, 2026	120004
Collier	City of Naples (25–04–4125P).	Gary Young, Manager, City of Naples, 735 8th Street South, Naples, FL 34102.	City Hall, 735 8th Street South, Naples, FL 34102.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 20, 2026	125130
Manatee	Unincorporated areas of Manatee County (25–04–0328P).	Charlie Bishop, Manatee County Administrator, 1112 Manatee Avenue West, Bradenton, FL 34205.	Manatee County Administration Building, 1112 Manatee Avenue West, Bradenton, FL 34205.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 29, 2026	120153

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Manatee	Unincorporated areas of Manatee County (25–04–2142P).	Charlie Bishop, Manatee County Administrator, 1112 Manatee Avenue West, Bradenton, FL 34205.	Manatee County Administration Building, 1112 Manatee Avenue West, Bradenton, FL 34205.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 22, 2026	120153
Manatee	Unincorporated areas of Manatee County (25–04–2976P).	Charlie Bishop, Manatee County Administrator, 1112 Manatee Avenue West, Bradenton, FL 34205.	Manatee County Administration Building, 1112 Manatee Avenue West, Bradenton, FL 34205.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 29, 2026	120153
Orange	City of Orlando (24–04–5391P).	The Honorable Buddy Dyer, Mayor, City of Orlando, 400 South Orange Avenue, Orlando, FL 32801.	Public Works Department, Engineering Division, 400 South Orange Avenue, 8th Floor, Orlando, FL 32801.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 28, 2026	120186
Orange	City of Winter Garden (24–04–3647P).	The Honorable John Rees, Mayor, City of Winter Garden, 330 West Plant Street, Winter Garden, FL 34787.	City Hall, 330 West Plant Street, Winter Garden, FL 34787.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 19, 2025	120187
Orange	Unincorporated areas of Orange County (24–04–5391P).	The Honorable Jerry L. Demings, Mayor, Orange County, 201 South Rosalind Avenue, 5th floor, Orlando, FL 32801.	Orange County Public Works Department, Stormwater Management Division, 4200 South John Young Parkway, Orlando, FL 32839.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 28, 2026	120179
Pasco	Unincorporated areas of Pasco County (24–04–7609P).	Mike Carballa, Pasco County Administrator, 8731 Citizens Drive, New Port Richey, FL 34654.	Pasco County Government Center, 8731 Citizens Drive, New Port Richey, FL 34654.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 22, 2026	120230
Pasco	Unincorporated areas of Pasco County (25–04–0566P).	Mike Carballa, Pasco County Administrator, 8731 Citizens Drive, New Port Richey, FL 34654.	Pasco County Government Center, 8731 Citizens Drive, New Port Richey, FL 34654.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 22, 2026	120230
Pasco	Unincorporated areas of Pasco County (25–04–3295P).	Mike Carballa, Pasco County Administrator, 8731 Citizens Drive, New Port Richey, FL 34654.	Pasco County Government Center, 8731 Citizens Drive, New Port Richey, FL 34654.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 22, 2026	120230
Polk	City of Auburndale (24–04–4715P).	The Honorable Dorothea Taylor Bogert, Mayor, City of Auburndale, 1 Bobby Green Plaza, Auburndale, FL 33823.	City Hall, 1 Bobby Green Plaza, Auburndale, FL 33823.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 8, 2026	120262
Polk	Unincorporated areas of Polk County (25–04–2249P).	Bill Beasley, Polk County Manager, 330 West Church Street, Bartow, FL 33830.	Polk County Land Development Division, 330 West Church Street, Bartow, FL 33830.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 18, 2025	120261
Illinois:						
Kane	City of Aurora (24–05–2637P).	The Honorable John Laesch, Mayor, City of Aurora, 44 East Downer Place, Aurora, IL 60505.	Public Works Department, Engineering Division, 2185 Liberty Street, Aurora, IL 60502.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 26, 2026	170320
Will	Unincorporated areas of Will County (25–05–1599P).	The Honorable Jennifer Bertino-Tarrant, Will County Executive, 302 North Chicago Street, Joliet, IL 60432.	Will County Land Use Department, 58 East Clinton Street, Suite 100, Joliet, IL 60432.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 26, 2026	170695
Will	Village of Plainfield (25–05–1599P).	The Honorable John F. Argoudelis, President, Village of Plainfield, 24401 West Lockport Street, Plainfield, IL 60544.	Village Hall, 24401 West Lockport Street, Plainfield, IL 60544.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 26, 2026	170771
Indiana: Clark	City of Jeffersonville (22–05–3068P).	The Honorable Mike Moore, Mayor, City of Jeffersonville, 500 Quartermaster Court, Jeffersonville, IN 47130.	City Hall, 500 Quartermaster Court, Jeffersonville, IN 47130.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 29, 2026	180027
Kentucky:						
Boyle	City of Danville (24–04–6740P).	James ''J.H.'' Atkins, Mayor, City of Danville, 445 West Main Street, Danville, KY 40422.	City Hall, 445 West Main Street, Danville, KY 40422.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 24, 2025	210019

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Boyle	Unincorporated areas of Boyle County (24–04–6740P).	Julie R. Wagner, County Administrator, Boyle County, 321 West Main Street, Danville, KY 40422.	Boyle County Courthouse, 321 West Main Street, Danville, KY 40422.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 24, 2025	210322
Jefferson	Metropolitan Government of Louisville and Jefferson County (24–04–1865P).	The Honorable Craig Greenberg, Mayor, Metropolitan Government of Louisville and Jefferson County, 527 West Jefferson Street, Louisville, KY 40202.	Louisville/Jefferson County Metropolitan Sewer District, 700 West Liberty Street, Louisville, KY 40202.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 26, 2026	210120
Maryland:						
Anne Arundel	City of Laurel (25–03–0260P).	The Honorable Keith R. Sydnor, Mayor, City of Laurel, 8103 Sandy Spring Road, Laurel, MD 20707.	Joseph R. Robison Laurel Municipal Center, 8103 Sandy Spring Road, Laurel, MD 20707.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 16, 2026	240053
Anne Arundel	Unincorporated areas of Anne Arundel County (25–03–0260P).	Steuart Pittman, Anne Arundel County Executive, 44 Calvert Street, Annapolis, MD 21401.	Anne Arundel County Department of Inspections and Permits, 2664 Riva Road, Annapolis, MD 21401.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 16, 2026	240008
Massachusetts:						
Berkshire	City of North Adams (24–01–0275P).	The Honorable Jennifer A. Macksey, Mayor, City of North Adams, 10 Main Street, North Adams, MA, 01247.	City Hall, 10 Main Street, North Adams, MA, 01247.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 15, 2025	250034
Essex	City of Lynn (24–01–0162P).	The Honorable Jared C. Nicholson, Mayor, City of Lynn, 3 City Hall Square, Lynn, MA01901.	Department of Inspectional Services, 3 City Hall Square, Lynn, MA01901.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 25, 2025	250088
Minnesota:						
Houston	Unincorporated areas of Houston County (24–05–0501P).	The Honorable Eric Johnson, District 2 Commissioner, Houston County, 14212 Paradise Drive, Houston, MN 55943.	Houston County Courthouse, 304 South Marshall Street, Caledonia, MN 55921.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 20, 2026	270190
Scott	City of Savage (24–05–0896P).	Brad Larson, City Administrator, City of Savage, 6000 McColl Drive, Savage, MN 55378.	City Hall, 6000 McColl Drive, Savage, MN 55378.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 5, 2026	270433
North Carolina:						
Haywood	Town of Canton (25–04–2980P).	The Honorable Zeb Smathers, Mayor, Town of Canton, 85 Summer Street, Canton, NC 28716.	Planning Department, 85 Summer Street, Canton, NC 28716.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 26, 2025	370121
Haywood	Unincorporated areas of Haywood County (25–04–2980P).	Kevin Ensley, Chair, Haywood County Board of Commissioners, 215 North Main Street, Waynesville, NC 28786.	Haywood County Development Services, 157 Paragon Parkway, Suite 200, Clyde, NC 28721.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 26, 2025	370120
Ohio:						
Lucas	Unincorporated areas of Lucas County (25–05–1058P).	The Honorable Lisa A. Sobecki, President, Lucas County Board of Commissioners, 1 Government Center, Toledo, OH 43604.	Lucas County Engineering Department, 1049 South McCord Road, Holland, OH 43528.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 23, 2026	390359
Shelby	Unincorporated areas of Shelby County (25–05–0501P).	The Honorable Julie Ehemenn, Shelby County Commissioner, 129 East Court Street, Suite 100, Sidney, OH 45365.	Shelby County Engineer's Office, 500 Gearhart Road, Sidney, OH 45365.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 22, 2026	390503
Pennsylvania:						
Pike	Township of Lackawaxen (25–03–0506P).	The Honorable Jeffery A. Shook, Chair, Township of Lackawaxen Board of Supervisors, 169 Urban Road, Hawley, PA 18428.	Township Building, 169 Urban Road, Hawley, PA 18428.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 22, 2025	421966
Pike	Township of Palmyra (25–03–0506P).	The Honorable Kenneth Coutts, Chair, Township of Palmyra Pike County Board of Supervisors, 115 Buehler Lane, Paupack, PA 18451.	Township Hall, 115 Buehler Lane, Paupack, PA 18451.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 22, 2025	421968

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Wayne	Borough of Hawley (25–03–0506P).	Ann Monaghan, President, Borough of Hawley, 94 Main Avenue, Hawley, PA 18428.	Borough Hall, 94 Main Avenue, Hawley, PA 18428.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 22, 2025	420863
Wayne	Township of Palmyra (25–03–0506P).	The Honorable Pete Steffen, Chair, Township of Palmyra Wayne County Board of Supervisors, 219 Oak Street, Hawley, PA 18428.	Township Hall, 219 Oak Street, Hawley, PA 18428.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 22, 2025	420865
South Carolina: Greenville.	Unincorporated areas of Greenville County (25–04–1614P).	Joseph Kernell, Greenville County Administrator, 301 University Ridge, Suite N–4000, Greenville, SC 29601.	Greenville County Planning and Code Compliance Division, 301 University Ridge, Suite S–3100, Greenville, SC 29601.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 20, 2026	450089
Texas:						
Bexar	City of San Antonio (25–06–0705P).	The Honorable Gina Ortiz Jones, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	City Hall, 100 Military Plaza, San Antonio, TX 78205.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 15, 2025	480045
Burnet	City of Burnet (24–06–2686P).	The Honorable Gary Wideman, Mayor, City of Burnet, P.O. Box 1369, Burnet, TX 78611.	City Hall, 127 East Jackson Street, Burnet, TX 78611.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 28, 2025	480092
Collin	City of McKinney (25–06–1517P).	The Honorable Bill Cox, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	City Hall, 401 East Virginia Street, McKinney, TX 75069.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 26, 2026	480135
Rockwall	City of Fate (25–06–1009P).	The Honorable Andrew Greenberg, Mayor, City of Fate, 1900 CD Boren Parkway, Fate, TX 75087.	City Hall, 1900 CD Boren Parkway, Fate, TX 75087.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 23, 2026	480135
Tarrant	City of Fort Worth (25–06–0596P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 100 Fort Worth Trail, Fort Worth, TX 76102.	Department of Transportation and Public Works—Stormwater Management Division, 100 Fort Worth Trail, Fort Worth, TX 76102.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 22, 2026	480596
Tarrant	City of Southlake (25–06–1139P).	The Honorable Shawn McCaskill, Mayor, City of Southlake, 1400 Main Street, Suite 270, Southlake, TX 76092.	City Hall, 1400 Main Street, Suite 460, Southlake, TX 76092.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 29, 2026	480612
Virginia:						
Hanover	Unincorporated areas of Hanover County (25–03–0393P).	John A. Budesky, County Administrator, Hanover County, 7516 County Complex Road, Hanover, VA 23069.	Hanover County Administration, 7516 County Complex Road, Hanover, VA 23069.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 30, 2026	510237
Henrico	Unincorporated areas of Henrico County (25–03–0393P).	John Vithoulkas, County Manager, Henrico County, P.O. Box 90775, Henrico, VA 23273.	Henrico County Western Government Center, 4305 East Parham Road, Richmond, VA 23228.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 30, 2026	510077

[FR Doc. 2025–23169 Filed 12–17–25; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2025–0002; Internal Agency Docket No. FEMA–B–2567]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the

Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before March 18, 2026.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2567, to David N. Bascom, Acting Director, Engineering and Modeling Division, National Flood Insurance Program, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Acting Director, Engineering and Modeling Division, National Flood Insurance Program, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Elizabeth Asche,

Assistant Administrator, Federal Insurance Directorate, Resilience Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Collier County, Florida and Incorporated Areas Project: 16–04–1501S Preliminary Date: March 20, 2025	
City of Naples	Building Department, 295 Riverside Circle, Naples, FL 34102.
Seminole Tribe of Florida	Seminole Tribal Council Headquarters, 6300 Stirling Road, Hollywood, FL 33024.
Unincorporated Areas of Collier County	Collier County Growth Management Department, 2800 North Horseshoe Drive, Naples, FL 34104.
Pinellas County, Florida and Incorporated Areas Project: 22–04–0005S Preliminary Date: May 15, 2025	
City of Clearwater	Municipal Services Building, Engineering Department, 100 South Myrtle Avenue, Suite 220, Clearwater, FL 33756.
City of Safety Harbor	Building Official's Department, 750 Main Street, Safety Harbor, FL 34695.
Unincorporated Areas of Pinellas County	Pinellas County Building Department, 440 Court Street, Clearwater, FL 33756.
Attala County, Mississippi and Incorporated Areas Project: 23–04–0044S Preliminary Date: April 24, 2025	
City of Kosciusko	City Hall, 222 East Washington Street, Kosciusko, MS 39090.
Town of Sallis	Town Hall, 6267 Front Street, Sallis, MS 39160.
Unincorporated Areas of Attala County	Attala County Courthouse, 230 West Washington Street, Kosciusko, MS 39090.

Community	Community map repository address
Carroll County, Mississippi and Incorporated Areas **Project: 23–04–0044S Preliminary Date: April 24, 2025**	
Town of Vaiden	Town Hall, 201 Mulberry Street, Vaiden, MS 39176.
Unincorporated Areas of Carroll County	Carroll County Courthouse, 600 Lexington Street, Carrollton, MS 38917.
Choctaw County, Mississippi and Incorporated Areas **Project: 23–04–0044S Preliminary Date: April 24, 2025**	
Town of French Camp	Town Hall, 6069 Mississippi Highway 413, French Camp, MS 39745.
Unincorporated Areas of Choctaw County	Choctaw County Courthouse, 22 East Quinn Street, Ackerman, MS 39735.
Holmes County, Mississippi and Incorporated Areas **Project: 23–04–0044S Preliminary Date: April 24, 2025**	
City of Durant	City Hall, 253 West Mulberry Street, Durant, MS 39063.
Town of Goodman	Town Hall, 9912 Main Street, Goodman, MS 39079.
Town of Pickens	Town Hall, 163 North 2nd Street, Pickens, MS 39146.
Town of West	Town Hall, 24839 Highway 51, West, MS 39192.
Unincorporated Areas of Holmes County	Holmes County Administrative Offices, 408 Court Square, Lexington, MS 39095.
Leake County, Mississippi and Incorporated Areas **Project: 23–04–0044S Preliminary Date: April 24, 2025**	
Unincorporated Areas of Leake County	Leake County Emergency Management, 123 North Pearl Street, Carthage, MS 39051.
Madison County, Mississippi and Incorporated Areas **Project: 23–04–0044S Preliminary Date: April 24, 2025**	
Unincorporated Areas of Madison County	Madison County Administrative Building, 125 West North Street, Canton, MS 39046.
Montgomery County, Mississippi and Incorporated Areas **Project: 23–04–0044S Preliminary Date: April 24, 2025**	
City of Winona	City Hall, 409 Summit Street, Winona, MS 38967.
Town of Kilmichael	City Hall, 114 North Depot Avenue, Kilmichael, MS 39747.
Unincorporated Areas of Montgomery County	Montgomery County Courthouse, 614 Summit Street, Winona, MS 38967.
Oktibbeha County, Mississippi and Incorporated Areas **Project: 23–04–0044S Preliminary Date: April 24, 2025**	
Town of Maben	City Hall, 711 2nd Avenue, Maben, MS 39750.
Unincorporated Areas of Oktibbeha County	Oktibbeha County Courthouse, 101 East Main Street, Suite 2, Starkville, MS 39759.
Webster County, Mississippi and Incorporated Areas **Project: 23–04–0044S Preliminary Date: April 24, 2025**	
Town of Eupora	City Hall, 390 West Clark Avenue, Eupora, MS 39744.
Town of Mathiston	Town Hall, 41 Mathis Drive, Mathiston, MS 39752.
Unincorporated Areas of Webster County	Webster County Courthouse, 6333 Mississippi Highway 9, Walthall, MS 39771.
Village of Walthall	Village Hall, 47 Historical Street, Walthall, MS 39771.
Humphreys County, Tennessee and Incorporated Areas **Project: 24–04–0066S Preliminary Date: December 19, 2024**	
City of McEwen	City Hall, 9586 U.S. Highway 70 East, McEwen, TN 37101.
City of Waverly	Building and Codes Department, 101 East Main Street, Waverly, TN 37185.
Unincorporated Areas of Humphreys County	Humphreys County Soil Conservation District, 234 West Blue Creek Road, Waverly, TN 37185.

[FR Doc. 2025–23172 Filed 12–17–25; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2025–0002; Internal Agency Docket No. FEMA–B–2569]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before March 18, 2026.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2569, to David N. Bascom, Acting Director, Engineering and Modeling Division, National Flood Insurance Program, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Acting Director, Engineering and Modeling Division, National Flood Insurance Program, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Elizabeth Asche,

Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Cheyenne County, Nebraska and Incorporated Areas Project: 23–07–0055S Preliminary Dates: December 17, 2021 and June 20, 2025	
City of Sidney	City Administration Building, 1115 13th Avenue, Sidney, NE 69162.
Unincorporated Areas of Cheyenne County	Cheyenne County Highway Department, 2383 Illinois Street, Sidney, NE 69162.
Village of Dalton	Village Office, 306 Main Street, Dalton, NE 69131.
Village of Gurley	Community Center, 437 California Street, Gurley, NE 69141.
Village of Lodgepole	Village Office, 814 Sheldon Street, Lodgepole, NE 69149.
Village of Potter	Village Office, 922 Sherman Street, Potter, NE 69156.

[FR Doc. 2025–23173 Filed 12–17–25; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2025–0002; Internal Agency Docket No. FEMA–B–2574]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The current effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Assistant Administrator for the Federal Insurance Directorate, Resilience, reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Acting Director, Engineering and Modeling Division, National Flood Insurance Program, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Elizabeth Asche,

Assistant Administrator, Federal Insurance Directorate, Resilience Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Connecticut: New Haven.	City of New Haven (25–01–0635P).	The Honorable Justin M. Elicker, Mayor, City of New Haven, 165 Church Street, New Haven, CT 06510.	Planning Department, 165 Church Street, 5th Floor, New Haven, CT 06510.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 26, 2026	090084
Delaware:						
New Castle	City of Wilmington (25–03–0133P).	The Honorable John Carney, Mayor, City of Wilmington, 800 North French Street, 9th Floor, Wilmington, DE 19801.	Louis L. Redding City/County Building, 800 North French Street, Wilmington, DE 19801.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 22, 2026	010028
New Castle	Unincorporated areas of New Castle County (25–03–0133P).	The Honorable Marcus Henry, New Castle County Executive, 87 Reads Way, New Castle, DE 19720.	New Castle County Government Center, 87 Reads Way, New Castle, DE 19720.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 22, 2026	105085
Florida:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Glades	City of Clewiston (25–04–3856P).	The Honorable James Pittman, Mayor, City of Clewiston, 115 West Ventura Avenue, Clewiston, FL 33440.	City Hall, 115 West Ventura Avenue, Clewiston, FL 33440.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 5, 2026	120108
Glades	Unincorporated areas of Glades County (25–04–3856P).	Paul Carlisle, Glades County Manager, P.O. Box 1527, Moore Haven, FL 33471.	Glades County Courthouse, 500 Avenue J Southwest, Moore Haven, FL 33471.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 5, 2026	120095
Miami-Dade	City of Miami (25–04–3003P).	The Honorable Francis X. Suarez, Mayor, City of Miami, 3500 Pan American Drive, Miami, FL 33133.	Building Department, 444 Southwest 2nd Avenue, 4th Floor, Miami, FL 33130.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 26, 2026	120650
Nassau	Unincorporated areas of Nassau County (25–04–3650P).	Taco E. Pop, Nassau County Manager, 96135 Nassau Place, Suite 1, Yulee, FL 32097.	Nassau County Administration Building, 96131 Nassau Place, Yulee, FL 32097.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 22, 2026	120170
Orange	City of Orlando (25–04–2427P).	The Honorable Buddy Dyer, Mayor, City of Orlando, 400 South Orange Avenue, Orlando, FL 32801.	Public Works Department, Engineering Division, 400 South Orange Avenue, 8th Floor, Orlando, FL 32801.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 10, 2026	120186
Orange	Unincorporated areas of Orange County (25–04–2427P).	The Honorable Jerry L. Demings, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County Public Works Department, Stormwater Management Division, 4200 South John Young Parkway, Orlando, FL 32839.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 10, 2026	120179
Palm Beach	City of West Palm Beach (25–04–3524P).	The Honorable Keith A. James, Mayor, City of West Palm Beach, 401 Clematis Street, West Palm Beach, FL 33401.	Development Services, Building Division, 401 Clematis Street, 1st floor, West Palm Beach, FL 33401.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 23, 2026	120229
Palm Beach	City of West Palm Beach (25–04–4113P).	The Honorable Keith A. James, Mayor, City of West Palm Beach, 401 Clematis Street, West Palm Beach, FL 33401.	Development Services, Building Division, 401 Clematis Street, 1st floor, West Palm Beach, FL 33401.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 27, 2026	120229
Palm Beach	Village of Royal Palm Beach (25–04–3219P).	The Honorable Jeff Hmara, Mayor, Village of Royal Palm Beach, 1050 Royal Palm Beach Boulevard, Royal Palm Beach, FL 33411.	Village Hall, 1050 Royal Palm Beach Boulevard, Royal Palm Beach, FL 33411.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 28, 2026	120225
Sarasota	City of North Port (25–04–3559P).	Jerome Fletcher, City Manager, City of North Port, 4970 City Hall Boulevard, North Port, FL 34286.	City Hall, 4970 City Hall Boulevard, North Port, FL 34286.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 4, 2026	120279
Sarasota	Unincorporated areas of Sarasota County (25–04–3559P).	Jonathan R. Lewis, Sarasota County Administrator, 1660 Ringling Boulevard, Sarasota, FL 34236.	Sarasota County Government Center, 1001 Sarasota Center Boulevard, Sarasota, FL 34240.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 4, 2026	125144
Maine: Aroostook	Town of Houlton (25–01–0268P).	Cameron Clark, Interim Town Manager, Town of Houlton, 21 Water Street, Houlton, ME 04730.	Town Hall, 21 Water Street, Houlton, ME 04730.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 29, 2026	230021
Massachusetts: Barnstable.	Town of Falmouth (25–01–0584P).	Mike Renshaw, Town of Falmouth Manager, 59 Town Hall Square, Falmouth, MA 02540.	Department of Public Works, 416 Gifford Street, Falmouth, MA 02540.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 20, 2026	255211
Michigan:						
Clare	City of Clare (24–05–2731P).	The Honorable Patrick Humphrey, Mayor, City of Clare, 202 West 5th Street, Clare, MI 48617.	City Hall, 202 West 5th Street, Clare, MI 48617.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 23, 2026	260629
Clare	Township of Grant (24–05–2731P).	The Honorable John Lake, Supervisor, Township of Grant, 3022 East Surrey Road, Clare, MI 48617.	Township Hall, P.O. Box 208, Clare, MI 48617.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 23, 2026	261259
Isabella	Township of Vernon (24–05–2731P).	The Honorable Ben Browning, Supervisor, Township of Vernon, 9836 North Mission Road, Clare, MI 48617.	Township Hall, 9836 North Mission Road, Clare, MI 48617.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 23, 2026	260825

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Macomb	Charter Township of Shelby (25–05–0294P).	The Honorable Rick Stathakis, Supervisor, Charter Township of Shelby, 52700 Van Dyke Avenue, Shelby Township, MI 48316.	Building Department, 52700 Van Dyke Avenue, Shelby Township, MI 48316.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 3, 2026	260126
North Carolina:						
Graham	Eastern Band of Cherokee Indians (25–04–0355P).	The Honorable Michell Hicks, Principal Chief, Eastern Band of Cherokee Indians, P.O. Box 1927, Cherokee, NC 28719.	Regulatory Compliance, 88 Council House Loop, Cherokee, NC 28719.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 2, 2026	370401
Jackson	Unincorporated areas of Jackson County (25–04–4097P).	The Honorable Mark Letson, Chair, Jackson County Board of Commissioners, 401 Grindstaff Cove Road, Sylva, NC 28779.	Jackson County Permitting and Code Enforcement, 538 Scotts Creek Road, Suite 205, Sylva, NC 28779.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 16, 2026	370282
Surry	Unincorporated areas of Surry County (25–04–3161P).	The Honorable Mark Marion, Chair, Surry County Board of Commissioners, P.O. Box 1467, Dobson, NC 27017.	Surry County Development Services, 122 Hamby Road, Dobson, NC 27017.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 12, 2026	370364
Ohio: Butler	Unincorporated areas of Butler County (25–05–1189P).	The Honorable Donald L. Dixon, President, Butler County, Board of Commissioners, 315 High Street, Hamilton, OH 45011.	Butler County Administrative Center, 130 High Street, Hamilton, OH 45011.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 2, 2026	390037
Oklahoma: Creek	Unincorporated areas of Creek County (25–06–1091P).	The Honorable Newt Stephens, Chair, Creek County Board of Commissioners, 317 East Lee Avenue, Suite 103, Sapulpa, OK 74066.	Creek County Collins Building, 317 East Lee Avenue, Suite 101, Sapulpa, OK 74066.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 30, 2026	400490
Texas:						
Atascosa	City of Lytle (25–06–0156P).	The Honorable Ruben Gonzalez, Mayor, City of Lytle, 14916 Main Street, Lytle, TX 78052.	Public Works Department, P.O. Box 743, Lytle, TX 78052.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 29, 2026	480692
Atascosa	Unincorporated areas of Atascosa County (25–06–0156P).	The Honorable Weldon Cude, Atascosa County Judge, 1 Courthouse Circle Drive, Suite 105, Jourdanton, TX 78026.	Atascosa County Administration Building, 800 North Loop 288, Denton, TX 76209.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 29, 2026	480014
Collin	City of McKinney (25–06–0308P).	The Honorable Bill Cox, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	Engineering Department, 401 East Virginia Street, McKinney, TX 75069.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 17, 2026	480135
Collin	City of Melissa (25–06–0308P).	The Honorable Jay Northcut, Mayor, City of Melissa, 3411 Barker Avenue, Melissa, TX 75454.	City Hall, 3411 Barker Avenue, Melissa, TX 75454.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 17, 2026	481626
Collin	Unincorporated areas of Collin County (25–06–0308P).	The Honorable Chris Hill, Collin County Judge, 2300 Bloomdale Road, 1st Floor, McKinney, TX 75071.	Collin County Engineering Department, 4690 Community Avenue, Suite 200, McKinney, TX 75071.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 17, 2026	480130
Dallas	City of Dallas (25–06–0158P).	Kimberly Bizor Tolbert, City Manager, City of Dallas, 1500 Marilla Street, Room 4EN, Dallas, TX 75201.	Stormwater Operations Department, 2245 Irving Boulevard, 2nd Floor, Dallas, TX 75207.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 2, 2026	480171
Grayson	City of Sherman (24–06–2615P).	The Honorable Shawn C. Teamann, Mayor, City of Sherman, 220 West Mulberry Street, Sherman, TX 75090.	City Hall, 220 West Mulberry Street, Sherman, TX 75090.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 6, 2026	485509
Hays	City of Kyle (25–06–0299P).	The Honorable Travis Mitchell, Mayor, City of Kyle, 100 West Center Street, Kyle, TX 78640.	City Hall, 100 West Center Street, Kyle, TX 78640.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 5, 2026	481108
Hays	Unincorporated areas of Hays County (25–06–0299P).	The Honorable Ruben Becerra, Hays County Judge, 111 East San Antonio Street, Suite 300, San Marcos, TX 78666.	Hays County Development Services Department, 2171 Yarrington Road, Suite 100, Kyle, TX 78640.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 5, 2026	480321

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Rockwall	City of Fate (25–06–0577P).	The Honorable Andrew Greenburg, Mayor, City of Fate, 1900 CD Boren Parkway, Fate, TX 75087.	City Hall, 105 East Fate Main Place, Fate, TX 75132.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 30, 2026	480544
Rockwall	City of Royse City (24–06–2474P).	The Honorable Janet Nichol, Mayor, City of Royse City, P.O. Box 638, Royse City, TX 75189.	City Hall, 100 West Main Street, Royse City, TX 75189.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 30, 2026	480548
Virgina:						
Prince William	Unincorporated areas of Prince William County (24–03–0364P).	The Honorable Christopher Shorter, Prince William County Executive, 1 County Complex Court, Prince William, VA 22192.	Prince William County Department of Public Works, Environmental Management Division, 5 County Complex Court, Suite 170, Prince William, VA 22192.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 9, 2026	510119
Prince William	Unincorporated areas of Prince William County (24–03–0470P).	The Honorable Christopher Shorter, Prince William County Executive, 1 County Complex Court, Prince William, VA 22192.	Prince William County Department of Public Works, Environmental Management Division, 5 County Complex Court, Suite 170, Prince William, VA 22192.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 9, 2026	510119

[FR Doc. 2025–23170 Filed 12–17–25; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2025–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below. The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having an effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP).

DATES: The date of March 17, 2026 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *https://msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Acting Director, Engineering and Modeling Division, National Flood Insurance Program, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Assistant Administrator for the Federal Insurance Directorate, Resilience, has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Elizabeth Asche,

Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
City of Bridgeport, Morrill County, Nebraska Docket No.: FEMA–B–2471	
City of Bridgeport	City Office, 809 Main Street, Bridgeport, NE 69336.

Community	Community map repository address
City of Franklin, Virginia (Independent City) Docket No.: FEMA–B–2453	
City of Franklin	City Hall, 207 W 2nd Avenue, Franklin, VA 23851.
Southampton County, Virginia and Incorporated Areas Docket No.: FEMA–B–2459	
Town of Boykins	Town Hall, 18206 Virginia Avenue, Boykins, VA 23827.
Town of Branchville	Town Hall, 15310 Broad Street, Branchville, VA 23828.
Town of Courtland	Town Office, 22219 Meherrin Road, Courtland, VA 23837.
Town of Newsoms	Town Office, 29056 Everett Street, Newsoms, VA 23874.
Unincorporated Areas of Southampton County	Southampton County Administrator's Office, 26022 Administration Center Drive, Courtland, VA 23837.
Langlade County, Wisconsin and Incorporated Areas Docket No.: FEMA–B–2448	
City of Antigo	City Hall, 700 Edison Street, Antigo, WI 54409.
Unincorporated Areas of Langlade County	Langlade County Resource Center, 837 Clermont Street, Antigo, WI 54409.
Village of White Lake	Village Hall, 615 School Street, White Lake, WI 54491.

[FR Doc. 2025–23174 Filed 12–17–25; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2025–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Acting Director, Engineering and Modeling Division, National Flood Insurance Program, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Assistant Administrator for the Federal Insurance Directorate, Resilience, has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65. The current effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Elizabeth Asche,

Assistant Administrator, Federal Insurance Directorate, Resilience Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Delaware:					

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
New Castle (FEMA Docket No.: B–2546).	Unincorporated areas of New Castle County (25–03–0058P).	Marcus Henry, New Castle County Executive, 87 Reads Way, New Castle, DE 19720.	New Castle County Government Center, 87 Reads Way, New Castle, DE 19720.	Oct. 9, 2025	105085
New Castle (FEMA Docket No.: B–2546).	Unincorporated areas of New Castle County (25–03–0638P).	Marcus Henry, New Castle County Executive, 87 Reads Way, New Castle, DE 19720.	New Castle County Government Center, 87 Reads Way, New Castle, DE 19720.	Oct. 23, 2025	105085
Florida:					
Bay (FEMA Docket No.: B–2538).	Unincorporated areas of Bay County (24–04–2496P).	Robert Majka, Bay County Manager, 840 West 11th Street, Panama City, FL 32401.	Bay County Planning and Zoning Department, 840 West 11th Street, Panama City, FL 32401.	Sep. 29, 2025	120004
Brevard (FEMA Docket No.: B–2538).	City of Titusville (24–04–2838P).	Thomas Abbate, Interim Manager, City of Titusville, 555 South Washington Avenue, Titusville, FL 32796.	City Hall, 555 South Washington Avenue, Titusville, FL 32796.	Oct. 20, 2025	125152
Brevard (FEMA Docket No.: B–2538).	Unincorporated areas of Brevard County (25–04–0013P).	Jim Liesenfelt, Interim County Manager, Brevard County, 2725 Judge Fran Jamieson Way, Viera, FL 32940.	Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, FL 32940.	Oct. 22, 2025	125152
Clay (FEMA Docket No.: B–2546).	Unincorporated areas of Clay County (25–04–0748P).	Betsy Condon, Chair, Clay County Board of Commissioners, P.O. Box 1366, Green Cove Springs, FL 32043.	Clay County Administration Building, 477 Houston Street, Green Cove Springs, FL 32043.	Oct. 10, 2025	120064
Duval (FEMA Docket No.: B–2542).	City of Jacksonville (24–04–7837P).	The Honorable Donna Deegan, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	City Hall, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	Oct. 3, 2025	120077
Indian River (FEMA Docket No.: B–2542).	Unincorporated areas of Indian River County (25–04–0747P).	Joseph Flescher, Chair, Indian River County Board of Commissioners, 1801 27th Street, Vero Beach, FL 32960.	Indian River County Administration Building, 1801 27th Street, Vero Beach, FL 32960.	Oct. 14, 2025	120119
Monroe (FEMA Docket No.: B–2542).	Unincorporated areas of Monroe County (25–04–3449P).	The Honorable Jim Scholl, Mayor, Monroe County Board of Commissioners, 530 Whitehead Street, Key West, FL 33040.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	Oct. 10, 2025	125129
Orange (FEMA Docket No.: B–2542).	Unincorporated areas of Orange County (25–04–0014P).	The Honorable Jerry L. Demings, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County Public Works Department, Stormwater Management Division, 4200 South John Young Parkway, Orlando, FL 32839.	Oct. 1, 2025	120179
Palm Beach (FEMA Docket No.: B–2542).	Unincorporated areas of Palm Beach County (24–04–7661P).	Verdenia C. Baker, Palm Beach County Administrator, 301 North Olive Avenue, Suite 1101, West Palm Beach, FL 33401.	Palm Beach County Vista Center, Building Division, 2300 North Jog Road, West Palm Beach, FL 33411.	Sep. 29, 2025	120192
Pasco (FEMA Docket No.: B–2546).	Unincorporated areas of Pasco County (25–04–1573P).	Mike Carballa, Pasco County Administrator, 8731 Citizens Drive, New Port Richey, FL 34654.	Pasco County Government Center, 8731 Citizens Drive, New Port Richey, FL 34654.	Oct. 16, 2025	120230
St. Johns (FEMA Docket No.: B–2546).	Unincorporated areas of St. Johns County (24–04–2427P).	Joy Andrews Administrator, St. Johns County, 500 San Sebastian View, St. Augustine FL 32084.	St. Johns County Building Department, 500 San Sebastian View St. Augustine FL 32084.	Oct. 17, 2025	125147
St. Johns (FEMA Docket No.: B–2542).	Unincorporated areas of St. Johns County (24–04–7933P).	Junyao ''Joy'' Andrews, St. Johns County Administrator, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, FL 32084.	Oct. 8, 2025	125147
Volusia (FEMA Docket No.: B–2538).	City of Daytona Beach (24–04–6429P).	The Honorable Derrick Henry, Mayor, City of Daytona Beach, 301 South Ridgewood Avenue, Daytona Beach, FL 32114.	City Hall, 301 South Ridgewood Avenue, Daytona Beach, FL 32114.	Sep. 29, 2025	125099
Georgia:					
DeKalb (FEMA Docket No.: B–2538).	City of Doraville (24–04–6430P).	The Honorable Joseph Geierman, Mayor, City of Doraville, 3725 Park Avenue, Doraville, GA 30340.	City Hall, 3725 Park Avenue, Doraville, GA 30340.	Sep. 26, 2025	130069
DeKalb (FEMA Docket No.: B–2538).	City of Dunwoody (24–04–6430P).	The Honorable Lynn Deutsch, Mayor, City of Dunwoody, 4800 Ashford Dunwoody Road, Dunwoody, GA 30338.	City Hall, 4800 Ashford Dunwoody Road, Dunwoody, GA 30338.	Sep. 26, 2025	130679
Effingham (FEMA Docket No.: B–2542).	Unincorporated areas of Effingham County (24–04–3325P).	Tim Callanan, Manager, Effingham County, 804 South Laurel Street, Springfield, GA 31329.	Effingham County Administrative Complex, 804 South Laurel Street, Springfield, GA 31329.	Oct. 2, 2025	130076
Massachusetts: Plymouth (FEMA Docket No.: B–2546).	Town of Mattapoisett (25–01–0680P).	Michael Lorenco, Administrator, Town of Mattapoisett, 16 Main Street, 1st Floor, Mattapoisett, MA 02739.	Building Department, 16 Main Street, 2nd Floor, Mattapoisett, MA 02739.	Oct. 24, 2025	255214
Michigan:					
Wayne (FEMA Docket No.: B–2546).	City of Taylor (24–05–2505P).	The Honorable Timothy O. Woolley, Mayor, City of Taylor, 23555 Goddard Road, Taylor MI, 48180.	Public Works Department, 25605 Northline Road, Taylor, MI 48180.	Sep. 29, 2025	260728

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Wayne (FEMA Docket No.: B–2546).	Township of Canton (24–05–1607P).	Anne Marie Graham-Hudak, Supervisor, Township of Canton, 1150 South Canton Center Road, Canton, MI 48188.	Municipal Complex, 1150 South Canton Center Road, Canton, MI 48188.	Sep. 24, 2025	260219
Nebraska: Arthur (FEMA Docket No.: B–2538).	Village of Arthur (24–07–0626P).	Laura Cooney, Chair, Village of Arthur, P.O. Box 232, Arthur, NE 69121.	West Central Nebraska Development District, 333 East 2nd Street, Ogallala, NE 69153.	Oct. 23, 2025	310006
New York:					
Delaware (FEMA Docket No.: B–2546).	Town of Hancock (24–02–0239P).	Jerry Vernold, Supervisor, Town of Hancock, 661 West Main Street, Hancock, NY 13783.	Town Hall, 661 West Main Street, Hancock, NY 13783.	Oct. 14, 2025	360201
Niagara (FEMA Docket No.: B–2538).	City of Niagara Falls (23–02–0348P).	The Honorable Robert Restaino, Mayor, City of Niagara Falls, 745 Main Street, Niagara Falls, NY 14301.	City Hall, 745 Main Street, Niagara Falls, NY 14301.	Nov. 7, 2025	360506
Sullivan (FEMA Docket No.: B–2527).	Town of Rockland (25–02–0094P).	Robert Eggleton, Supervisor, Town of Rockland, 95 Main Street, Livingston Manor, NY 12758.	Town Hall, 95 Main Street, Livingston Manor, NY 12758.	Sep. 30, 2025	360829
Oklahoma:					
Tulsa (FEMA Docket No.: B–2538).	City of Bixby (25–06–0126P).	Joey Wiedel, Manager, City of Bixby, P.O. Box 70, Bixby, OK 74008.	City Hall, 116 West Needles Avenue, Bixby, OK 74008.	Sep. 29, 2025	400207
Tulsa (FEMA Docket No.: B–2538).	City of Tulsa (25–06–0126P).	The Honorable Monroe Nichols IV, Mayor, City of Tulsa, 175 East 2nd Street, Suite 690, Tulsa, OK 74103.	City Hall, 175 East 2nd Street, Suite 690, Tulsa, OK 74103.	Sep. 29, 2025	405381
Tulsa (FEMA Docket No.: B–2538).	Unincorporated areas of Tulsa County (25–06–0126P).	The Honorable Lonnie Sims, Chair, Tulsa County Board of Commissioners, 218 West 6th Street, Tulsa, OK 74119.	Tulsa County Headquarters, 218 West 6th Street, Tulsa, OK 74119.	Sep. 29, 2025	400462
South Carolina:					
Berkeley (FEMA Docket No.: B–2546).	Unincorporated areas of Berkeley County (24–04–2613P).	Johnny Cribb, Berkeley County Supervisor, 1003 North Highway 52, Moncks Corner, SC 29461.	Berkeley County Planning and Zoning Department, 1003 North Highway 52, Moncks Corner, SC 29461.	Oct. 2, 2025	450029
Greenville (FEMA Docket No.: B–2546).	City of Greenville (24–04–6984P).	The Honorable Knox White, Mayor, City of Greenville, P.O. Box 2207, Greenville, SC 29602.	Engineering Department, 204 Halton Road, 4th Floor, Greenville, SC 29607.	Oct. 23, 2025	450091
York (FEMA Docket No.: B–2546).	Town of Fort Mill (25–04–2189P).	The Honorable Guynn Savage, Mayor, Town of Fort Mill, 200 Tom Hall Street, Fort Mill, SC 29715.	Utilities Department, 131 East Elliott Street, Fort Mill, SC 29715.	Sep. 29, 2025	450195
York (FEMA Docket No.: B–2546).	Unincorporated areas of York County (25–04–2189P).	Christi Cox, Chair, York County Council, P.O. Box 66, York, SC 29745.	York County Planning and Development Services Department, 18 West Liberty Street, York, SC 29745.	Sep. 29, 2025	450193
Tennessee:					
Maury (FEMA Docket No.: B–2546).	City of Spring Hill (24–04–3037P).	The Honorable Jim Hagaman, Mayor, City of Spring Hill, 199 Town Center Parkway, Spring Hill, TN 37174.	City Hall, 199 Town Center Parkway, Spring Hill, TN 37174.	Oct. 6, 2025	470278
Maury (FEMA Docket No.: B–2546).	Unincorporated areas of Maury County (24–04–3037P).	The Honorable Sheila K. Butt, Mayor, Maury County, 41 Public Square, Columbia, TN 38401.	Maury County Building and Zoning Department, 5 Public Square, Columbia, TN 38401.	Oct. 6, 2025	470123
Texas:					
Collin (FEMA Docket No.: B–2538).	City of Allen (25–06–0050P).	The Honorable Baine Brooks, Mayor, City of Allen, 305 Century Parkway, Allen, TX 75013.	City Hall, 305 Century Parkway, Allen, TX 75013.	Sep. 22, 2025	480131
Collin (FEMA Docket No.: B–2546).	City of McKinney (24–06–1514P).	The Honorable George Fuller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75069.	Engineering Department, 222 North Tennessee Street, McKinney, TX 75069.	Oct. 14, 2025	480135
Collin (FEMA Docket No.: B–2546).	City of McKinney (24–06–2453P).	The Honorable George Fuller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75069.	Engineering Department, 222 North Tennessee Street, McKinney, TX 75069.	Oct. 20, 2025	480135
Guadalupe (FEMA Docket No.: B–2542).	City of Seguin (24–06–1142P).	The Honorable Donna Dodgen, Mayor, City of Seguin, 205 North River Street, Seguin, TX 78155.	City Hall, 205 North River Street, Seguin, TX 78155.	Sep. 29, 2025	485508
Guadalupe (FEMA Docket No.: B–2542).	Unincorporated areas of Guadalupe County (24–06–1142P).	The Honorable Kyle Kutscher, Guadalupe County Judge, 101 East Court Street, Seguin, TX 78155.	Guadalupe County Courthouse, 101 East Court Street, Seguin, TX 78155.	Sep. 29, 2025	480266
Hays (FEMA Docket No.: B–2542).	Unincorporated areas of Hays County (24–06–1529P).	The Honorable Ruben Becerra, Hays County Judge, 111 East San Antonio Street, Suite 300, San Marcos, TX 78666	Hays County Development Services Department, 2171 Yarrington Road, Suite 100, Kyle, TX 78640.	Oct. 2, 2025	480321
Kendall (FEMA Docket No.: B–2542).	Unincorporated areas of Kendall County (24–06–0477P).	The Honorable Shane Stolarczy, Kendall County Judge, 201 East San Antonio Avenue, Suite 122, Boerne, TX 78006.	Kendall County Courthouse, 201 East San Antonio Avenue, Suite 101, Boerne, TX 78006.	Sep. 29, 2025	480417
Rockwall (FEMA Docket No.: B–2542).	City of Fate (24–06–1645P).	The Honorable David Billings, Mayor, City of Fate, 1900 C.D. Boren Parkway, Fate, TX 75087.	City Hall, 1900 C.D. Boren Parkway, Fate, TX 75087.	Oct. 10, 2025	480544

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Tarrant (FEMA Docket No.: B–2538).	City of Fort Worth (24–06–2590P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 100 Fort Worth Trail, Fort Worth, TX 76102.	Department of Transportation and Public Works—Stormwater Management Division, 100 Fort Worth Trail, Fort Worth, TX 76102.	Sep. 29, 2025	480596
Virginia:					
Independent City (FEMA Docket No.: B–2542).	City of Fairfax (24–03–0442P).	The Honorable Catherine S. Read, Mayor, City of Fairfax, 10455 Armstrong Street, Room 316, Fairfax, VA 22030.	Department of Public Works, 10455 Armstrong Street, Fairfax, VA 22030.	Sep. 26, 2025	515524
Loudoun (FEMA Docket No.: B–2546).	Town of Leesburg (24–03–0774P).	Kaj Dentler, Manager, Town of Leesburg, 25 West Market Street, Leesburg, VA 20176.	Department of Community Development, 222 Catoctin Circle Southeast, Suite 200, Leesburg, VA 20175.	Oct. 6, 2025	510091
Prince William (FEMA Docket No.: B–2538) (FEMA Docket No.: B–2546).	Unincorporated areas of Prince William County (24–03–0850P).	Deshundra Jefferson, Chair at-Large, Prince William County Board of Supervisors, 1 County Complex Court, Prince William, VA 22192.	Prince William County Department of Public Works; Environmental Management Division, 5 County Complex Court, Suite 170, Prince William, VA 22192.	Sep. 26, 2025	510119
Wisconsin: Waukesha (FEMA Docket No.: B–2546).	Village of Sussex (24–05–2427P).	The Honorable Anthony J. LeDonne, President, Village of Sussex, N64 W23760 Main Street, Sussex, WI 53089.	Civic Center, N64 W23760 Main Street, Sussex, WI 53089.	Oct. 20, 2025	550490

[FR Doc. 2025–23168 Filed 12–17–25; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2025–0002; Internal Agency Docket No. FEMA–B–2576]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The current effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Assistant Administrator for the Federal Insurance Directorate, Resilience, reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Acting Director, Engineering and Modeling Division, National Flood Insurance Program, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below.

Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Elizabeth Asche,

Assistant Administrator, Federal Insurance Directorate, Resilience Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Arizona:						
Maricopa	City of Buckeye (25–09–0735P).	The Honorable Eric Orsborn, Mayor, City of Buckeye, 530 East Monroe Avenue, Buckeye, AZ 85326.	City Hall, 945 North 215th Avenue, Suite 137, Buckeye, AZ 85326.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 10, 2026	040039
Maricopa	City of Glendale (25–09–0110P).	The Honorable Jerry P. Weiers, Mayor, City of Glendale, 9494 West Maryland Avenue, Glendale, AZ 85305.	City Hall, 5850 West Glendale Avenue, Glendale, AZ 85301.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 23, 2026	040045
Maricopa	City of Goodyear (25–09–0308P).	The Honorable Joe Pizzillo, Mayor, City of Goodyear, 1900 North Civic Square, Goodyear, AZ 85395.	City Hall, 1900 North Civic Square, Goodyear, AZ 85395.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 26, 2026	040046
Maricopa	City of Phoenix (25–09–0426P).	The Honorable Kate Gallego, Mayor, City of Phoenix, 200 West Washington Street, Phoenix, AZ 85003.	Street Transportation Department, 200 West Washington Street, 5th Floor, Phoenix, AZ 85003.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 26, 2025	040051
Maricopa	City of Surprise (23–09–0945P).	The Honorable Kevin Sartor, Mayor, City of Surprise, 16000 North Civic Center Plaza, Surprise, AZ 85374.	City Hall, 16000 North Civic Center Plaza, Surprise, AZ 85374.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 23, 2026	040053
Maricopa	Unincorporated areas of Maricopa County (25–09–0110P).	Jen Pokorski, County Manager, Maricopa County, 301 West Jefferson Street, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 23, 2026	040037
Maricopa	Unincorporated areas of Maricopa County (25–09–0480P).	Jen Pokorski, County Manager, Maricopa County, 301 West Jefferson Street, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 30, 2026	040037
Maricopa	Unincorporated areas of Maricopa County (25–09–0528P).	Jen Pokorski, County Manager, Maricopa County, 301 West Jefferson Street, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 13, 2026	040037
Maricopa	Unincorporated areas of Maricopa County (25–09–0735P).	Jen Pokorski, County Manager, Maricopa County, 301 West Jefferson Street, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 10, 2026	040037
Navajo	Town of Snowflake (24–09–0675P).	The Honorable Bryon Lewis, Mayor, Town of Snowflake, 81 West 1st South Street, Snowflake, AZ 85937.	Town Hall, 81 West 1st South Street, Snowflake, AZ 85937.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 9, 2026	040070
Pima	Town of Oro Valley (24–09–0290P).	The Honorable Joe Winfield, Mayor, Town of Oro Valley, 11000 North La Canada Drive, Oro Valley, AZ 85737.	Town Hall, 11000 North La Canada Drive, Oro Valley, AZ 85737.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 15, 2026	040109
California:						
Los Angeles ...	Unincorporated areas of Los Angeles County (24–09–0642P).	Fesia Davenport, Chief Executive Officer, Los Angeles County, 500 West Temple Street, Los Angeles, CA 90012.	Los Angeles County Public Works, 900 South Fremont Avenue, Alhambra, CA 91803.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 28, 2026	065043
Riverside	City of Norco (25–09–0576P).	The Honorable Greg Newton, Mayor, City of Norco, 2870 Clark Avenue, Norco, CA 92860.	City Hall, 2870 Clark Avenue, Norco, CA 92860.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 9, 2025	060256
Sacramento	Unincorporated areas of Sacramento County (24–09–1218P).	The Honorable David Villanueva, Sacramento County Executive, 700 H Street, Room 7650, Sacramento, CA 95814.	Sacramento County Department of Water Resources, 827 7th Street, Room 301, Sacramento, CA 95814.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 21, 2026	060262

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
San Bernardino.	Unincorporated areas of San Bernardino County (25–09–0175P).	Luther Snoke, Chief Executive Officer, San Bernardino County, 385 North Arrowhead Avenue, 5th Floor, San Bernardino, CA 92415.	San Bernardino County, Main Government Office, 385 North Arrowhead Avenue, San Bernardino, CA 92415.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 16, 2026	060270
San Diego	City of Chula Vista (25–09–0514P).	Maria V. Kachadoorian, City Manager, City of Chula Vista, 276 4th Avenue, Chula Vista, CA 91910.	City Hall, 276 4th Avenue, Chula Vista, CA 91910.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 9, 2026	065021
San Joaquin ...	City of Stockton (25–09–0442P).	William Crew, Acting City Manager, City of Stockton, 425 North El Dorado Street, Stockton, CA 95202.	Permit Center, 345 North El Dorado Street, Stockton, CA 95202.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 9, 2026	060302
San Joaquin ...	Unincorporated areas of San Joaquin County (25–09–0442P).	Sandy Regalo, San Joaquin County Administrator, 44 North San Joaquin Street, 6th Floor, Suite 640, Stockton, CA 95202.	San Joaquin County Public Works Department, Water Resources Division, 1810 East Hazelton Avenue, Stockton, CA 95201.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 9, 2026	060299
Santa Clara	City of San Jose (24–09–0860P).	Jennifer Maguire, City Manager, City of San Jose, 200 East Santa Clara Street, San Jose, CA 95113.	City Hall, 200 East Santa Clara Street, San Jose, CA 95113.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 19, 2026	060349
Shasta	City of Redding (23–09–1098P).	Barry Tippin, City Manager, City of Redding, 777 Cypress Avenue, Redding, CA 96001.	Permit Center, 777 Cypress Avenue, 1st Floor, Redding, CA 96001.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 21, 2026	060360
Shasta	Unincorporated areas of Shasta County (23–09–1098P).	David Rickert, Chief Executive Officer, Shasta County, 1450 Court Street, Suite 308A, Redding, CA 96001.	Shasta County Department of Public Works, 1855 Placer Street, Redding, CA 96001.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 21, 2026	060358
Sonoma	Unincorporated areas of Sonoma County (23–09–1096P).	Christina Rivera, Sonoma County Administrator/Executive, 575 Administration Drive, Room 104A, Santa Rosa, CA 95403.	Sonoma County, Permit Sonoma Office, 2550 Ventura Avenue, Santa Rosa, CA 95403.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 13, 2026	060375
Sonoma	Unincorporated areas of Sonoma County (25–09–0782P).	Christina Rivera, Sonoma County Administrator/Executive, 575 Administration Drive, Room 104 A, Santa Rosa, CA 95403.	Sonoma County, Permit Sonoma Office, 2550 Ventura Avenue, Santa Rosa, CA 95403.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 16, 2026	060375
Adams	City of Thornton (24–08–0255P).	The Honorable Jan Kulmann, Mayor, City of Thornton, 9500 Civic Center Drive, Thornton, CO 80229.	City Hall, 9500 Civic Center Drive, Thornton, CO 80229.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 23, 2026	080007
Colorado:						
Adams	City of Thornton (24–08–0345P).	The Honorable Jan Kulmann, Mayor, City of Thornton, 9500 Civic Center Drive, Thornton, CO 80229.	City Hall, 9500 Civic Center Drive, Thornton, CO 80229.	https://msc.fema.gov/portal/advanceSearch.	Feb. 20, 2026	080007
Adams	City of Thornton (24–08–0545P).	The Honorable Jan Kulmann, Mayor, City of Thornton, 9500 Civic Center Drive, Thornton, CO 80229.	City Hall, 9500 Civic Center Drive, Thornton, CO 80229.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 9, 2026	080007
Adams	City of Thornton (25–08–0255P).	The Honorable Jan Kulmann, Mayor, City of Thornton, 9500 Civic Center Drive, Thornton, CO 80229.	City Hall, 9500 Civic Center Drive, Thornton, CO 80229.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 2, 2026	080007
Adams	Unincorporated areas of Adams County (24–08–0545P).	The Honorable Lynn Baca, Chair, Adams County Board of Commissioners, 4430 South Adams County Parkway, Brighton, CO 80601.	Adams County Community and Economic Development, 4430 South Adams County Parkway, 1st Floor, Suite W2000, Brighton, CO 80601.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 9, 2026	080001
Arapahoe	City of Centennial (25–08–0381P).	The Honorable Stephanie Piko, Mayor, City of Centennial, 13133 East Arapahoe Road, Centennial, CO 80112.	Southeast Metro Stormwater Authority, 7437 South Fairplay Street, Centennial, CO 80112.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 30, 2026	080315

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Arapahoe	Unincorporated areas of Arapahoe County (25–08–0381P).	The Honorable Leslie Summey, Chair, Arapahoe County Board of Commissioners, 5334 South Prince Street, Littleton, CO 80120.	Arapahoe County, Public Works and Development Department, 6924 South Lima Street, Centennial, CO 80112.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 30, 2026	080011
Boulder	Unincorporated areas of Boulder County (25–08–0300P).	The Honorable Marta Loachamin, Chair, Boulder County Board of Commissioners, P.O. Box 471, Boulder, CO 80306.	Boulder County Community Planning & Permitting Building, 2045 13th Street, Boulder, CO 80302.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 2, 2026	080023
Jefferson	City of Westminster (24–08–0345P).	The Honorable Nancy McNally, Mayor, City of Westminster, 4800 West 92nd Avenue, Westminster, CO 80031.	City Hall, 4800 West 92nd Avenue, Westminster, CO 80031.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 20, 2026	080008
Larimer	Town of Timnath (24–08–0396P).	The Honorable Robert Axmacher, Mayor, Town of Timnath, 4750 Signal Tree Drive, Timnath, CO 80547.	TST Inc., 748 Whalers Way, Fort Collins, CO 80525.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 29, 2025	080005
Larimer	Unincorporated areas of Larimer County (24–08–0396P).	The Honorable Kristin Stephens, Chair, Larimer County Board of Commissioners, P.O. Box 1190, Fort Collins, CO 80521.	Larimer County Courthouse Offices Building, 200 West Oak Street, Suite 3000, Fort Collins, CO 80521.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 29, 2025	080101
Larimer and Weld Counties.	Town of Windsor (24–08–0396P).	The Honorable Julie Cline, Mayor, Town of Windsor, 301 Walnut Street, Windsor, CO 80550.	Town Hall, 301 Walnut Street, Windsor, CO 80550.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 29, 2025	080264
Mesa	City of Grand Junction (25–08–0092P).	The Honorable Cody Kennedy, Mayor, City of Grand Junction, 250 North 5th Street, Grand Junction, CO 81501.	City Hall, 250 North 5th Street, Grand Junction, CO 81501.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 15, 2026	080117
Mesa	Unincorporated areas of Mesa County (25–08–0092P).	The Honorable Cody Davis, Chair, Mesa County Board of Commissioners, Department 5010, P.O. Box 20000, Grand Junction, CO 81501.	Mesa County Commissioner's Office, 544 Rood Avenue, Grand Junction, CO 81501.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 15, 2026	080115
Teller	Unincorporated areas of Teller County (25–08–0433P).	The Honorable Dan Williams, Chair, Teller County, Board of Commissioners, P.O. Box 959, Cripple Creek, CO 80813.	Teller County, Administrative Offices, 112 North Street, Cripple Creek, CO 80813.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 19, 2026	080173
Weld	Unincorporated areas of Weld County (24–08–0396P).	The Honorable Perry Buck, Chair, Weld County Board of Commissioners, P.O. Box 758, Greeley, CO 80632.	Weld County Administrative Building, 1150 O Street, Greeley, CO 80631.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 29, 2025	080266
Weld	Unincorporated areas of Weld County (25–08–0134P).	The Honorable Perry Buck, Chair, Weld County Board of Commissioners, P.O. Box 758, Greeley, CO 80632.	Weld County Administrative Building, 1150 O Street, Greeley, CO 80631.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 29, 2025	080266
Hawaii: Hawaii	Hawaii County (25–09–0283P).	The Honorable Kimo Alameda, Mayor, Hawaii County, 25 Aupuni Street, Hilo, HI 96720.	Hawaii County Department of Public Works, Aupuni Center, 101 Pauahi Street, Suite 7, Hilo, HI 96720.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 28, 2026	155166
Idaho:						
Ada	City of Boise (25–10–0030P).	The Honorable Lauren McLean, Mayor, City of Boise, 150 North Capitol Boulevard, Boise, ID 83702.	City Hall, 150 North Capitol Boulevard, Boise, ID 83702.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 4, 2026	160002
Ada	City of Meridian (25–10–0070P).	The Honorable Robert Simison, Mayor, City of Meridian, 33 East Broadway Avenue, Meridian, ID 83642.	City Hall, 33 East Broadway Avenue, Meridian, ID 83642.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 4, 2026	160180

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Ada	Unincorporated areas of Ada County (25–10–0070P).	The Honorable Rod Beck, Chair, Ada County Board of Commissioners, 200 West Front Street, Boise, ID 83702.	Ada County Courthouse, 200 West Front Street, Boise, ID 83702.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 4, 2026	160001
Nevada: Clark	City of Henderson (25–09–0388P).	The Honorable Michelle Romero, Mayor, City of Henderson, 240 South Water Street, Henderson, NV 89015.	City Hall, 240 South Water Street, Henderson, NV 89015.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 9, 2026	320005
Oregon:						
Jackson	Unincorporated areas of Jackson County (24–10–0764P).	Danny Jordan, Jackson County Administrator, 10 South Oakdale Avenue, Room 214, Medford, OR 97501.	Jackson County Courthouse, 10 South Oakdale Avenue, Room 214, Medford, OR 97501.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 18, 2025	415589
Multnomah	City of Portland (25–10–0014P).	The Honorable Keith Wilson, Mayor, City of Portland, 1221 Southwest 4th Avenue, Suite 340, Portland, OR 97204.	Permitting and Development, 1900 Southwest 4th Avenue, Suite 5000, Portland, OR 97201.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 13, 2026	410183
South Dakota:						
Pennington	City of Box Elder (24–08–0209P).	The Honorable Larry Larson, Mayor, City of Box Elder, 420 Villa Drive, Box Elder, SD 57719.	City Hall, 420 Villa Drive, Box Elder, SD 57719.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 21, 2026	460089
Pennington	Unincorporated areas of Pennington County (24–08–0209P).	The Honorable Ron Weifenbach, Chair, Pennington County Board of Commissioners, P.O. Box 6160, Rapid City, SD 57709.	Pennington County Administration Building, 130 Kansas City Street, Rapid City, SD 57701.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 21, 2026	460064
Washington:						
Clark	Unincorporated areas of Clark County (24–10–0454P).	Kathleen Otto, County Manager, Clark County, P.O. Box 9810, Vancouver, WA 98666.	Clark County Public Service Center, 1300 Franklin Street, Vancouver, WA 98666.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 24, 2025	530024
King	City of Des Moines (25–10–0046P).	Katherine Caffrey, City Manager, City of Des Moines, 21630 11th Avenue South, Suite A, Des Moines, WA 98198.	City Hall, 21630 11th Avenue South, Des Moines, WA 98198.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 12, 2026	530077
Okanogan	Unincorporated areas of Okanogan County (24–10–0215P).	The Honorable Jon Neal, Chair, Okanogan County Board of Commissioners, 123 5th Avenue North, Suite 150, Okanogan, WA 98840.	Okanogan County, Virginia Grainger Building, 123 5th Avenue North, Suite 130, Okanogan, WA 98840.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 29, 2026	530117

[FR Doc. 2025–23171 Filed 12–17–25; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Determination Pursuant to Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as Amended

AGENCY: Office of the Secretary, Department of Homeland Security.

ACTION: Notice of determination.

SUMMARY: The Secretary of Homeland Security has determined, pursuant to law, that it is necessary to waive certain laws, regulations, and other legal requirements in order to ensure the expeditious construction of barriers and roads in the vicinity of the international land border in the state of New Mexico.

DATES: This determination takes effect on December 18, 2025.

SUPPLEMENTARY INFORMATION: Important mission requirements of the Department of Homeland Security (''DHS'') include border security and the detection and prevention of illegal entry into the United States. Border security is critical to the nation's national security. Recognizing the critical importance of border security, Congress has mandated DHS to achieve and maintain operational control of the international land border. Secure Fence Act of 2006, Public Law 109–367, section 2, 120 Stat. 2638 (Oct. 26, 2006) (8 U.S.C. 1701 note). Congress defined ''operational control'' as the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband. *Id.* Consistent with that mandate, the President's Executive Order on Securing Our Borders directs that I take all appropriate action to deploy and construct physical barriers to ensure complete operational control of the southern border of the United States. Executive Order 14165, section 3 (Jan. 20, 2025).

Congress has provided to the Secretary of Homeland Security a number of authorities necessary to carry out DHS's border security mission. One of those authorities is found at section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended (''IIRIRA''). Public Law 104–208, Div. C, 110 Stat. 3009–546, 3009–554 (Sept. 30, 1996) (8 U.S.C. 1103 note), as amended by the REAL ID Act of 2005, Public Law 109–13, Div. B, 119 Stat. 231, 302, 306 (May 11, 2005)

(8 U.S.C. 1103 note), as amended by the Secure Fence Act of 2006, Public Law 109–367, section 3, 120 Stat. 2638 (Oct. 26, 2006) (8 U.S.C. 1103 note), as amended by the Department of Homeland Security Appropriations Act, 2008, Public Law 110–161, Div. E, Title V, section 564, 121 Stat. 2090 (Dec. 26, 2007). In section 102(a) of IIRIRA, Congress provided that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads (including the removal of obstacles to detection of illegal entrants) in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress mandated that in carrying out the authority of section 102(a), I provide for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors to achieve and maintain operational control of the border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that I, in my sole discretion, determine necessary to ensure the expeditious construction of barriers and roads authorized by section 102 of IIRIRA.

Determination and Waiver

Section 1

The El Paso Sector is an area of high illegal entry. Between fiscal year 2021 and fiscal year 2025, Border Patrol apprehended over 1,232,000 illegal aliens attempting to enter the United States between border crossings in the El Paso Sector. In that same time period, Border Patrol seized over 14,734 pounds of marijuana, over 1,623 pounds of cocaine, over 42 pounds of heroin, over 3,139 pounds of methamphetamine, and over 255 pounds of fentanyl.

Since the President took office, DHS has delivered the most secure border in history. More can and must be done, however. As the statistics cited above demonstrate, the El Paso Sector is an area of high illegal entry where illegal aliens regularly attempt to enter the United States and smuggle illicit drugs, and given my mandate to achieve and maintain operational control of the border, I must use my authority under section 102 of IIRIRA to install additional barriers and roads in the El Paso Sector. Therefore, DHS will take immediate action to construct additional barriers and roads in a segment of the border in the El Paso Sector. The segment where such construction will occur is referred to herein as the ''project area,'' which is more specifically described in Section 2 below.

Section 2

I determine that the following area in the vicinity of the United States border, located in the state of New Mexico within the U. S. Border Patrol El Paso Sector, is an area of high illegal entry (the ''project area''): Starting at Border Monument 73 and extending east and north to Border Monument 47.

There is presently an acute and immediate need to construct additional physical barriers and roads in the vicinity of the border of the United States in order to prevent unlawful entries into the United States in the project area pursuant to section 102(a) and 102(b) of IIRIRA. In order to ensure the expeditious construction of additional physical barriers and roads in the project area, I have determined that it is necessary that I exercise the authority that is vested in me by section 102(c) of IIRIRA.

Accordingly, pursuant to section 102(c) of IIRIRA, I hereby waive in their entirety, with respect to the construction of physical barriers and roads (including, but not limited to, accessing the project areas, creating and using staging areas, the conduct of earthwork, excavation, fill, and site preparation, and installation and upkeep of physical barriers, roads, supporting elements, drainage, erosion controls, safety features, lighting, cameras, and sensors) in the project area, all of the following statutes, including all federal, state, or other laws, regulations, and legal requirements of, deriving from, or related to the subject of, the following statutes, as amended: The National Environmental Policy Act (Pub. L. 91–190, 83 Stat. 852 (Jan. 1, 1970) (42 U.S.C. 4321 *et seq.*)); the Endangered Species Act (Pub. L. 93–205, 87 Stat. 884 (Dec. 28, 1973) (16 U.S.C. 1531 *et seq.*)); the Federal Water Pollution Control Act (commonly referred to as the Clean Water Act (33 U.S.C. 1251 *et seq.*)); the National Historic Preservation Act (Pub. L. 89–665, 80 Stat. 915 (Oct. 15, 1966), as amended, repealed, or replaced by Pub. L. 113–287 (Dec. 19, 2014) (formerly codified at 16 U.S.C. 470 *et seq.,* now codified at 54 U.S.C. 100101 note and 54 U.S.C. 300101 *et seq.*)); the Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*); the Migratory Bird Conservation Act (16 U.S.C. 715 *et seq.*); the Clean Air Act (42 U.S.C. 7401 *et seq.*); the Archeological Resources Protection Act (Pub. L. 96–95 (16 U.S.C. 470aa *et seq.*)); the Paleontological Resources Preservation Act (16 U.S.C. 470aaa *et seq.*); the Federal Cave Resources Protection Act of 1988 (16 U.S.C. 4301 *et seq.*); the National Trails System Act (16 U.S.C. 1241 *et seq.*), the Safe Drinking Water Act (42 U.S.C. 300f *et seq.*); the Noise Control Act (42 U.S.C. 4901 *et seq.*); the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (42 U.S.C. 6901 *et seq.*); the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 *et seq.*); the Archaeological and Historic Preservation Act (Pub. L. 86–523, as amended, repealed, or replaced by Pub. L. 113–287 (Dec. 19, 2014) (formerly codified at 16 U.S.C. 469 *et seq.,* now codified at 54 U.S.C. 312502 *et seq.*)); the Antiquities Act (formerly codified at 16 U.S.C. 431 *et seq.* and 16 U.S.C. 431a *et seq.,* now codified 54 U.S.C. 320301 *et seq.*); the Historic Sites, Buildings, and Antiquities Act (formerly codified at 16 U.S.C. 461 *et seq.,* now codified at 54 U.S.C. 320301–320303 & 320101–320106); the Eagle Protection Act (16 U.S.C. 668 *et seq.*); the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 *et seq.*); the Administrative Procedure Act (5 U.S.C. 551 *et seq.*); Section 438 of the Energy Independence and Security Act (42 U.S.C. 17094); the National Fish and Wildlife Act of 1956 (Pub. L. 84–1024 (16 U.S.C. 742a, *et seq.*)); the Fish and Wildlife Coordination Act (Pub. L. 73–121 (16 U.S.C. 661 *et seq.*)); the Federal Land Policy and Management Act (Pub. L. 94–579 (43 U.S.C. 1701 *et seq.*)); the Farmland Protection Policy Act (7 U.S.C. 4201 *et seq.*); and the Wild Horse and Burro Act (16 U.S.C. 1331 *et seq.*).

This waiver does not revoke or supersede any other waiver determination made pursuant to section 102(c) of IIRIRA. Such waivers shall remain in full force and effect in accordance with their terms. I reserve the authority to execute further waivers from time to time as I may determine to be necessary under section 102 of IIRIRA.

Kristi Noem,

Secretary of Homeland Security.

[FR Doc. 2025–23207 Filed 12–17–25; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7092–N 43; OMB Control No.: 2501–0034]

30-Day Notice of Proposed Information Collection: Comment Request Standards for Success Reporting

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comments from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date: January 20, 2026.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Anna Guido, PRA Compliance Officer, Paperwork Reduction Act Division, PRAD, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410; email at *PaperworkReductionActOffice@hud.gov,* ATTN: Anna Guido, telephone (202) 402–5535. This is not a toll-free number. HUD welcomes and is prepared to receive calls om individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on October 2, 2025 at 90 FR 47806.

A. Overview of Information Collection

Title of Information Collection: Standards for Success Reporting.

OMB Approval Number: 2501–0034.

Type of Request: Extension.

Form Number: HUD–PRL.

Description of the need for the information and proposed use: This request is for the continued clearance of data collection and reporting requirements to enable the U.S. Department of Housing and Urban Development (HUD) to better assess the effectiveness of discretionary-funded programs included in this information collection request (ICR). The discretionary-funded programs included in this ICR are the Multifamily Housing Service Coordinator Grant Program, the Multifamily Housing Budget-based Service Coordinator Program, and the Resident Opportunity and Self Sufficiency Service Coordinator Grant Program (ROSS).

This proposed collection, titled Standards for Success Reporting, has three key components that improve data collection and reporting for participating programs. First is the standardization of data collection and reporting requirements across programs which increases data comparability and utilization. Second is the ability to report on measurable outcomes and to align them with higher-level agency objectives. And third is the collection of record-level data, instead of aggregate data. Collecting de-identified data at the level of the service recipient allows for more meaningful analysis, improved management, and the ability to demonstrate the progress and achievements of the funding recipients and the programs. Standards for Success accepts data submission by direct data input through the HUD-funded GrantSolutions online data collection and reporting tool (OLDC) and by data file upload, accommodating file formats in Microsoft Excel or Extensible Markup Language (XML).

Currently across HUD, there are several reporting models in place for its discretionary programs. The reporting models provide information on a wide variety of outputs and outcomes and are based on unique data definitions and outcome measures in program-specific performance and progress reports. In Fiscal Year 2013, 9 program offices at HUD used 6 systems and 15 reporting tools to collect over 700 data elements in support of varied metrics to assess the performance of their funding recipients. The proposed data collection and reporting requirements described in this notice are designed to provide HUD programs with a tested alternative to their existing disparate reporting methodologies, forms, systems, and requirements.

The lack of standardized data collection and reporting requirements imposes an increased burden on funding recipients with multiple HUD funding streams. The need for a comprehensive standardized reporting approach is underscored by reviews conducted by external oversight agencies, including the HUD Office of Inspector General (OIG) and the Government Accountability Office (GAO). These oversight agencies have questioned the soundness and comparability of data reported by HUD prior to Standards for Success. To address these issues, HUD is using its statutory and regulatory authority to improve and strengthen performance reporting for its discretionary programs.

The Secretary's statutory and regulatory authority to administer housing and urban development programs include provisions allowing for the requirement of performance reporting from funding recipients. This legal authority is codified at 42 U.S.C. 3535(r). The individual privacy of service recipients is of the highest priority. The reporting repository established at HUD to receive data submission from funding recipients will not include any personally identifiable information (PII). Additionally, if the data from a funding recipient has 25 or fewer individuals served during a fiscal year as reported in the record-level reports, then the results for the demographic data elements for the 25 or fewer individuals will also be redacted or removed from the public-use data file and any publicly available analytical products in order to ensure the inability to identify any individual.

Eligible entities receiving funding by HUD are expected to implement the proposed recordkeeping and reporting requirements with available HUD funds. It is important to note that affected HUD funding recipients are required to only submit a subset of the universe of data elements presented. The participating HUD program offices determine the specific data collection and reporting requirements, which considers the type and level of service provided by the respective HUD program.

The reporting requirements in this proposal better organize the data than participating programs collected in the past, standardize outcomes and performance measures, and allow program offices at HUD to select which data elements are relevant for their respective programs. Documents detailing the data elements are available for review by request from Malik

Hawkins (*Malik.Hawkins@hud.gov*). All information reported to HUD will be submitted electronically. Funding recipients may use existing management information systems provided those systems collect all the required data elements and can be exported for submission to HUD. Funding recipients that sub-award funds to other organizations will need to collect the required information from their subrecipients.

Information collected and reported will be used by funding recipients and HUD for the following purposes:

- To continuously improve the quality, effectiveness, and efficiency of discretionary-funded programs;
- To provide management information for use by HUD in program administration and oversight, including the scoring of applications and the monitoring of funding-recipient participation, services, and outcomes;
- To provide data for program evaluation; and
- To better measure and analyze performance information to identify successful practices to be replicated and prevent or correct problematic practices and improve outcomes in compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act.

The data collection and reporting requirements may expand to other HUD programs. Program implementation will be determined by the program. HUD will provide technical assistance to funding recipients throughout the implementation.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
HUD Participant Record-Level Report (HUD–PRL)	5,723	1	5,723	34.32	196,413	$21.00	$4,124,681

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Anna Guido,

Department PRA Compliance Officer, Office of Policy Development and Research, Chief Data Officer.

[FR Doc. 2025–23301 Filed 12–17–25; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7092–N 41; OMB Control No.: 2506–0213]

30-Day Notice of Proposed Information Collection: Comment Request Veterans Housing Rehabilitation and Modification and Pilot Program

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comments from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* January 20, 2026.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Anna Guido, PRA Compliance Officer, Paperwork Reduction Act Division, PRAD, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410; email at *PaperworkReductionActOffice@hud.gov,* ATTN: Anna Guido, telephone (202) 402–5535. This is not a toll-free number. HUD welcomes and is prepared to receive calls om individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.* Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on June 6, 2025 at 90 FR 24154.

A. Overview of Information Collection

Title of Information Collection: Veterans Housing Rehabilitation and Modification and Pilot Program.

OMB Approval Number: 2506–0213.

Type of Request: Reinstatement, without change.

Form Number: HUD 2880; HUD 27061; and HUD–50153.

Description of the need for the information and proposed use: The Veterans Housing Rehabilitation and Modification Pilot Program funding in FY 2023 was provided under the Further Consolidated Appropriations Act, 2020 (Pub. L. 116–94, approved December 20, 2019), the Consolidated Appropriations Act of 2018 (Pub. L. 115–141), and the Consolidated Appropriations Action, 2019 (Pub. L. 116–6). The purpose of VHRMP is to award grants to nonprofit veteran's service organizations to rehabilitate and

modify the primary residence of disabled and low-income veterans. The program goal is to support eligible activities that serve the following objectives: (1) modify and rehabilitate the primary residence of disabled and low-income veterans; (2) rehabilitate such residence that is in a state of interior and exterior disrepair; and (3) install energy efficient features or equipment. Information is required to rate and rank competitive applications and to ensure eligibility of applicants for funding. Quarterly reporting is required to monitor grant management.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
HUD–2880	25	1	25	2.0	50.00	$86.76	$4,338.00
HUD–27061	25	1	25	0.5	12.50	86.76	1,085.00
HUD–50153	25	1	25	0.25	6.25	86.76	542.00
Disaster Recovery Grant Reporting (DRGR) system	25	4	100	2.0	200.00	86.76	17,352.00
Total			175	4.75	268.75		23,317.00

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Anna Guido,

Department PRA Compliance Officer, Office of Policy Development and Research, Chief Data Officer.

[FR Doc. 2025–23307 Filed 12–17–25; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6732; NPS–WASO–NAGPRA–NPS0041492; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Berkshire Museum, Pittsfield, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Berkshire Museum intends to repatriate a certain cultural item that meets the definition of a sacred object and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after January 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Jason Vivori, Berkshire Museum, 39 South Street, Pittsfield, MA 01201, email *jvivori@berkshiremuseum.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Berkshire Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one sacred object is an ʻahu ʻula (feather cape). The ʻahu ʻula was gifted to the Berkshire Athenaeum by Clara E. Bidwell of Pittsfield, MA in 1877, and transferred to the Berkshire Museum in 1906. The donor was the cousin of Mercy Patridge Whitney. The object was first described in 1899 by William T. Brigham in his study of Hawaiian featherwork. The museum lacks sufficient documentation regarding the acquisition of the ʻahuʻula by Mercy Patridge Whitney to establish right of ownership or to establish lineal descent.

Determinations

The Berkshire Museum has determined that:

- The one sacred object described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- There is a reasonable connection between the cultural item described in this notice and the Hui Iwi Kuamoʻo.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the Berkshire Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The Berkshire Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: December 2, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23184 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6718; NPS–WASO–NAGPRA–NPS0041460; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Peabody Museum of Archaeology and Ethnology, Harvard University (PMAE) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Jane Pickering, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, email *jpickering@fas.harvard.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the PMAE, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 88 cultural items have been requested for repatriation from sites in Blount, Green, Knox, and unknown counties in Eastern Tennessee. The 88 unassociated funerary objects are 88 lots consisting of consisting of ceramic items; lithic or stone items; shell or shell items; faunal remains or faunal items; metal or metal items; and other natural materials. The sites represented are ''Eastern Area''; ''Indian Cemetery? On French Broad River''; ''Stone Tomb in Chilowee Valley''; ''Grave''; ''Grave Mound''; ''near Concord''; and ''Vance's Mound.'' Collectors and donors included Rev. E.O. Dunning as part of PMAE Expeditions (1869–1871); Charles C. Jones (unknown collection sate); William H. Claflin, Jr. (donation 1985); and C.S. Stratton (1879).

Determinations

The PMAE has determined that:

- The 88 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Cherokee Nation; Eastern Band of Cherokee Indians; The Muscogee (Creek) Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the PMAE must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The PMAE is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 25, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23148 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6737; NPS–WASO–NAGPRA–NPS0041497; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Mercyhurst University, Erie, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Mercyhurst University has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Anne Marjenin, Mercyhurst University, 501 East 38th Street, Erie, PA 16546, email *nagpra@mercyhurst.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Mercyhurst University, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, five individuals have been identified. No associated funerary objects are present. In 1965, the Sugar Creek Valley Chapter of the Archaeological Society of Ohio, with the assistance and guidance of Raymond C. Vietzen (1907–1995), removed multiple individuals from the Riker Site in Tuscarawas County, Ohio.

Additional individuals were likely removed from the location in 1966, 1967, and 1970. On an unknown date, Vietzen retained or obtained an unknown number of individuals from the location. While there is no record regarding potentially hazardous substances having been used to treat the human remains, tape, paint, unidentified adhesives, an unidentified foam or similar type of substance, and an unidentified preservative coating, consolidant, or sealant are present. It is unknown when these materials and substances were applied.

Vietzen, an avocational archaeologist, collector, and author, established the Indian Ridge Museum in Elyria, Ohio, and the Archaeological Society of Ohio (formerly the Ohio Indian Relic Collectors Society). The Indian Ridge Museum, founded in the 1930s, served as Vietzen's laboratory and repository, and it remained in operation until the mid-1990s. After Vietzen's death, the facility fell into disrepair, and most of the items he had acquired and housed at the museum were sold. In 1998, the Ohio Historical Society (presently the Ohio History Connection) removed ancestral human remains and some of the remaining items from the facility and temporarily housed them at the Ohio Historical Society. In October of 2003, these remains were transferred from the Ohio Historical Society to Mercyhurst College (presently Mercyhurst University).

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

Mercyhurst University has determined that:

- The human remains described in this notice represent the physical remains of five individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Cayuga Nation; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Kaw Nation, Oklahoma; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Shell Tribe of Chippewa Indians of Montana; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Omaha Tribe of Nebraska; Oneida Indian Nation; Oneida Nation; Onondaga Nation; Ottawa Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band Potawatomi Nation; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Saginaw Chippewa Indian Tribe of Michigan; Saint Regis Mohawk Tribe; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Seneca Nation of Indians; Seneca-Cayuga Nation; Shawnee Tribe; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Tonawanda Band of Seneca; Turtle Mountain Band of Chippewa Indians of North Dakota; Tuscarora Nation; and the Wyandotte Nation.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, Mercyhurst University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. Mercyhurst University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: December 2, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23189 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6744; NPS–WASO–NAGPRA–NPS0041503; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Indianapolis Museum of Art, Inc. D.B.A. Newfields, Indianapolis, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Indianapolis Museum of Art, Inc. D.B.A. Newfields intends to repatriate a certain cultural item that meets the definition of a sacred object and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after January 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Jennifer Gallatin Rigsby, Indianapolis Museum of Art, Inc. D.B.A. Newfields, 4000 Michigan Road, Indianapolis, IN 46208, email *jrigsby@discovernewfields.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Indianapolis

Museum of Art, Inc. D.B.A. Newfields, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one sacred object is a basket. The basket was given to the museum in 1924 by Mrs. Wood Levette Wilson who obtained the basket from the Chittenden Collection. The basket is made of coiled willow or sumac; round; edged with deer-hide and hair rope; band of woven decoration, black, red and with four black symbolic motifs; arrow head fastened to top inside.

Determinations

The Indianapolis Museum of Art, Inc. D.B.A. Newfields has determined that:

- The one sacred object described in this notice is a specific ceremonial object needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- There is a connection between the cultural item described in this notice and the Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the Indianapolis Museum of Art, Inc. D.B.A. Newfields must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The Indianapolis Museum of Art, Inc. D.B.A. Newfields is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: December 2, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23194 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6757; NPS–WASO–NAGPRA–NPS0041520; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Washington State Parks and Recreation Commission, Olympia, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Washington State Parks and Recreation Commission (State Parks) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Cameron Spencer, Washington State Parks and Recreation Commission, PO Box 42650, Olympia, WA 98504–2650, email *Cameron.Spencer@parks.wa.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of State Parks, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing at least six individuals have been identified. The 65,502 associated funerary objects are unmodified shell, perforated shell, unmodified bone, modified bone and antler objects, fire modified rock, stone tools, ochre, charcoal, bulk material, and botanical material. Between 2000 and 2008, State Parks contracted Cascadia Archaeology to survey and subsequently perform excavation and data recovery of site 45–IS–2 for the purposes of upgrading sewer and utility lines. No known individuals were identified. No hazardous chemicals are known to have been used to treat the ancestral remains while in the care of State Parks.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

State Parks has determined that:

- The human remains described in this notice represent the physical remains of six individuals of Native American ancestry.
- The 65,502 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Sauk-Suiattle Indian Tribe; Stillaguamish Tribe of Indians of Washington; Swinomish Indian Tribal Community; Tulalip Tribes of Washington; and the Upper Skagit Indian Tribe.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the State Parks must

determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. State Parks is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: December 3, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23199 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6758; NPS–WASO–NAGPRA–NPS0041521; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Missouri Historical Society, St. Louis, MO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Missouri Historical Society (MHS) intends to repatriate a certain cultural item that meets the definition of a sacred object and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after January 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Brady Wolf, Missouri Historical Society, 225 S Skinker Blvd., St. Louis, MO 63105, email *bwolf@mohistory.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the MHS, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The number of sacred objects is one catlinite effigy pipe.

At an unknown time prior to 1842 General Stephen Watts Kearny acquired a carved catlinite pipe depicting an oral history of the Pawnee Nation. The pipe passed down his family line to his daughter-in-law Mrs. Henry S. Kearny and granddaughter Mrs. Mary Kearny Coombe who donated the pipe to the MHS in 1926. MHS records indicate no known hazardous substances.

Determinations

The MHS has determined that:

- The one sacred object described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- There is a connection between the cultural item described in this notice and the Pawnee Nation of Oklahoma.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the MHS must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The MHS is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: December 3, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23200 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6705; NPS–WASO–NAGPRA–NPS0041451; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: University of California, Santa Barbara, Repository for Archaeological and Ethnographic Collections, Santa Barbara, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of California, Santa Barbara (UCSB) Repository for Archaeological and Ethnographic Collections intends to repatriate a certain cultural item that meets the definition of an object of cultural patrimony and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after January 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Hugh Radde, University of California, Santa Barbara, Santa Barbara, CA 93106, email *NAGPRA@ucsb.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the UCSB Repository for Archaeological and Ethnographic Collections, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one object of cultural patrimony is a coiled basket (Accession 224.266). The maker of the object is unknown. It was likely made sometime around CE 1900–1920. The basket was most likely made in Palm Springs, California, within the traditional use area of the Cahuilla. It

was anonymously donated to UC Santa Barbara prior to June 1983. It is not known whether the basket was treated with preservatives or other potentially hazardous substances.

Determinations

The UCSB Repository for Archaeological and Ethnographic Collections has determined that:

- The one object of cultural patrimony described in this notice has ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural item described in this notice and the Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the UCSB Repository for Archaeological and Ethnographic Collections must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The UCSB Repository for Archaeological and Ethnographic Collections is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 25, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23155 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6709; NPS–WASO–NAGPRA–NPS0041452; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: University of Michigan, Ann Arbor, MI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Michigan intends to repatriate a certain cultural item that meets the definition of a Sacred Object, and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after January 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Dr. Ben Secunda, University of Michigan, Office of Research, Suite G269, Lane Hall, Ann Arbor, MI 48109–1274, email *bsecunda@umich.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Michigan, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one sacred object is one lot of organic powder. The sacred object was removed from the Allegany Reservation, in Cattaraugus County, New York in 1925. It was then found in collections at the Pennsylvania Historical and Museum Commission collections in 1949, and a portion of the organic powder was subsequently sent to the University of Michigan Museum of Anthropological Archaeology's (UMMAA) Ethnobotany Range in 1950. No known time period is associated with the Sacred Object.

Determinations

The University of Michigan has determined that:

- The one sacred object described in this notice is, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, a specific ceremonial object needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and has ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).
- There is a connection between the cultural item described in this notice and the Seneca Nation of Indians.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the University of Michigan must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The University of Michigan is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 25, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23156 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6703; NPS–WASO–NAGPRA–NPS0041449; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Pennsylvania Historical and Museum Commission, State Museum of Pennsylvania, Harrisburg, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Pennsylvania Historical and Museum Commission, State Museum of Pennsylvania intends to repatriate certain cultural items that meet the definition of sacred objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Barbara Frederick, The State Museum of Pennsylvania, 300 North Street, Harrisburg, PA 17120, email *bafrederic@pa.gov*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the State Museum of Pennsylvania, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of two lots of cultural items have been requested for repatriation. The two lots of sacred objects are beads and marbles. Both lots are from the Big Cove Community, located on present day Qualla Boundary, one lot consists of marbles, and the second lot consists of beads having belonged to Will West Long, a known Eastern Band of Cherokee Indians (EBCI) tribal member. Both lots were received by The State Museum of Pennsylvania in the 1940's. Museum records do not indicate the presence of potentially hazardous substances used to treat any of the cultural items.

Determinations

The State Museum of Pennsylvania has determined that:

- The two lots of sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Eastern Band of Cherokee Indians.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the State Museum of Pennsylvania must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The State Museum of Pennsylvania is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 25, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23153 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6715; NPS–WASO–NAGPRA–NPS0041457; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: South Carolina Institute of Archaeology and Anthropology, University of South Carolina, Columbia, SC

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the South Carolina Institute of Archaeology and Anthropology (SCIAA) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Nina Schreiner, South Carolina Institute of Archaeology and Anthropology, College of Arts and Sciences, University of South Carolina, 1321 Pendleton Street, Columbia, SC 29208, email *schreinn@email.sc.edu*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the SCIAA, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of five cultural items have been requested for repatriation. From 1967 to 1969, four lots of unassociated funerary objects were removed from sites 38OC1, 38PN2, 38PN4, and 38PN34 in Oconee and Pickens counties, SC during the Keowee-Toxaway Reservoir Survey conducted by SCIAA for Duke Power Company of Charlotte, NC. In 1984, one lot of unassociated funerary objects was removed from site 38OC186 in Oconee County, SC by Dr. Chester B. DePratter of SCIAA, Dr. Mark Williams of the University of Georgia, Athens, GA, and Dr. Marvin T. Smith of Garrow and Associates, Atlanta, GA. The expedition was jointly funded by the LAMAR Institute of Watkinsville, GA and SCIAA. The unassociated funerary objects are culturally affiliated with Cherokee Nation, the Eastern Band of Cherokee Indians, and United Keetoowah Band of Cherokee Indians in Oklahoma. SCIAA is unaware of the presence of any potentially hazardous substances used to treat any of the cultural items.

Determinations

The SCIAA has determined that:

- The five unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or

Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

• There is a connection between the cultural items described in this notice and the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the SCIAA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The SCIAA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 25, 2025

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23161 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6719; NPS–WASO–NAGPRA–NPS0041461; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: University of Florida, Florida Museum of Natural History, Gainesville, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Florida, Florida Museum of Natural History (FLMNH) intends to repatriate a certain cultural item that meets the definition of an object of cultural patrimony and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after January 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to David Blackburn, University of Florida, Florida Museum of Natural History, 1659 Museum Road, Gainesville, FL 32611, email *NagpraOffice@floridamuseum.ufl.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the FLMNH, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one object of cultural patrimony is a replica cocoon rattle (Cat: 000056228; Acc: 2012–02–11). The rattle was made by Craig and Carson Bates, members of the Sierra Miwok Tribe sometime in 1994, and later donated to FLMNH in 2012. The rattle is made from cleaned moth cocoon lashed with deer sinew to a goose quill. FLMNH has no prior knowledge of any potentially hazardous substances used to treat any of the cultural items.

Determinations

The FLMNH has determined that:

• The one object of cultural patrimony described in this notice is, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).

• There is a connection between the cultural item described in this notice and the Robinson Rancheria.

Requests for Repatriation

Additional written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the FLMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The FLMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 25, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23166 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6739; NPS–WASO–NAGPRA–NPS0041498; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Santa Barbara Museum of Natural History, Santa Barbara, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Santa Barbara Museum of Natural History has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or

Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Luke Swetland, Santa Barbara Museum of Natural History, 2559 Puesta del Sol, Santa Barbara, CA 93105, email *lswetland@sbnature2.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Santa Barbara Museum of Natural History, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual were removed from Yavapai County, Arizona. In 1935, these human remains were removed from the ranch of Mr. Bell somewhere between Camp Verde, and Rimrock, Arizona. The human remains consist of one cranium and mandible. Archival records indicate, ''This skull was exhumed on the ranch of Mr. Bell, Rim Rock, Arizona in 1935, and was presented by Mr. Bell to Dr. Lyon.'' Dr. B.J. Lyon donated this cranium to the Santa Barbara Museum of Natural History in 1936. No associated funerary objects are present.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The Santa Barbara Museum of Natural History has determined that:

- The human remains described in this notice represent the physical remains of at least one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Hopi Tribe of Arizona.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the Santa Barbara Museum of Natural History must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Santa Barbara Museum of Natural History is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: December 2, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23190 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6707; NPS–WASO–NAGPRA–NPS0041467; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Wisconsin Oshkosh, Oshkosh, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Wisconsin Oshkosh (UWO) has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Adrienne Frie, University of Wisconsin Oshkosh, 800 Algoma Blvd., Oshkosh, WI 54901, email *friea@uwosh.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UWO, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

In 1930, J.P. Schumacher and others associated with the Neville Public Museum excavated one of the burial mounds located at the site now known as the Shoemaker's Point Mounds and Cemetery (47–DR–0043), Door County, WI. The mounds were known to archaeologists since at least the beginning of the 20th century and were excavated by various individuals, including Schumacher, in many campaigns. Schumacher's 1930 excavation into the mound removed ''several bundle burials'' and one Ancestor laying in an extended position with a stone pipe in their right hand and iron ''trade'' knife in their left hand. Additionally, six iron ''trade'' arrow points were found in the burial. In 1930, the Neville Public Museum accessioned a ''limestone pipe, a lithic projectile point, four iron trade points, and an iron trade knife'' from Schumacher's excavation. No Ancestral remains are mentioned in these accession records, though are referenced in later records. In 1940, the Neville Public Museum transferred possession of these funerary items and at least two sets of Ancestral remains to the Door County Museum, at which point they were put on display. At an unknown point between 1961–1980, Carol Mason, affiliated with the University of Wisconsin—Fox Valley, acquired the funerary objects, though no records exist to explain exactly which items and if the associated Ancestral remains were also acquired. UWO took possession of the funerary objects when UWO absorbed the previously-named University of Wisconsin—Fox Valley in 2018. They were identified and transferred to UWO main campus in 2022. While the Ancestor who these objects belonged to were once held by the Neville Public Museum and the Door County Museum, their current whereabouts remain unknown. There are five associated funerary objects present. Of those five associated funerary objects, one is missing. The

five associated funerary objects are one stone pipe, one lithic projectile point, one iron trade point, one iron trade knife, and one lot of iron trade points (missing).

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

UWO has determined that:

- The five objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary objects described in this notice and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little Shell Tribe of Chippewa Indians of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Oglala Sioux Tribe; Otoe-Missouria Tribe of Indians, Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation; Prairie Island Indian Community in the State of Minnesota; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Saginaw Chippewa Indian Tribe of Michigan; Santee Sioux Nation, Nebraska; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Sokaogon Chippewa Community, Wisconsin; Spirit Lake Tribe, North Dakota; St. Croix Chippewa Indians of Wisconsin; Standing Rock Sioux Tribe of North & South Dakota; Turtle Mountain Band of Chippewa Indians of North Dakota; Upper Sioux Community, Minnesota; Winnebago Tribe of Nebraska; and the Yankton Sioux Tribe of South Dakota.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, UWO must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. UWO is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 25, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23177 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6735; NPS–WASO–NAGPRA–NPS0041495; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Augustana University, Sioux Falls, SD

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Augustana University intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred objects, and/or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Gina Palefsky, Archaeology Laboratory, Augustana University, 2001 S Summit Avenue, Sioux Falls, SD 57105, email *gina.palefsky@augie.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Augustana University, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 10 cultural items have been requested for repatriation: three sacred objects and seven objects of cultural patrimony. The three sacred objects are a pipe bowl, pipestem, and rattle. The pipe bowl is t-shaped, made of catlinite (pipestone), and has six ''x'' shapes faintly etched on one side of the pipe. The pipestem is wide, flat, and wooden, with green painted sections and remnants of purple quillwork and red and blue ribbon suspensions.

Documents attribute the pipestem to the Sioux, circa 1900. The rattle is made of leather and has a wooden handle; documents estimate that it was made circa 1880.

All three sacred objects described above were donated to Augustana University's Center for Western Studies in the winter of 2012–2013 by Abbot Denis Quinkert and Director Colleen Cordell of the American Indian Culture Research Center at Blue Cloud Abbey, an American Benedictine monastery near Marvin, Grant County, South Dakota. Through consultation, these sacred objects were determined to be culturally affiliated with the Flandreau Santee Sioux Tribe of South Dakota. Augustana University does not have information indicating that these sacred items were treated with or exposed to potentially hazardous substances.

The seven objects of cultural patrimony are three hammer heads, a pair of gloves, a spoon, a bowl, and a quirt. The three hammer heads are made of catlinite (pipestone). None of the hammer heads have handles; one has leather fringe with a red, white, and purple quill-wrapped slat around the hammer head. The gloves are made of soft hide with partially beaded gauntlets that have short leather fringe on the edges. The beadwork is of a stylized floral design in red, light blue, dark blue, and green. Documents attribute these gloves to the Santee Sioux, circa 1900. The spoon is made of bison horn and has a bird effigy handle. Documents attribute the spoon to the Eastern Sioux, circa 1860–1870. The bowl is a slightly elongated wooden bowl with carved handles. Documents attribute the bowl to the Eastern Sioux, with an estimated date of pre-1850. The quirt is a sawtooth wood quirt with brass tacks on both sides; a long strip of leather and a feather fragment are attached, along with a floral beadwork wrist strap. Documents attribute this quirt to the Sioux, circa 1880. All seven objects of cultural patrimony described above were donated to Augustana University's Center for Western Studies in the winter of 2012–2013 by Abbot Denis Quinkert and Director Colleen Cordell of the American Indian Culture Research Center at Blue Cloud Abbey, an American Benedictine monastery near Marvin, Grant County, South Dakota. Through consultation, these objects of cultural patrimony were determined to be culturally affiliated with the Flandreau Santee Sioux Tribe of South Dakota. Augustana University does not have information indicating that these cultural items were treated with or exposed to potentially hazardous substances.

Determinations

Augustana University has determined that:

- The three sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- The seven objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Flandreau Santee Sioux Tribe of South Dakota.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, Augustana University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. Augustana University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: December 2, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23188 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6717; NPS–WASO–NAGPRA–NPS0041459; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Concord Museum, Concord, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Concord Antiquarian Society, doing business as Concord Museum, intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Jessica Desany, Concord Museum, 53 Cambridge Turnpike, Concord, MA 01742, email *jdesany@concordmuseum.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Concord Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 13 cultural items have been requested for repatriation. The 13 unassociated funerary objects are stone bifaces, a polished stone, and a box of red ochre. These 13 items were taken from the following locations in Maine by Benjamin Lincoln Smith (b.1900, d.1981), an amateur archaeologist, in the mid-19th century: the Hartford Barn site, Orland, Hancock County; Indian Island Cemetery, Old Town, Penobscot County; and in or around the Katahdin Iron Works, Piscataquis County. The Concord Museum records indicate no known hazardous substances.

Determinations

The Concord Museum has determined that:

- The 13 unassociated funerary objects described in this notice are

reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

• There is a connection between the cultural items described in this notice and the Houlton Band of Maliseet Indians; Mi'kmaq Nation (*previously* listed as Aroostook Band of Micmacs); Passamaquoddy Tribe; Penobscot Nation.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the Concord Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Concord Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: December 1, 2025

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23163 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6761; NPS–WASO–NAGPRA–NPS0041525; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Haffenreffer Museum of Anthropology, Brown University, Bristol, RI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Haffenreffer Museum of Anthropology, Brown University (HMA) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Kellie Bowers, Brown University, Haffenreffer Museum of Anthropology, 300 Tower Street, Bristol, RI 02889, email *kellie_bowers@brown.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the HMA, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing at least six individuals have been identified from the Seekonk Poor Farm in Seekonk, Massachusetts. No associated funerary objects are present. In 1962, human remains were discovered during earth removal operations and Maurice Robbins, of the Massachusetts Archaeological Society, was notified. Robbins then contacted Alex Ricciardelli, Acting Director of the HMA. Robbins removed three individuals from unmarked graves and Ricciardelli and a team of Brown University students removed three more.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The HMA has determined that:

• The human remains described in this notice represent the physical remains of six individuals of Native American ancestry.

• There is a connection between the human remains described in this notice and the Mashpee Wampanoag Tribe and the Wampanoag Tribe of Gay Head (Aquinnah).

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the HMA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The HMA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: December 3, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23206 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6714; NPS–WASO–NAGPRA–NPS0041456; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Peabody Museum of Archaeology and Ethnology, Harvard University (PMAE) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Jane Pickering, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, email *jpickering@fas.harvard.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the PMAE, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the available information, human remains representing, at least, 14 individuals have been reasonably identified. No associated funerary objects are present. Human remains representing, at minimum, 14 individuals were collected in the Hawaiian Island. The human remains are hair clippings collected from two individuals who were recorded as being 17 years old, five individuals who were recorded as being 16 years old, two individuals who were recorded as being 15 years old, one individual recorded as being 13 years old and four individuals of unknown age. Museum documentation indicated the clippings are Native American, likely collected by Alfred Tozzer as part of a research study between 1916 and 1920. It is likely Tozzer donated the hair clippings to the PMAE.

Cultural Affiliation

Based on the available information and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

The PMAE has determined that:

- The human remains described in this notice represent the physical remains of 14 individuals of Native American ancestry.
- There is a reasonable connection between the human remains described in this notice and the Hui Iwi Kuamoʻo and the Office of Hawaiian Affairs.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the PMAE must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The PMAE is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 25, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23160 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6747; NPS–WASO–NAGPRA–NPS0041504; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Department of Anthropology, University of South Florida, Tampa, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Department of Anthropology, University of South Florida has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Thomas J. Pluckhahn, Department of Anthropology, University of South Florida, 4202 E Fowler Avenue, SOC 107, Tampa, FL 33620–8100, email *tpluckhahn@usf.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Department of Anthropology, University of South Florida and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 76 individuals have been identified in the collections referred to as ''Mixed/Unprovenienced Assemblage #1 (HCM Boxes 6, 8, 9; SOC125 Boxes A, B, C, and D; USFAC Boxes 8A, E, and F; SPHM Box 5; USF Anthropology Biolaboratory).'' The 27 associated funerary objects are: one fragment of pottery and 26 non-human animal bones. These 12 boxes each include numerous small bags that are either un-labelled or labelled only by element. Overlapping catalogue numbers/numbering systems suggest the human

remains have been mixed. We have not been able to locate any inventories with corresponding catalogue numbers. Box labels indicate that some of these human remains were obtained by donations from the Hillsborough County Museum (the predecessor to the Museum of Science and Industry) and the St. Petersburg History Museum, probably sometime in the 1980s. Neither these of these institutions, nor USF Anthropology, have records documenting these acquisitions/donations. However, the taphonomy is consistent with a pre-Columbian age and we assume these might have been associated with collections known to be from Florida archaeological sites. We are not aware of the presence of any potentially hazardous substances used to treat any of the human remains.

Human remains representing, at least, three individuals have been identified in the collections referred to as ''Mixed/Unprovenienced Assemblage #2 (USFAC Box A, Catalogue #s: USFAC–012, FL–009, USFAC–013, II–90).'' There are no associated funerary objects. This collection consists of a single box with two bags labelled ''misc juvenile.'' We have not been able to locate any inventories with corresponding catalogue numbers or any records documenting the acquisition of these human remains. However, the taphonomy is consistent with a pre-Columbian age and we assume these might have been associated with collections known to be from Florida archaeological sites. We are not aware of the presence of any potentially hazardous substances used to treat any of the human remains.

Human remains representing, at least, two individuals have been identified in the collections referred to as ''Mixed/Unprovenienced Assemblage #3 (USFAC Box B, Catalogue #s: USFAC–030, USFAC–026, USFAC–023).'' There are no associated funerary objects. This collection consists of a single box with four bags labelled only by number or as ''unassociated remains.'' We have not been able to locate any inventories with corresponding catalogue numbers or any records documenting the acquisition of these human remains. However, the taphonomy is consistent with a pre-Columbian age and we assume these might have been associated with collections known to be from Florida archaeological sites. We are not aware of the presence of any potentially hazardous substances used to treat any of the human remains.

Human remains representing, at least, two individuals have been identified in the collections referred to as ''Mixed/Unprovenienced Assemblage #4 (USFAC Box C, Catalogue #s: USFAC–022, USFAC–018, FL–002, FL–016).'' There are no associated funerary objects. This collection consists of a single box with two bags labelled only by number. We have not been able to locate any inventories with corresponding catalogue numbers or any records documenting the acquisition of these human remains. However, the taphonomy is consistent with a pre-Columbian age and we assume these might have been associated with collections known to be from Florida archaeological sites. We are not aware of the presence of any potentially hazardous substances used to treat any of the human remains.

Human remains representing, at least, two individuals have been identified in the collections referred to as ''Mixed/Unprovenienced Assemblage #5 (USFAC Box D, Catalogue #s USFAC–019, USFAC–009).'' There are no associated funerary objects. This collection consists of a single box with two bags labelled only by number or as ''unidentified human remains, no provenience.'' We have not been able to locate any inventories with corresponding catalogue numbers or any records documenting the acquisition of these human remains. However, the taphonomy is consistent with a pre-Columbian age and we assume these might have been associated with collections known to be from Florida archaeological sites. We are not aware of the presence of any potentially hazardous substances used to treat any of the human remains.

Human remains representing, at least, four individuals have been identified in the collections referred to as ''Mixed/Unprovenienced Assemblage #6 (SPHM Box 1).'' There are no associated funerary objects. This collection consists of a single box with 10 bags labelled only by element. The box label indicates that these human remains were obtained by donations from the St. Petersburg History Museum, probably sometime in the 1980s. Neither this institution, nor USF Anthropology, has records documenting these acquisitions/donations. However, the taphonomy is consistent with a pre-Columbian age and we assume these might have been associated with collections known to be from Florida archaeological sites. We are not aware of the presence of any potentially hazardous substances used to treat any of the human remains.

Human remains representing, at least, seven individuals have been identified in the collections referred to as ''Mixed/Unprovenienced Assemblage #7 (SPHM Box 4).'' There are no associated funerary objects. This collection consists of a single box with three bags, one of which bears the label ''flat head . . . skull bones west end of lake . . . cranial, Me . . . [?] 1963.'' A box label indicates that these human remains were obtained by donation from the St. Petersburg History Museum, probably sometime in the 1980s. Neither this institution, nor USF Anthropology, has records documenting these acquisitions/donations. However, the taphonomy is consistent with a pre-Columbian age and we assume these might have been associated with collections known to be from Florida archaeological sites. We are not aware of the presence of any potentially hazardous substances used to treat any of the human remains.

Human remains representing, at least, four individuals have been identified in the collections referred to as ''Mixed/Unprovenienced Assemblage #8 (SPHM Boxes 01074 and 01075).'' There is one associated funerary object, a lightning whelk shell. This collection includes two boxes. One contains six bags of human remains: two labelled ''Ind. 1'', one labelled ''Ind. 2'', and two labelled ''Ind. 3.'' The second box contains 15 bags and one glass jar with human remains; eight of the containers are labelled ''Ind. 1,'' one is labelled ''Ind. 2'' and the others are either unlabelled or labelled only by element. One of the bags describes Individual 1 as coming from ''St. Pete, FL.'' Florida. The box labels indicate that these human remains were obtained by donation from the St. Petersburg History Museum, probably sometime in the 1980s. Neither this institution, nor USF Anthropology, has records documenting these acquisitions/donations. However, the taphonomy is consistent with a pre-Columbian age and we assume these might have been associated with collections known to be from Florida archaeological sites. We are not aware of the presence of any potentially hazardous substances used to treat any of the human remains or the associated funerary object.

Human remains representing, at least, two individuals have been identified in the collections referred to as ''Mixed/Unprovenienced Assemblage #9 (Boxes 00617).'' There are no associated funerary objects. This collection consists of a single box containing nine bags of human remains: six of the bags are labelled by element and ''Individual #1,'' the three other bags are labelled by element and ''Individual #2.'' We have not been able to locate any inventories with corresponding catalogue numbers or any records documenting the acquisition of these human remains. However, the taphonomy is consistent with a pre-Columbian age and we

assume these might have been associated with collections known to be from Florida archaeological sites. We are not aware of the presence of any potentially hazardous substances used to treat any of the human remains.

Human remains representing, at least, one individual have been identified in the collections referred to as ''Mixed/Unprovenienced Assemblage #11 (Donation 18).'' The two associated funerary objects are two fragments of non-human bone. This collection consists of a single containing 37 individually number elements. This collection appeared on an inventory completed in 1987 with the notation ''unknown, found in collections.'' We have not been able to identify any other records describing the acquisition of these human remains. However, the taphonomy is consistent with a pre-Columbian age and we assume these might have been associated with collections known to be from Florida archaeological sites. We are not aware of the presence of any potentially hazardous substances used to treat any of the human remains.

Human remains representing, at least, one individual have been identified in the collections referred to as ''Mixed/Unprovenienced Assemblage #12 (Individual #3, RMLT8–15–19).'' There are no associated funerary objects. This collection consists of single box with two bags. We have not been able to identify any other records describing the acquisition of these human remains. However, the taphonomy is consistent with a pre-Columbian age and we assume these might have been associated with collections known to be from Florida archaeological sites. We are not aware of the presence of any potentially hazardous substances used to treat any of the human remains.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The Department of Anthropology, University of South Florida have determined that:

- The human remains described in this notice represent the physical remains of 104 individuals of Native American ancestry.
- The 30 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Miccosukee Tribe of Indians; Seminole Tribe of Florida; and The Seminole Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the Department of Anthropology, University of South Florida must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Department of Anthropology, University of South Florida is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: December 2, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23195 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6753; NPS–WASO–NAGPRA–NPS0041518; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Wilson Museum, Castine, ME

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Wilson Museum intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred objects, and/or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Abby Dunham, Wilson Museum, P.O. Box 196, 120 Perkins St., Castine, ME 04421, email *repatriation@wilsonmuseum.org*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Wilson Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 116 cultural items has been requested for repatriation, including 101 unassociated funerary objects, 14 sacred objects, and one object of cultural patrimony.

One unassociated funerary object is a worked stone from Chattooga County, Georgia, collected by and/or acquired from W.A. Marshall in 1924.

Six unassociated funerary objects are stone tools, ornaments, and worked stone acquired from Warren King Moorehead (Moorehead)on an unknown date from unknown locations in Georgia.

Four unassociated funerary objects are one lot of mica fragments and three lots of pottery sherds collected by Birkbeck Wilson on an unknown date from unknown locations in Georgia.

One unassociated funerary object is a stone knife collected by E.S. Byington for Moorehead on an unknown date from an unknown location in Kentucky, referenced in museum records as ''Dreek'' County.

Two unassociated funerary objects are stone tools acquired from Moorehead on an unknown date from unknown locations in Kentucky.

Five unassociated funerary objects are stone tools and worked stone collected

by E.S. Byington for Moorehead on an unknown date from Franklin, Macon County, North Carolina.

One unassociated funerary object is a stone point from an unknown collector on an unknown date from an unknown location in North Carolina.

One unassociated funerary object is a lot of quartz stone points collected by John Howard Wilson on an unknown date from Camden, Kershaw County, South Carolina.

Two unassociated funerary objects are: one lot of approximately 50 stone tools, two pottery sherds, and one animal tooth; and one lot of approximately 35 stone tools and nine pottery sherds collected by John Howard Wilson on an unknown date from Knight's Hill, Camden, Kershaw County, South Carolina.

Four unassociated funerary objects are stone tools acquired by John Howard Wilson from the Charleston Museum on an unknown date, from unknown locations in South Carolina.

Five unassociated funerary objects are worked stones collected by E.S. Byington for Moorehead on an unknown date from the Little River in Blount, Sevier, and Knox Counties, Tennessee.

Seven unassociated funerary objects are stone tools collected by E.S. Byington for Moorehead on an unknown date from Chattanooga, Hamilton County, Tennessee.

Two unassociated funerary objects are stone celts collected by E.S. Byington for Moorehead on an unknown date from the Pigeon River, Cocke County, Tennessee.

One unassociated funerary object is one lot of approximately 115 stone tools celts collected by E.S. Byington for Moorehead on an unknown date from Mine Lick Creek, DeKalb County, Tennessee.

21 unassociated funerary objects are worked stone, stone tools, and pottery sherds collected by Birkbeck Wilson on an unknown date from Dover, Stewart County, Tennessee.

10 unassociated funerary objects are worked stone and stone tools collected by Birkbeck Wilson on an unknown date from Cumberland River, Dover, Stewart County, Tennessee.

Four unassociated funerary objects are stone scrapers collected by Moorehead at an unknown date from Hancock County, Tennessee.

Three unassociated funerary objects are worked stones collected by E.S. Byington for Moorehead on an unknown date from Hardin County, Tennessee.

One unassociated funerary object is a stone spear collected by E.S. Byington for Moorehead on an unknown date from Lincoln County, Tennessee.

One unassociated funerary object is a worked stone collected by Moorehead at an unknown date from Upper Hampton Place, Rhea County, Tennessee.

One unassociated funerary object is a worked stone collected by E.S. Byington for Moorehead on an unknown date from a rock shelter in Sevier County, Tennessee.

Three unassociated funerary objects are stone points collected by an unknown person on an unknown date from Zimmerman's Island, Jefferson County, Tennessee.

Four unassociated funerary objects are stone tools collected by E.S. Byington for Moorehead on an unknown date from unknown locations in Tennessee.

Three unassociated funerary objects are worked stone and stone tools collected by Moorehead on an unknown date from unknown locations in Tennessee.

Three unassociated funerary objects are worked stone and stone tools from an unknown collector on an unknown date from unknown locations in Tennessee.

Four unassociated funerary objects are stone points collected by Moorehead and/or John Howard Wilson at an unknown date from unknown locations in Virgina.

One unassociated funerary object is a stone scraper collected by Moorehead on an unknown date from Mason County, West Virginia.

One sacred object is a pipe collected by Moorehead on an unknown date from an unknown location in Georgia.

Four sacred objects are one worked stone, two stone celts, and one lot of pottery sherds collected by E.S. Byington for Moorehead on an unknown date from a mound on the Little Pigeon River, Haywood County, North Carolina.

One sacred object is one lot of pottery sherds and stone tools collected by John Howard Wilson on an unknown date from a mound near Camden, Kershaw County, South Carolina.

One sacred object is a stone pipe collected by E.S. Byington for Moorehead on an unknown date from a quarry near Franklin, Williamson County, Tennessee.

Two sacred objects are stone pipes collected by Moorehead on an unknown date from a quarry near Franklin, Williamson County, Tennessee.

One sacred object is one lot of pottery sherds collected by E.S. Byington for Moorehead on an unknown date from McMahon Mound, Sevier, Sevier County, Tennessee.

One sacred object is a notched stone collected by Moorehead in 1919 from McMahon Mound, Sevier, Sevier County, Tennessee.

One sacred object is one lot of pottery sherds collected by E.S. Byington for Moorehead in 1919 from North Bank Trench, Romsay Mound, Cooke County, Tennessee.

Two sacred objects are a stone celt and a lot of pottery sherds collected by E.S. Byington for Moorehead in 1919 from a mound a mound on Zimmerman's Island, Jefferson County, Tennessee.

One object of cultural patrimony is a clay figure from the collection of Moorehead collected ca. 1884 from a stone grave near Nashville, Davidson County, Tennessee.

Determinations

The Wilson Museum has determined that:

- The 101 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- The 14 sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- The one object of cultural patrimony described in this notice has ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the Wilson Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Wilson Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: December 3, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23197 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6710; NPS–WASO–NAGPRA–NPS0041453; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: New York State Office of Parks, Recreation & Historic Preservation, Waterford, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the New York State Office of Parks, Recreation & Historic Preservation (NYOPRHP) has completed an inventory of human remains and has determined that there is no lineal descendant and no Indian Tribe or Native Hawaiian organization with cultural affiliation.

DATES: Upon request, repatriation of the human remains in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Jessica Vavrasek, New York State Office of Parks, Recreation & Historic Preservation, Peebles Island State Park, P.O. Box 189, Waterford, NY 12188–0189, email *Jessica.Vavrasek@parks.ny.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the NYOPRHP, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals has been identified. No associated funerary objects are present. A necklace containing suspected Native American hand and foot bones with blue glass trade beads in-between the remains was discovered during a visit to view the 80+ year old exhibit dedicated to Dan Beard located within Bear Mountain State Park. The necklace was discovered hung on a replica mantle display. No information is available as to where, when or how it was acquired by Mr. Beard prior to his death and eventual donation of the necklace to the park.

Consultation

Invitations to consult were sent to the Delaware Nation, Oklahoma; Delaware Tribe of Indians; and the Stockbridge Munsee Community, Wisconsin. The Delaware Nation, Oklahoma; Delaware Tribe of Indians, and the Stockbridge Munsee Community, Wisconsin all responded yes to NYOPRHP's request for consultation on this matter with all three Nations agreeing that the Stockbridge Munsee Community, Wisconsin would take the lead during this consultation.

Cultural Affiliation

The following types of information about the cultural affiliation of the human remains in this notice are available: geographical, and historical. The information, including the results of consultation, identified:

1. No earlier group connected to the human remains.

2. No Indian Tribe or Native Hawaiian organization connected to the human remains.

3. No relationship of shared group identity between the earlier group and the Indian Tribe or Native Hawaiian organization that can be reasonably traced through time.

Determinations

The NYOPRHP has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- No known lineal descendant who can trace ancestry to the human remains in this notice has been identified.
- No Indian Tribe or Native Hawaiian organization with cultural affiliation to the human remains in this notice has been clearly or reasonably identified.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Upon request, repatriation of the human remains described in this notice may occur on or after January 20, 2026. If competing requests for repatriation are received, the NYOPRHP must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The NYOPRHP is responsible for sending a copy of this notice to any consulting lineal descendant, Indian Tribe, or Native Hawaiian organization.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 25, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23157 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6741; NPS–WASO–NAGPRA–NPS0041501; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Kansas, Lawrence, KS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Kansas has completed an inventory of human remains and associated funerary object and has determined that there is no lineal descendant and no Indian Tribe or Native Hawaiian organization with cultural affiliation.

DATES: Upon request, repatriation of the human remains and associated funerary object in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary object in this notice to Thomas Torma, The University of Kansas, Office of Audit Risk and Compliance, 1450 Jayhawk Blvd., 351 Strong Hall, Lawrence, KS 66045, email *t-torma@ku.edu*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Kansas, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 52 individuals have been identified. The one funerary object is one lot of artifacts. These ancestors and belongings are currently housed in the University of Kansas's Biodiversity Institute without any known provenience.

Consultation

Invitations to consult were sent to the Absentee-Shawnee Tribe of Indians of Oklahoma; Apache Tribe of Oklahoma; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Caddo Nation of Oklahoma; Cherokee Nation; Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Citizen Potawatomi Nation, Oklahoma; Comanche Nation, Oklahoma; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Jicarilla Apache Nation, New Mexico; Kaw Nation, Oklahoma; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; Little Traverse Bay Bands of Odawa Indians, Michigan; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Miami Tribe of Oklahoma; Nez Perce Tribe; Northern Arapaho Tribe of the Wind River Reservation, Wyoming; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe; Omaha Tribe of Nebraska; Otoe-Missouria Tribe of Indians, Oklahoma; Ottawa Tribe of Oklahoma; Pawnee Nation of Oklahoma; Peoria Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band Potawatomi Nation; Prairie Island Indian Community in the State of Minnesota; Quapaw Nation; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox of the Mississippi in Iowa; Saginaw Chippewa Indian Tribe of Michigan; Seneca-Cayuga Nation; Shakopee Mdewakanton Sioux Community of Minnesota; Shawnee Tribe; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Standing Rock Sioux Tribe of North & South Dakota; Stockbridge Munsee Community, Wisconsin; The Muscogee (Creek) Nation; The Osage Nation; Thlopthlocco Tribal Town; United Keetoowah Band of Cherokee Indians in Oklahoma; Wichita and Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma; Wyandotte Nation; and the Yankton Sioux Tribe of South Dakota.

The following Tribes accepted the invitation to consult on these ancestors: Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Citizen Potawatomi Nation, Oklahoma; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Jicarilla Apache Nation, New Mexico; Kaw Nation, Oklahoma; Northern Arapaho Tribe of the Wind River Reservation, Wyoming; Pawnee Nation of Oklahoma; Peoria Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band Potawatomi Nation; Quapaw Nation; Shawnee Tribe; Standing Rock Sioux Tribe of North & South Dakota; The Osage Nation; Thlopthlocco Tribal Town; Wichita and Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma; Wyandotte Nation; and the Yankton Sioux Tribe of South Dakota.

The Kaw Nation, Oklahoma has agreed to accept responsibility for the reburial of these individuals.

Cultural Affiliation

The following types of information about the cultural affiliation of the human remains and associated funerary objects in this notice are available: biological, historical, and museum documentation and records. The information, including the results of consultation, identified:

1. No earlier group connected to the human remains and associated funerary object.

2. No Indian Tribe or Native Hawaiian organization connected to the human remains and associated funerary object.

3. No relationship of shared group identity between the earlier group and the Indian Tribe or Native Hawaiian organization that can be reasonably traced through time.

Determinations

The University of Kansas has determined that:

- The human remains described in this notice represent the physical remains of 52 individuals of Native American ancestry.
- The one object described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- No known lineal descendant who can trace ancestry to the human remains and associated funerary object in this notice has been identified.
- No Indian Tribe or Native Hawaiian organization with cultural affiliation to the human remains and associated funerary object in this notice has been clearly or reasonably identified.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary object in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Upon request, repatriation of the human remains and associated funerary object described in this notice may occur on or after January 20, 2026. If competing requests for repatriation are received, the University of Kansas must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary object

are considered a single request and not competing requests. The University of Kansas is responsible for sending a copy of this notice to any consulting lineal descendant, Indian Tribe, or Native Hawaiian organization.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: December 2, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23192 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6713; NPS–WASO–NAGPRA–NPS0041455; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Fine Arts Museums of San Francisco, San Francisco, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Fine Arts Museums of San Francisco (FAMSF) intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Christina Hellmich, Fine Arts Museums of San Francisco, 50 Hagiwara Tea Garden Drive, San Francisco, CA 94118, email *chellmich@famsf.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of FAMSF and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of two cultural items have been requested for repatriation. The two objects claimed as cultural patrimony are two baskets identified in museum records as ''Kern County, California.'' FAMSF accessioned a bottleneck basket (Acc. 21466) on May 10, 1902 as a gift from ''Mr. Ed. McLeod.'' FAMSF accessioned a cup-shaped feather basket (Acc. 46767) on December 31, 1919 as a gift from Mrs. A.G. Boggs. These baskets have been physically on loan to the California Department of Parks and Recreation (CDPR) since 1958, but are under the control of FAMSF. At some point after 1958, the bottleneck basket (Acc. 21466) was noted as Kawaiisu, Shoshonean, and Paiute in CDPR collections records. At some point after 1958, the cup-shaped feather basket (Acc. 46767) was noted as Yuki (?), Huchnom (?) in CDPR collections records. There is no known documentation of the presence of any potentially hazardous substances used to treat any of the cultural items.

Determinations

In consultation with affiliated Tribal representatives, FAMSF has determined that:

- The two objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Tejon Indian Tribe.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, FAMSF must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. FAMSF is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 25, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23159 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6724; NPS–WASO–NAGPRA–NPS0041484; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Center for the History of Medicine in the Francis A. Countway Library of Medicine, Harvard University, Boston, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Peabody Museum of Archaeology and Ethnology, Harvard University (PMAE) and Warren Anatomical Museum collection in the Center for the History of Medicine, Francis A. Countway Library of Medicine, Harvard University (CHoM) have completed an inventory of human remains and have determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Jane Pickering, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, email *jpickering@fas.harvard.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the PMAE and CHoM, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the available information, human remains representing, at least, one individual has been reasonably identified. No associated funerary objects are present. The remains of the individual were found in the Warren Anatomical Museum collection. Documentation suggests the remains were collected in Oceania, likely the Hawaiian Islands, and that the individual was donated to the Museum by John Collins Warren II (1842–1927) as part of the Jonathan Mason Warren collection in 1883.

Cultural Affiliation

Based on the available information and the results of consultation, cultural affiliation is reasonably identified by the information available about the human remains described in this notice.

Determinations

The PMAE and CHoM have determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a reasonable connection between the human remains described in this notice, the Hui Iwi Kuamo'o, and the Office of Hawaiian Affairs.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the PMAE must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The PMAE is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: December 2, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23178 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6720; NPS–WASO–NAGPRA–NPS0041466; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Peabody Museum of Archaeology and Ethnology, Harvard University (PMAE) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Jane Pickering, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, email *jpickering@fas.harvard.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the PMAE, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 53 individuals have been identified from sites in Greene, Jefferson, Knox, and unknown counties in Eastern Tennessee as collected by Rev. E.O. Dunning as part of PMAE Expeditions between 1869 and 1871. The 236 associated funerary objects are 236 lots consisting of ceramic items, lithic or stone items, shell or shell items, faunal remains or faunal items, pigments, and other natural materials. The sites represented include ''Devil's Gap Cave Tombs''; ''Mound, Eastern Area''; Lick Creek Mound or Cooper Mound (40Gn2); McBee Mound or Loy Site (40Je10); and Brakebill Mound (40Kn55).

Human remains representing at least one individual have been identified from the ''French Broad River, above Knoxville'' in Knox County, Tennessee, as collected by F.A. Stratton and purchased from Stratton by the PMAE in or around 1876. No associated funerary objects are present.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The PMAE has determined that:

- The human remains described in this notice represent the physical remains of 54 individuals of Native American ancestry.
- The 236 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Cherokee Nation; Eastern Band of Cherokee Indians; The Muscogee (Creek) Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this

notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the PMAE must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The PMAE is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 25, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23149 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6736; NPS–WASO–NAGPRA–NPS0041496; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Peabody Museum of Archaeology and Ethnology, Harvard University (PMAE) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Jane Pickering, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, email *jpickering@fas.harvard.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the PMAE, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified from the Khustenete Site (Oregon State Site #35CU157) in Curry Co., OR. No associated funerary objects are present. These two individuals may have arrived at the PMAE in 1948 via William S. Laughlin.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

The PMAE has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Confederated Tribes of Siletz Indians of Oregon; Elk Valley Rancheria, California and the Tolowa Dee-ni' Nation.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the PMAE must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The PMAE is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: December 2, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23186 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6763; NPS–WASO–NAGPRA–NPS0041528; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Fine Arts Center at Colorado College, Colorado Springs, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Fine Arts Center at Colorado College intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Michael Christiano, Fine Arts Center at Colorado College, 30 W Dale Street, Colorado Springs, CO 80903, email *NAGPRA@coloradocollege.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Fine Arts Center at Colorado College, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of two cultural items have been requested for repatriation. The two objects of cultural patrimony are baskets. The baskets (TM 1722 and TM 1725) originated from Kern County, California. The baskets were obtained by Mrs. E.G. Weimer, who transferred them to Alice Bemis Taylor, who donated them to the Taylor Museum (now the Fine Arts Center at Colorado College) in

1935. These cultural items are attributed to the Tejon Indian Tribe. The Fine Arts Center has no records of these cultural items having been treated by, or exposed to, any potentially hazardous substances.

Determinations

The Fine Arts Center at Colorado College has determined that:

- The two objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Tejon Indian Tribe.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the Fine Arts Center at Colorado College must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Fine Arts Center at Colorado College is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: December 3, 2025

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23205 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6729; NPS–WASO–NAGPRA–NPS0041488; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: David A. Fredrickson Archaeological Collections Facility at Sonoma State University, Rohnert Park, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Sonoma State University has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Kirsten Twork, Sonoma State University, 1801 East Cotati Avenue, Rohnert Park, CA 94928, email *tworkk@sonoma.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Sonoma State University, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, one individual removed from CA–NAP–802 near the city of Napa, California, have been reasonably identified. A total of 425 lots of associated funerary objects are flaked stone tools and debitage, ground stone tools, faunal bone, botanical material, and shell. The collection has been housed at Sonoma State University since 1996, under the following Accession Number 96–13.

Based on the information available, one associated funerary object was removed from CA–NAP–261 near Napa, California. The cultural item is a flaked stone tool and debitage. This collection has been housed at Sonoma State University since 1976, under the following Accession Number 76–09.

Based on the information available, human remains representing, at least, one individual removed from CA–NAP–261 near Napa, California, have been reasonably identified. A total of 12,104 lots of associated funerary objects are flaked stone tools and debitage, ground stone tools, faunal bone, shell, baked clay, and botanical remains. In 1977 the site was subject to data recovery investigations as a mitigation for the implementation of the Napa River Flood Control Project. This collection has been housed at Sonoma State University since 1977, under the following Accession Number 77–14.

Based on the information available, human remains representing, at least, two individual removed from CA–NAP–261 near Napa, California, have been reasonably identified. A total of 13 lots of associated funerary objects are unmodified faunal bone, shell, and botanical remains. This collection has been housed at Sonoma State University since 1984, under the following Accession Number 84–01.

Based on the information available, human remains representing, at least, one individual was removed from CA–NAP–14 near Napa, California, have been reasonably identified. The 13,118 lots of associated funerary objects are flaked-stone tolls and debitage, groundstone, unmodified faunal bones, modified faunal bone, and shell beads. This collection has been housed at Sonoma State University since 1991, under the following Accession Number 91–04.

The Knoxville Region isolates were recorded as part of the Cultural Resources Study in the Knoxville Region study spanned 7600 acres across Lake, Napa and Yolo Counties, California. This study was conducted by the Anthropological Studies Center at the request of D'Appolonia Consulting Engineers, Inc. in April–July of 1981. The Yolo County isolates were found during intern verification work on the Napa County sites in accession number 81–06. All other Yolo County sites within the Knoxville Region have been repatriated to the Tribe as of January 2025. The eight lots of associated funerary objects are flaked-stone tolls and debitage and have been housed at Sonoma State University since 1981, under the following Accession Number 81–06.

Based on the information available 30 lots of associated funerary objects were removed from CA–NAP–751 and CA–NAP–752 located in American Canyon, California. Additional information on

why the cultural items were removed from the site and brought to the university was not available. The items include modified obsidian, obsidian debitage, faunal bone, modified shell, and dietary shell. The items have been at Sonoma State University since 1988.

Based on the information available 441 lots of associated funerary objects were removed from CA–NAP–22, CA–NAP–782, CA–NAP–774, and CA–NAP–779 located in the city of Napa, California, in the vicinity of Suscol Creek. These cultural items were removed from the sites during a pre-construction archaeological investigation for Suscol Springs Vineyard Project by Pacific Legacy. The items include obsidian debitage, non-obsidian stone debitage, dietary shell, faunal bone, modified obsidian, modified non-obsidian stone, obsidian projectile point, and charcoal. The items have been at Sonoma State University since 1998.

Based on the information available 1,157 lots of associated funerary objects were removed from CA–NAP–1099H located in the city of Napa in California. These cultural items were removed from the sites during an archaeological investigation for the Napa Flood Control Project for ASM Affiliates Inc. The items include faunal bone, ground stone tools, and botanical samples. The items have been at Sonoma State University since 2012.

Based on the information available eight lots of associated funerary objects were removed from the American Canyon Pipeline project located in American Canyon, California. These cultural items were removed from the sites during an archaeological investigation for the project, additional information about the project was not available. The items include unmodified obsidian. The items have been at Sonoma State University since 1976.

Based on the information available 13 lots of associated funerary objects were removed from the Lillian Burns Sites located in the city of Napa, California. Information about why the items were removed from the site was not available. The items include modified obsidian, clay, non-obsidian modified stone, non-obsidian stone debitage. The items have been at Sonoma State University since 1977.

Based on the information available 17 lots of associated funerary objects were removed from the Franciscan Project located in the city of Napa, California. Information about why the items were removed from the site was not available. The items include modified obsidian, obsidian debitage, modified non-obsidian stone, and non-obsidian stone debitage. The items have been at Sonoma State University since 2000.

Based on the information available four lots of associated funerary objects were removed from the CA–NAP–334 and CA–NAP–335 located near Knoxville, California in the vicinity of the Zim Zim Creek. The cultural items were removed during the Zim Zim Creek Survey conducted by the Anthropological Studies Center. The items include obsidian projectile point, modified non-obsidian stone, and ground stone tools. The items have been at Sonoma State University since 1974.

Based on the information available 123 lots of associated funerary objects were removed from CA–NAP–492, CA–NAP–493, CA–NAP–603, CA–NAP–604, CA–NAP–606, CA–NAP–608, CA–NAP–609H, CA–NAP–616H, and CA–NAP–617 located near Knoxville, California. The cultural items were removed as part of the Cultural Resources Study in the Knoxville Region conducted by the Anthropological Studies Center at the request of D'Appolonia Consulting Engineers Inc. The items include obsidian debitage, modified obsidian, non-obisidian debitage, and modified non-obsidian stone. The items have been at Sonoma State University since 1981.

Based on the information available 194 lots of associated funerary objects were removed from CA–NAP–491, CA–NAP–492, CA–NAP–493, CA–NAP–604, CA–NAP–609H, CA–NAP–612, CA–NAP–614, CA–NAP–615,CA–NAP–617, and CA–NAP–627 located near Knoxville, California. The cultural items were removed as part of the Test Excavation portion of the Cultural Resources Study in the Knoxville Region conducted by the Anthropological Studies Center at the request of D'Appolonia Consulting Engineers Inc. The items include obsidian debitage, modified obsidian, non-obisidian debitage, and modified non-obsidian stone. The items have been at Sonoma State University since 1982.

Based on the information available 55 lots of associated funerary objects were removed from CA–NAP–911 located near the city of Napa in Napa county, California. The cultural items were removed as part of the NAPLT Light Testing Project. The items include obsidian debitage and modified obsidian. The items have been at Sonoma State University since 1998.

Based on the information available 153 lots of associated funerary objects were removed from CA–NAP–471, CA–NAP–889, CA–NAP–891, CA–NAP–892, and CA–NAP–893/H located near Weeks Lake near Walters Springs in Napa county, California. The cultural items were removed during a cultural resource project by Origer and Associates. The items include obsidian debitage, modified obsidian, non-obisidian debitage, and modified non-obsidian stone. The items have been at Sonoma State University since 1995.

Based on the information available one lot of associated funerary objects were removed from CA–NAP–411 located near the city of Napa in Napa county, California. The cultural items were removed during a cultural resource project by Origer and Associates. The items include obsidian debitage. The items have been at Sonoma State University since 1999.

Based on the information available 358 lots of associated funerary objects were removed from CA–NAP–265 located near the city of Napa in Napa county, California. The cultural items were removed during a cultural resource project by Origer and Associates. The items include obsidian debitage, modified obsidian, non-obisidian debitage, modified non-obsidian stone, unmodified faunal bone, and ground stone tools. The items have been at Sonoma State University since 1993.

Based on the information available seven lots of associated funerary objects were removed from CA–NAP–536 and CA–NAP–540 located near Lake Berryessa in Napa county, California. The cultural items were removed during a cultural resource was surveyed on 1/6/79 by A. Bramelette as part of the Benflaffke Survey of Lake Berryessa. The items include flaked stone debitage. The items have been at Sonoma State University since 1979.

Based on the information available two lots of associated funerary objects were removed from CA–NAP–897 located at the DUC housing site in American Canyon in Napa county, California. The cultural items were removed during a cultural resource project by Origer and Associates. The items include flaked stone debitage. The items have been at Sonoma State University since 2001.

Based on the information available two lots of associated funerary objects were removed from CA–NAP–853 near Lake Marie in Napa county, California. The cultural items were removed during a survey in June 1993 and were entered into collections by J. Rosenthal as part of the Green Valley Ranch/Tuteur Ranch Surveys The items include obsidian projectile points. The items have been at Sonoma State University since 1993.

Based on the information available 282 lots of associated funerary objects were removed from CA–NAP–801 near the city of Napa, California. The cultural

items were removed during an archaeological survey affiliated with Tom Origer and Associates. More information as to why the cultural items were removed was not located. The cultural items include obsidian debitage, modified obsidian, unmodified shell, and ground stone tools. The items have been at Sonoma State University since 1992.

In the case of missing cultural items, any additional items when located will also be repatriated from the collections discussed above. Based on records concerning the human remains, associated funerary objects and the institution in which they are housed, there is no evidence of the ancestors or items being treated with hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The Sonoma State University has determined that:

- The human remains described in this notice represent the physical remains of five individuals of Native American ancestry.
- The 28,516 lots of associated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Cachil Dehe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; Kletsel Dehe Wintun Nation of the Cortina Rancheria (*previously* listed as Kletsel Dehe Band of Wintun Indians); and the Yocha Dehe Wintun Nation, California.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the Sonoma State University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Sonoma State University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: December 2, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23182 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6742; NPS–WASO–NAGPRA–NPS0041502; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Department of Environment and Conservation Division of Archaeology, Nashville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology, 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, email *Phil.Hodge@tn.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the TDEC–DOA, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified.

Site 40CH20, Cheatham County, TN

Human remains representing, at least, one individual. These materials were donated to the Division of Archaeology in 1983. No record exists as to the original circumstances of collection or donation. There is no known exposure to hazardous substances or treatments.

Site 40SU24, Sumner County, TN

Human remains representing, at least, one individual. These remains were donated to TDEC–DOA by a private citizen in 1996. There is no known exposure to hazardous substances or treatments.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The TDEC–DOA has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Shawnee Tribe; The Muscogee (Creek) Nation; The Osage Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the TDEC–DOA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The TDEC–DOA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: December 2, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23193 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6712; NPS–WASO–NAGPRA–NPS0041454; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: David A. Fredrickson Archaeological Collections Facility at Sonoma State University, Rohnert Park, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Sonoma State University has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Elise-Alexandria Green, Sonoma State University, 1801 East Cotati Avenue, Rohnert Park, CA 94928, email *elise.green@sonoma.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Sonoma State University, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, 773 lots of associated funerary objects have been identified from sites located in Bodega Bay, Sonoma County California.

Based on the information available, 241 lots of associated funerary items were removed from CA–SON–292. In 1992, human remains from archaeological sites CA–SON–292 were repatriated under California Public Resources Code § 5097.94 through the Native American Heritage Commission to the Most Likely Descendants of Coast Miwok and Southern Pomo in Marin and Sonoma Counties, California. This notice accounts for the additional associated funerary objects. The cultural items were removed from their location in 1968 by Western Heritage Inc. and Dr. David A. Fredrickson. The associated funerary items include modified stone, unmodified stone, modified faunal, unmodified faunal, modified shell, unmodified shell, ground stone tools, historic material, charcoal. The items have been housed at Sonoma State University since 1968.

Based on the information available, two lots of associated funerary items were removed from CA–SON–294. CA–SON–294 was excavated in 1968 by Western Heritage Inc. and Dr. David A. Fredrickson. The associated funerary items include historic material. The items have been housed at Sonoma State University since 1968.

Based on the information available, 109 lots of associated funerary items were removed from CA–SON–324. CA–SON–324 was excavated in 1968 by Western Heritage Inc. and Dr. David A. Fredrickson. The cultural items include modified stone, unmodified stone, modified faunal, unmodified faunal, modified shell, unmodified shell, ground stone tools, historic material. The items have been housed at Sonoma State University since 1968.

Based on the information available, 414 lots of associated funerary items were removed from CA–SON–300. The cultural items were removed from their location during the Bodega Bay test excavation in 1976 and have been housed at Sonoma State University since. The cultural items include modified stone, unmodified stone, unmodified faunal, unmodified shell, ground stone tools, historic material, charcoal, botanical material.

Based on the information available, seven lots of associated funerary items were removed from CA–SON–1099. The cultural items were removed from their location during the Filippa Property Survey in 1978 contracted by the Sonoma County Planning Department and have been housed at Sonoma State University since. The cultural items include modified stone and unmodified stone. At the time of the inventory verification these items were not physically located Sonoma State will continue to look for these items with the intent of repatriation.

In the case of missing cultural items, all items when located will also be repatriated from the collections discussed above. Based on records concerning the cultural items and the institution in which they are housed, there is no evidence of the items being treated with hazardous substances

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is identified clearly by information available, including oral traditional, geographical, and biological information described in this notice and the Federated Indians of Graton Rancheria, California.

Determinations

The Sonoma State University has determined that:

- The 773 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the associated funerary objects described in this notice and the Federated Indians of Graton Rancheria, California.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows,

by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the associated funerary objects in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the Sonoma State University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The Sonoma State University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 25, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23158 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6702; NPS–WASO–NAGPRA–NPS0041448; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: California State University San Bernardino, San Bernardino, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California State University San Bernardino intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Michael Chavez, CSUSB, 5500 University Parkway, CA 92407, email *michael.chavez@csusb.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the California State University San Bernardino, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 12 cultural items have been requested for repatriation. A total of 11 objects of cultural patrimony are nine arrow shafts, one bow stave and one coyote fur quiver. They have a limited provenience history but according to the appraisal form these objects were discovered in the Palm Springs area and later donated to CSUSB in 2006 with the note ''Morongo'' included by the donor. There is no documentation of testing or treatments.

The 12th object of cultural patrimony is a single decorated pottery sherd that was discovered and collected from private land within the Joshua Tree National Park Area in the 1930's. At this time there is no additional provenience information for this sherd and given the lack of provenience information the Joshua Tree National Park team released control to CSUSB for the purposes of repatriation. This sherd came to CSUSB at an undisclosed time. There is no documentation of testing or treatment.

Determinations

The California State University San Bernardino has determined that:

- The 12 objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Morongo Band of Mission Indians, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the California State University San Bernardino must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The California State University San Bernardino is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 25, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23152 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6726; NPS–WASO–NAGPRA–NPS0041486; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Merced College, Merced, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Merced College has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Jeff Buechler, Social Sciences Stop 35, Merced College, 3600 M Street, Merced, CA 95348, email *jeffrey.buechler@mccd.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Merced College,

and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing at least two individuals have been identified in Merced College records as having been removed on an unknown date from an unknown location called ''Indian Valley''. There are multiple areas in the Central Valley area of California that are referred to as ''Indian Valley''. No associated funerary objects are present.

Human remains representing at least 22 individuals were located in the Merced College Anthropology lab space in December 2019 and January 2020. They were not accompanied with any identifying information or provenience, but it is believed that they likely had been removed from California's Central Valley at an unknown date. The one associated funerary object is one possible charmstone.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location and acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

Merced College has determined that:

- The human remains described in this notice represent the physical remains of 24 individuals of Native American ancestry.
- The one object described in this notice is reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Big Pine Paiute Tribe of the Owens Valley; Big Sandy Rancheria of Western Mono Indians of California; Bishop Paiute Tribe; Bridgeport Indian Colony; Buena Vista Rancheria of Me-Wuk Indians of California; Burns Paiute Tribe; California Valley Miwok Tribe, California; Cedarville Rancheria, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Cold Springs Rancheria of Mono Indians of California; Federated Indians of Graton Rancheria, California; Fort Bidwell Indian Community of the Fort Bidwell Reservation of California; Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California; Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon; Ione Band of Miwok Indians of California; Jackson Band of Miwuk Indians; Lone Pine Paiute-Shoshone Tribe; Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada; Middletown Rancheria of Pomo Indians of California; Northfork Rancheria of Mono Indians of California; Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada; Picayune Rancheria of Chukchansi Indians of California; Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada; Reno-Sparks Indian Colony, Nevada; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Shoshone-Bannock Tribes of the Fort Hall Reservation; Summit Lake Paiute Tribe of Nevada; Susanville Indian Rancheria, California; Table Mountain Rancheria; Tejon Indian Tribe; Tule River Indian Tribe of the Tule River Reservation, California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; United Auburn Indian Community of the Auburn Rancheria of California; Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, California; Walker River Paiute Tribe of the Walker River Reservation, Nevada; Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches); Wilton Rancheria, California; Winnemucca Indian Colony of Nevada; and the Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, Merced College must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. Merced College is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: December 2, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23180 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6727; NPS–WASO–NAGPRA–NPS0041487; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Shiloh Museum of Ozark History, Springdale, AR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Shiloh Museum of Ozark History has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Stephanie Carter, Shiloh Museum of Ozark History, 118 W Johnson Avenue, Springdale, AR 72764, email *scarter@shilohmuseum.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Shiloh Museum of Ozark History, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The

National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, three individuals have been identified. No associated funerary objects are present. All of the human remains were purchased by the Shiloh Museum as part of the William Guy Howard Collection in 1966. One set of human remains consists of a skull (cataloged as S–66–1–553). Another set of human remains consists of a skull (cataloged as S–66–1–566). The locations from which these two sets of human remains were removed are unknown. Another set of human remains consists of a femur and tibia (cataloged as S–66–1–1173 and S–66–1–1174). This individual was removed from Ash Cave, Madison County, AR. There are no apparent hazardous substances present.

Cultural Affiliation

Based on the information available and the results of consultation with The Osage Nation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The Shiloh Museum of Ozark History has determined that:

- The human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and The Osage Nation.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the Shiloh Museum of Ozark History must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Shiloh Museum of Ozark History is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: December 2, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23181 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6756; NPS–WASO–NAGPRA–NPS0041519; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, Norman, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Sam Noble Oklahoma Museum of Natural History (SNOMNH) intends to repatriate certain cultural items that meet the definition of sacred objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Zachary Garrett, NAGPRA Program Coordinator, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072–7029, email *zacgarrett@ou.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of SNOMNH, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 13 cultural items have been requested for repatriation. The 13 sacred objects are prayer offerings. These objects were removed from a shrine site, likely LA 46316, in Valencia County, NM. The site is located on land owned by the Pueblo of Laguna, New Mexico. These objects were removed from the site by Harmon Maxon (a University of New Mexico student) of Santa Fe, who later gave them to a University of Oklahoma professor, who in turn donated them to SNOMNH. Official representatives of the Pueblo of Acoma and Pueblo of Laguna reviewed these objects in person and identified and confirmed that they are sacred objects and culturally affiliated with the Pueblo of Acoma and Pueblo of Laguna.

In the past, hazardous substances were used to treat the Ethnology Collection at SNOMNH. The Ethnology Collection in part or whole was exposed to Paradichlorobenzene (PBD in textile storage-discontinued around or before 1981), Naphthalene (moth flake packets stored with textiles-discontinued around 1985), and Vapona (no-pest-strips (active ingredient: Dichlorvos DDVP) and pyrethrins, placed in cases with objects, discontinued around 1986). None of these products were ever in direct contact with objects. Any potential treatments of these objects by donors are unknown. The building where the Ethnology collection was previously stored was subject to fumigation multiple times per year from 1983–1985, using Vapo-Mist 500, 5% Vapona Insecticide (active ingredient was dichlorovinyl dimethyl phosphate (DDVP), and also contained petroleum distillates and 1,1,1-trichloethane). Chemical remnants may have remained present in objects, as well as museum cabinets and other furniture used to store collections.

Determinations

SNOMNH has determined that:

- The 13 sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Pueblo of Acoma, New Mexico and the Pueblo of Laguna, New Mexico.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this

notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, SNOMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. SNOMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: December 3, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23198 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6722; NPS–WASO–NAGPRA–NPS0041463; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Yale Peabody Museum, Yale University, New Haven, CT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Yale Peabody Museum has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Erika Edwards, Yale Peabody Museum, P.O. Box 208118, New Haven, CT 06520–8118, email *erika.edwards@yale.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Yale Peabody Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, five individuals have been identified. The six associated funerary objects are one lot of fauna, one lot of modified stone, one lot of unmodified stone, one of ceramics, one lot of modified shell, and one of wood. In 1869, Reverend Edward Osborne (E.O.) Dunning removed collections from Brakebill Mound (40Kn55) in Knox County, Tennessee, near the junction of the French Broad and Holston Rivers. The collection was purchased and received by the Yale Peabody Museum in early 1870.

Human remains representing, at least, 22 individuals have been identified. The six associated funerary objects are one lot of fauna, one lot of modified stone, one lot of unmodified stone, one lot of ceramics, one of modified shell, one lot of modified shell and bone (fauna). In early 1870, Dunning removed collections from McBee Mound (40Je10) and its immediate vicinity in Jefferson County, Tennessee. The collection was purchased and received by the Yale Peabody Museum in April 1870.

Human remains representing, at least, 13 individuals have been identified. The five associated funerary objects are one lot of fauna, one lot of modified stone, one lot of ceramics, one of modified shell, one of unmodified shell. Dunning removed collections from Lick Creek Mound (40Gn2) in Greene County, Tennessee, circa 1871–1872. The collections were purchased and received by the Yale Peabody Museum in March 1872. Dunning's initial descriptions of Lick Creek Mound, situated at the confluence of the Nolichucky River and Lick Creek, incorrectly referred to it as Lisles Mound.

Human remains representing, at least, four individuals have been identified. No associated funerary objects are present. Following Dunning's death in March 1874, a portion of his remaining archaeological collections, excavated between 1869–1872, were donated to the Yale Peabody Museum by his wife. At least two individuals were attributed to an unknown county in Tennessee, and at least two individuals were attributed to an unknown county in Tennessee or North Carolina.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The Yale Peabody Museum has determined that:

- The human remains described in this notice represent the physical remains of 44 individuals of Native American ancestry.
- The 17 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Cherokee Nation; Eastern Band of Cherokee Indians; The Muscogee (Creek) Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the Yale Peabody Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Yale Peabody Museum is responsible for sending a

copy of this notice to the Indian Tribes identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 25, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23165 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6721; NPS–WASO–NAGPRA–NPS0041462; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Yale Peabody Museum, Yale University, New Haven, CT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Yale Peabody Museum intends to repatriate certain cultural items that meet the definition of sacred objects and that have a cultural affiliation with the Indian Tribes in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Erika Edwards, Yale Peabody Museum, P.O. Box 208118, New Haven, CT 06520–8118, email *erika.edwards@yale.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Yale Peabody Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of five cultural items have been requested for repatriation.

One lot of sacred objects are bone (fauna) implements. In 1869, Reverend Edward Osborne (E.O.) Dunning removed collections from the farm of Adam Brakebill, adjacent to Brakebill Mound (40Kn55) in Knox County, Tennessee, near the junction of the French Broad and Holston Rivers. The collection was purchased and received by the Yale Peabody Museum in early 1870.

One lot of sacred objects are modified stone items. In early 1870, Dunning removed the objects from Island Bottom, a shoal on the Holston River, near McBee Mound (40Je10) and in Jefferson County, Tennessee. The collection was purchased and received by the Yale Peabody Museum in April 1870.

Two sacred objects are one lot of modified stone items removed from Vance's Island, and one stone bird effigy pipe removed from Howell Farm. Dunning described these locales as falling within three miles of Strawberry Plains, in Knox County, Tennessee. The collection was purchased and received by the Yale Peabody Museum in April 1870.

One sacred object is a ceramic vase. Dunning removed the vase from an unknown location within Cocke County, Tennessee and included it with the collections removed from Lick Creek Mound (40Gn2). The item was purchased and received by the Yale Peabody Museum in March 1872.

Determinations

The Yale Peabody Museum has determined that:

- The five sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Cherokee Nation; Eastern Band of Cherokee Indians; The Muscogee (Creek) Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the Yale Peabody Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Yale Peabody Museum is responsible for sending a copy of this notice to the Indian Tribes identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 25, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23164 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6740; NPS–WASO–NAGPRA–NPS0041500; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Army Corps of Engineers, Walla Walla District, Walla Walla, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Army Corps of Engineers, Walla Walla District has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Scott Hall, U.S. Army Corps of Engineers, Walla Walla District, 201 North 3rd Avenue, Walla Walla, WA 99362, email *scott.m.hall@usace.army.mil.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the U.S. Army Corps of Engineers, Walla Walla District, and additional information on

the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

One associated funerary object has been identified from site 45AS2 (Steptoe Burial) in Asotin County, Washington. The associated funerary object is a pestle. Burials from this site were likely from the late prehistoric period (A.D. 1500–1700) with other areas of the site being used during a much wider temporal span. This cultural item was likely removed from site 45AS2 during excavations in 1972 conducted by the University of Idaho under contract with the Army Corps of Engineers. Between 1996 and 2000, the cultural item was transferred from the University of Idaho to Washington State University. The item was recently located in unprovenanced archaeological collections at Washington State University.

Human remains representing, at least, one individual have been identified from site 45BN15 (Rabbit Island) in Benton County, Washington. No associated funerary objects are present. There are two distinct time periods represented at site 45BN15. The earlier burials (Rabbit Island I) date to the Frenchman-Springs Phase (3500–1500 BP) while the later burials (Rabbit Island II) predate A.D. 1750. This Ancestor is currently at Central Washington University.

Human remains representing, at least, five individuals have been identified from site 45BN55 (Sheep Island) in Benton County, Washington. No associated funerary objects are present. Site 45BN55 was likely utilized during the late Pre-Contact to early Historic Period. These Ancestors are currently at Central Washington University and Eastern Washington University.

Human remains representing, at least, two individuals have been identified from site 45FR101 (Chiawana) in Franklin County, Washington. No associated funerary objects are present. These Ancestors were likely removed from the site during excavations in 1967. Site 45FR101 was a village site with two main temporal components including an early component from 5900–500 BC and a later component from A.D. 1000–1870. Excavated Ancestors and materials were transported to the University of Idaho before being transported to Washington State University in 2000. One of the Ancestors is currently at Washington State University while the other was recently returned to the University of Idaho by a former student.

Three associated funerary objects have been identified from site 45WT002 (Trestle) in Whitman County, Washington. The three associated funerary objects are: one modified faunal bone, one hawk bell, and one pendant. These cultural items were removed from the site during contract excavations conducted in 1963. Site 45WT002 has been described as having two temporal components with the early site use spanning 6700–2500 BP and the later component being historic (mid-1800s-1900s). The excavated materials were then split between Washington State University and University of Idaho prior to being consolidated at Washington State University where these cultural items still remain.

One associated funerary object has been identified from site 45WW6 in Walla Walla County, Washington. The associated funerary object is one tubular copper bead. This cultural item was likely removed from the site during excavations in 1951 by the Smithsonian River Basin Survey. Site 45WW6 was likely utilized from 700 BP through A.D. 1857. This cultural item is currently at the U.S. Army Corps of Engineers, Walla Walla District Office.

Human remains representing, at least, one individual have been identified from an Unknown Site in Washington. The 36 associated funerary objects are: one abalone shell with serrated edge, two lots of copper beads, one lot of dentalium bead fragments, one lot of glass beads, one lot of glass seed beads, two buckles, two lots of buttons, one cloth fragment with copper beads, one cloth fragment with leather and wood, one glass disk, one metal disk, one copper fork, one lot of faunal tooth fragments, one lot of metal fragments, one leather fragment with white beads, one lot of lithic materials, one large metal hook, one piece of rusted metal, one small porcelain dish, one fragment of ribbon, two lots of shoe fragments, one large copper spoon, one copper tube, one piece of coated wire, and one piece of wood. The Ancestor and cultural items were located within Walla Walla District archaeological collections from site 45WT39 at Washington State University, but did not have associated catalog, site, or provenience information. This Ancestor and cultural items likely originated from Palus Cemetery (45FR36), but ultimately their provenience could not be confirmed by the U.S. Army Corps of Engineers.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The U.S. Army Corps of Engineers, Walla Walla District has determined that:

- The human remains described in this notice represent the physical remains of nine individuals of Native American ancestry.
- The 41 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Confederated Tribes and Bands of the Yakama Nation; Confederated Tribes of the Colville Reservation; Confederated Tribes of the Umatilla Indian Reservation; Confederated Tribes of the Warm Springs Reservation of Oregon; and the Nez Perce Tribe.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice and, if joined to a request from one or more of the Indian Tribes, the Wanapum Band of Priest Rapids, a non-federally recognized Indian group.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the U.S. Army Corps of Engineers, Walla Walla District must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The U.S. Army Corps of Engineers, Walla Walla District

is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: December 2, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23191 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6762; NPS–WASO–NAGPRA–NPS0041526; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Maidu Museum & Historic Site, Roseville, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Maidu Museum & Historic Site intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Alesha Martinez, Maidu Museum & Historic Site, 1970 Johnson Ranch Drive, Roseville, CA 95661, email *ammartinez@roseville.ca.us.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Maidu Museum & Historic Site, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 14 lots of objects of cultural patrimony have been requested for repatriation. The 14 lots of objects of cultural patrimony are four lots of modified stones, two lots of unmodified stones, two lots of plant material, two lots of faunal material, one lot of historical material, one lot of shell, one lot of anthropogenic soil, and one lot of unidentified material.

In 1976, one lot of objects of cultural patrimony consisting of modified stones was removed from Roseville, Placer County, CA. The objects of cultural patrimony were accessioned at the Maidu Museum & Historic Site under Accession Number 2010.010.

In 1993, one lot of objects of cultural patrimony consisting of modified stones was removed from Granite Bay, Placer County, CA. The objects of cultural patrimony were accessioned at the Maidu Museum & Historic Site under Accession Number 2013.002.

At various unknown dates, four lots of objects of cultural patrimony were removed from west Placer County, CA. These include one lot of modified stones, one lot of unmodified stones, one lot of plant materials, and one lot of faunal materials. The objects of cultural patrimony were accessioned at the Maidu Museum & Historic Site under Accession Numbers 2000.003, 2000.004, 2000.005, 2001.001, 2004.002, and 2006.012.

Eight additional lots of objects of cultural patrimony are reasonably believed to have been removed from somewhere in west Placer County, CA, at various unknown dates. The eight lots of objects of cultural patrimony are one lot of modified stones, one lot of unmodified stones, one lot of plant material, one lot of faunal material, one lot of historical material, one lot of shell, one lot of anthropogenic soil, and one lot of unidentified material from a variety of Accession Numbers at the Maidu Museum & Historic Site, including 2000.006, 2001.003, 2004.004, 2005.002, 2005.004, 2006.014, 2005.002–P, and T2024.000.

The Maidu Museum & Historic Site does not have record of any known potentially hazardous substances used to treat any of the cultural items.

Determinations

The Maidu Museum & Historic Site has determined that:

- The 14 lots of objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the United Auburn Indian Community of the Auburn Rancheria of California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the Maidu Museum & Historic Site must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Maidu Museum & Historic Site is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: December 3, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23204 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6759; NPS–WASO–NAGPRA–NPS0041522; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Museum of Science, Boston, Boston, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Museum of Science, Boston, intends to repatriate certain cultural items that meet the definition of sacred objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Rebecca Melius, Museum of Science, Boston, 1 Science Park, Boston, MA 02114, email *rmelius@mos.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Museum of Science, Boston, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of six cultural items have been requested for repatriation. The six sacred objects are hand-held weapons made of wood. These objects were given to the Museum by an individual donor in the 1950s as part of an unexpected bequest, and provenance was not provided by the late donor. In the early 20th century, the donor traveled to Hawai'i, Samoa, and other Pacific Islands during his military service and for personal reasons. The six objects described in this notice are reasonably believed to have been acquired by the donor during those tours. The six sacred objects have not been tested for the presence of hazardous materials; they have not been treated with hazardous materials in the past twenty years.

Determinations

The Museum of Science, Boston, has determined that:

- The six sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Hui Iwi Kuamo'o.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the Museum of Science, Boston, must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Museum of Science, Boston, is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: December 3, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23201 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6733; NPS–WASO–NAGPRA–NPS0041493; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Autry Museum of the American West, Los Angeles, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Autry Museum of the American West (Southwest Museum Collection) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Karimah Richardson, Autry Museum of the American West, 4700 Western Heritage Way, Los Angeles, CA 90027, email *krichardson@theautry.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Autry Museum of the American West, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing at least one individual have been identified. No associated funerary objects are present. Sometime in 1930, Mr. Hesmel L. Earenfight, during a Southwest Museum expedition led by William and Elizabeth Campbell in San Bernardino and Riverside Counties that operated from 1926–1936, collected human remains (498.G.785) from a wash at Campbell's Site 326. Site 326 is found within the Campbell's Paiute Springs district, 75 miles northeast of Twentynine Palms, San Bernardino County, CA. The human remains entered the Southwest Museum (now part of the Autry Museum of the American West) collection sometime in 1959.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The Autry Museum of the American West has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Chemehuevi Indian Tribe of the Chemehuevi Reservation, California and the Twenty-Nine Palms Band of Mission Indians of California.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows,

by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the Autry Museum of the American West must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Autry Museum of the American West is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: December 2, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23187 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6716; NPS–WASO–NAGPRA–NPS0041458; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Pennsylvania Historical and Museum Commission, The State Museum of Pennsylvania, Harrisburg, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Pennsylvania Historical and Museum Commission (PHMC), The State Museum of Pennsylvania intends to repatriate certain cultural items that meet the definition of sacred objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Barbara Frederick, PHMC, The State Museum of Pennsylvania, 300 North Street, Harrisburg, PA 17120, email *bafrederic@pa.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of PHMC, The State Museum of Pennsylvania, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of two cultural items have been requested for repatriation. The two sacred objects are a gourd rattle and one lot of organic powder. The sacred objects were removed from the Allegany Reservation, in Cattaraugus County, New York in 1925.

Determinations

PHMC, The State Museum of Pennsylvania has determined that:

- The two sacred objects described in this notice are, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, a specific ceremonial object needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and has ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).
- There is a connection between the cultural items described in this notice and the Seneca Nation of Indians.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, The State Museum of Pennsylvania must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The State Museum of Pennsylvania is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 25, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23162 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6745; NPS–WASO–NAGPRA–NPS0041464; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Department of Anthropology, University of South Florida, Tampa, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Department of Anthropology, University of South Florida has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Thomas J. Pluckhahn, Department of Anthropology, University of South Florida, 4202 E Fowler Avenue, SOC 107, Tampa, FL 33620–8100, email *tpluckhahn@usf.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Department of Anthropology, University of South Florida and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. No

associated funerary objects are present. The remains were excavated from the Trenner Site (8PI2250) in Pinellas County, FL, in 2009 under the supervision of Jeff Moates, then the Director of the Central and West Central Regions of the Florida Public Archaeology Network (FPAN) (hosted by the University of South Florida). FPAN had been asked to assist with investigations being conducted by a Scout troop in Weaver Park, in the city of Dunedin. The remains were identified during a recent re-inventory of materials collected from the excavation. The Trenner site is assumed to date to the late precolonial Safety Harbor period (ca. 1,000 to 500 years before present), based on ceramic types represented. We are not aware of the presence of any potentially hazardous substances used to treat any of the human remains.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The Department of Anthropology, University of South Florida have determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Miccosukee Tribe of Indians; Seminole Tribe of Florida; and The Seminole Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the Department of Anthropology, University of South Florida must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Department of Anthropology, University of South Florida is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 25, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23146 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6748; NPS–WASO–NAGPRA–NPS0041517; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: San Francisco State University, San Francisco, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the San Francisco State University (SF State) NAGPRA Program has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Alexander Dursin, San Francisco State University, 1600 Holloway Avenue, San Francisco, CA 94132, email *alexanderdursin@sfsu.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the SF State NAGPRA Program, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Ancestors representing at least two individuals have been identified. There are no associated funerary objects present. Two ancestors are believed to have been removed from Tiburon, Marin County, CA. The exact location of the ancestors' burials are unknown however, they have been marked with a tag marked ''Marin County, Seacliff Tiburon.'' It is not known how these ancestors were brought to SF State, at what time, or where from. They were labeled with tags marked with ''Dr. Hirabayashi'' and ''Jane Schellenberg.'' In 1970, there was an Associate Professor of Anthropology at SF State named Dr. Hirabayashi. In 1998, Julie London determined that these ancestors were culturally unidentifiable. New consultation with Federated Indians of Graton Rancheria has determined these items to be reasonably associated with their Tribe.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The SF State NAGPRA Program has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Federated Indians of Graton Rancheria, California.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after January 8, 2026. If competing requests for repatriation

are received, the SF State NAGPRA Program must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The SF State NAGPRA Program is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: December 3, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23196 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6746; NPS–WASO–NAGPRA–NPS0041465; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Department of Anthropology, University of South Florida, Tampa, FL, and Florida Department of State, Tallahassee, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Department of Anthropology, University of South Florida and the Florida Department of State (FDOS) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Thomas J. Pluckhahn, Department of Anthropology, University of South Florida, 4202 E Fowler Avenue, SOC 107, Tampa, FL 33620–8100, email *tpluckhahn@usf.edu* and Tea Kaplan, Florida Department of State, 2100 W Tennessee Street, Tallahassee, FL 32304, email *Tea.Kaplan@dos.fl.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Department of Anthropology, University of South Florida and the FDOS and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified in the collections from the Crystal River site (8CI1), in Citrus County, Florida. No associated funerary objects are present. The Crystal River site is a National Historic Landmark, preserved today on the property of Crystal River Archaeological State Park. The remains were excavated in 2013 by Dr. Thomas Pluckhahn of the University of South and were identified during a recent re-inventory of the collection. Crystal River dates to the Middle and Late Woodland periods, from around 1,500 to 1,000 years before present. We are not aware of the presence of any potentially hazardous substances used to treat any of the human remains.

Human remains representing, at least, one individual have been identified in the collections from the Roberts Island site (8CI41), in Citrus County, Florida. No associated funerary objects are present. The site is located on Crystal River Preserve State Park. The remains were excavated in 2013 by Dr. Thomas Pluckhahn of the University of South Florida and were identified during a recent re-inventory of the collection. Roberts Island dates to the Late Woodland period, from around 1,250 to 1,000 years before present. We are not aware of the presence of any potentially hazardous substances used to treat any of the human remains.

Both collections were excavated under a FDOS permit, and FDOS retains legal control of this collection. Physical custody is held by the Department of Anthropology, University of South Florida.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The Department of Anthropology, University of South Florida and FDOS have determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Miccosukee Tribe of Indians; Seminole Tribe of Florida; and The Seminole Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the Department of Anthropology, University of South Florida and FDOS must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Department of Anthropology, University of South Florida and FDOS are responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 25, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23147 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6731; NPS–WASO–NAGPRA–NPS0041491; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: San Diego State University, San Diego, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), San Diego State University (SDSU) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Jaime Lennox, San Diego State University, 5500 Campanile Drive, San Diego, CA 92182, email *jlennox@sdsu.edu*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of SDSU, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. The 10 lots of associated funerary objects representing approximately 500+ associated funerary objects are one lot of shell, one lot of lithics, one lot of unidentified items, one lot of pollen samples, one lot of soil samples, one lot of non-human faunal, one lot of fire affected rock, one lot of historic items, one lot of ground stone, and one lot of charcoal. In 1979, SDSU led excavations at site CA–SDI–6153 (W–2639; La Fleur) located in San Diego County, California, during which associated funerary objects and the burial of an ancestor were uncovered and removed. After excavation, the associated funerary objects were brought to SDSU's campus; it's unclear whether any of the ancestor's remains were brought to SDSU's campus at that time as they were unaccounted for until 2025. The resulting collection was given accession number SDSU–0093 (CMP–SDSU–0093) and included the then unaccounted for ancestor. A notice was published in the **Federal Register** for a portion of the associated funerary objects from the collection on October 24, 2000 (65 FR 63621); the associated funerary objects were listed as cultural items in the notice and were repatriated to the Tribes listed in the determinations section below in 2000. Additional associated funerary objects from the collection were not part of the repatriation in 2000 and remained in SDSU's custody; the remains of the ancestor were returned to SDSU in 2025. It is unknown whether any potentially hazardous substances were used to treat the associated funerary objects. A portion of the ancestral remains are documented as being partially soaked with ''Elmer's Glue-All'' and partially mended with ''Scotch Super Strength Adhesive.''

Human remains representing, at least, 54 individuals have been identified. The 15 lots of associated funerary objects representing approximately 180,000+ associated funerary objects are one lot of ground stone, one lot of historic items, one lot of worked non-human faunal, one lot of non-human faunal, one lot of ceramics, one lot of lithics, one lot of non-cultural items, one lot of fire affected rock, one lot of charcoal, one lot of unworked shell, one lot of worked shell, one lot of ochre, one lot of unmodified stone, one lot of soil, and one lot of seeds. The associated funerary objects and ancestral remains were removed from site CA–SDI–4638 (W–389; Bancroft Ranch) located in San Diego County, California during SDSU led excavations between 1970 and 1977. In 1980, the resulting collection was deeded to SDSU and was accessioned as SDSU–0094 (CMP–SDSU–0094). A notice of inventory completion was published in the **Federal Register** on October 24, 2000 (65 FR 63622) accounting for a minimum of one individual and two associated funerary objects, which were repatriated in 2001 to the Tribes listed in the determinations section below. The rest of the collection remained in SDSU's custody. It is unknown whether any potentially hazardous substances were used to treat the human remains or associated funerary objects.

No human remains are present. The seven lots of associated funerary objects representing approximately 700+ associated funerary objects are one lot of worked non-human faunal, one lot of lithics, one lot of ground stone, one lot of ceramics, one lot of unworked non-human faunal, one lot of unworked shell, and one lot of worked shell. Associated funerary objects and human remains were collected by Lt. Wayne O. Morris on an unknown date from an unrecorded site referenced as near the Carlton Hills Estates located in San Diego County, California; the collection was then donated to SDSU in 1965 and accessioned as SDSU–0102 (CMP–SDSU–0102). Previous repatriation of human remains from the collection (representing a minimum of one individual) occurred in 2010 to the Tribes listed in the determinations section below; the human remains were published in the **Federal Register** on July 18, 2003 (68 FR 42757). The rest of the collection remained in SDSU's custody. It is unknown whether any potentially hazardous substances were used to treat the human remains or associated funerary objects.

No human remains are present. The three lots of associated funerary objects representing approximately 200+ associated funerary objects are one lot of ceramics, one lot of lithics, and one lot of ground stone. At an unknown date, associated funerary objects and human remains were removed from site CA–IMP–2 located in Imperial County, California by an individual identified as Wakefield; SDSU subsequently received the collection in 1959 and assigned accession number SDSU–0172 (CMP–SDSU–0172). Previous repatriation of the human remains from the collection (representing a minimum of one individual) occurred in 2001 to the Tribes listed in the determinations section below; the human remains were published in the **Federal Register** on October 24, 2000 (65 FR 63622). The rest of the collection remained in SDSU's custody. It is unknown whether any potentially hazardous substances were used to treat the human remains or associated funerary objects.

No human remains are present. The five lots of associated funerary objects representing approximately 400+ associated funerary objects are one lot of unworked shell, one lot of historic items, one lot of ground stone, one lot of chipped stone, and one lot of soil samples. In 1980, associated funerary items were removed via surface collection and excavation at site CA–SDI–215 (Seaside Solana) located in San Diego County, California by cultural resource management firm RECON. SDSU subsequently received the collection from RECON in 1984 and assigned accession number SDSU–0202 (CMP–SDSU–0202). It is unknown whether any potentially hazardous substances were used to treat the human remains or associated funerary objects.

No human remains are present. The seven lots of associated funerary objects representing approximately 8,800+ associated funerary objects are one lot of lithics, one lot of soil samples, one lot of ground stone, one lot of historic items, one lot of unworked non-human faunal, one lot of unworked shell, and one lot of vegetal samples. In 1978, cultural items and human remains were removed via excavation from site CA–

SDI–5369 (W–40; San Dieguito Estates) located in San Diego County, California by cultural resources management firm RECON. SDSU subsequently received the collection on an unknown date (likely in 1984) and assigned accession number SDSU–0359 (CMP–SDSU–0359). Previous repatriation of the human remains from the collection (representing a minimum of one individual) occurred in 2001 to the Tribes listed in the determinations section below; the human remains were published in the **Federal Register** on October 24, 2000 (65 FR 63622). The rest of the collection remained in SDSU's custody. It is unknown whether any potentially hazardous substances were used to treat the human remains or associated funerary objects.

Human remains representing, at least, one individual have been identified. The 15 lots of associated funerary objects representing approximately 39,000+ associated funerary objects are one lot of lithics, one lot of soil samples, one lot of ground stone, one lot of unworked non-human faunal, one lot of shell, one lot of historic items, one lot of wood, one lot of charcoal, one lot of fire affected rock, one lot of ceramics, one lot of worked non-human faunal, one lot of unworked shell, one lot of worked shell, one lot of non-cultural items, and one lot of soil samples. In 1979, SDSU led excavations at site CA–SDI–6153 (W–2639; La Fleur) located in San Diego County, California during which associated funerary objects and human remains were removed. After excavation, the associated funerary objects and ancestral remains were brought to SDSU's campus. The majority of the cultural items and the ancestral remains were accessioned as collection SDSU–0093 (CMP–SDSU–0093), for which a notice was published in the **Federal Register** on October 24, 2000 for a portion of the associated funerary objects from the collection (65 FR 63621); repatriation of these associated funerary objects occurred in 2001 to the Tribes listed in the determinations section below. While housed at SDSU, for unknown reasons at an unknown time, a portion of the collection was separated and unaccounted for until 2013; the portioned-out collection was assigned accession number SDSU–0862 (CMP–SDSU–0862). It is unknown whether any potentially hazardous substances were used to treat the human remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

SDSU has determined that:

- The human remains described in this notice represent the physical remains of 56 individuals of Native American ancestry.
- The 62 lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California; Capitan Grande Band of Diegueno Mission Indians of California (Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California); Ewiiaapaayp Band of Kumeyaay Indians, California; Iipay Nation of Santa Ysabel, California; Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California; Jamul Indian Village of California; La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California; Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California; Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California; San Pasqual Band of Diegueno Mission Indians of California; and the Sycuan Band of the Kumeyaay Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, SDSU must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. SDSU is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: December 2, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23183 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6760; NPS–WASO–NAGPRA–NPS0041523; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Sonoma State University, Rohnert Park, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Sonoma State University has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Kirsten Twork, Sonoma State University, 1801 East Cotati Avenue, Rohnert Park, CA 94928, email *tworkk@sonoma.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Sonoma State University, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is

not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available 125 lots of associated funerary objects were removed from CA–COL–197/H located near the census designated place Arbuckle, in Colusa county California. The associated funerary objects were removed from the site during a PGT–PGE Pipeline Project. The items include unmodified faunal bone, unmodified shell, and botanical items. The items have been at Sonoma State University since 1992.

Based on the information available 57 lots of associated funerary objects were removed from CA–COL–198/H located near the census designated place Maxwell, in Colusa county California. The associated funerary objects were removed from the site during a PGT–PGE Pipeline Project. The items include unmodified faunal bone. The items have been at Sonoma State University since 1992.

Based on records concerning the associated funerary objects and the institution in which they are housed, there is no evidence of the objects being treated with hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the associated funerary objects described in this notice.

Determinations

The Sonoma State University has determined that:

- The 182 lots of associated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the associated funerary objects described in this notice and the Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Cortina Rancheria, California; Kletsel Dehe Wintun Nation of the Cortina Rancheria (*previously* listed as Kletsel Dehe Band of Wintun Indians); and the Yocha Dehe Wintun Nation, California.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the associated funerary objects in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the Sonoma State University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The Sonoma State University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: December 3, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23202 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6730; NPS–WASO–NAGPRA–NPS0041489; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Peabody Museum of Archaeology and Ethnology, Harvard University (PMAE) intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after January 20, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Jane Pickering, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, email *jpickering@fas.harvard.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the PMAE, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 14 cultural items has been requested for repatriation. The 14 objects of cultural patrimony are described as follows:

The one object of cultural patrimony collected from Upper Lake, Lake County, CA, is one lot of a basket. The object of cultural patrimony formerly belonged to Nutah, the father of Captain Chicken, was acquired by Grace A. Nicholson in 1906, and was donated to the PMAE by Lewis Hobart Farlow the same year.

The two objects of cultural patrimony collected from ''Big Valley'' in California are one lot of a basket and one lot of a basket beater. The objects of cultural patrimony were collected by Grace A. Nicholson and Carroll S. Hartman in 1910 and donated to the PMAE by Lewis Hobart Farlow the same year.

The three objects of cultural patrimony collected from unknown locations in California are one lot of a bear disguise or model, one lot of ear ornaments, and one lot of an elkhorn dagger, all made by William Benson, a known member of the Big Valley Band of Pomo Indians of the Big Valley Rancheria, California. The objects of cultural patrimony were collected by Grace A. Nicholson in 1907 and donated to the PMAE by Lewis Hobart Farlow the same year.

The one object of cultural patrimony collected from an unknown location in California is one lot of a spear. The object of cultural patrimony was purchased from Captain Cahidano by Grace A. Nicholson in 1906 and donated to the PMAE by Lewis Hobart Farlow the same year.

The seven objects of cultural patrimony collected from unknown locations in California are one lot of a hair pin, one lot of a whistle, one lot of a pair of ear ornaments, one lot of regalia, and one lot of a men's dance

skirt that were collected by Grace A. Nicholson and donated to the PMAE by Lewis Hobart Farlow between 1909 and 1918; one lot of a feather headdress and head pin collected by Grace A. Nicholson and Carroll S. Hartman in 1910 and donated to the PMAE by Lewis Hobart Farlow the same year; and one lot of a woman's headdress collected by an unknown person at an unknown date and donated to the PMAE by Mrs. Thomas B. Bishop in 1908.

Determinations

The PMAE has determined that:

- The 14 objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Big Valley Band of Pomo Indians of the Big Valley Rancheria, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the PMAE must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The PMAE is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: December 2, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23185 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6704; NPS–WASO–NAGPRA–NPS0041450; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Wisconsin-Madison Department of Anthropology, Madison, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Wisconsin-Madison Department of Anthropology has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Elizabeth Leith, University of Wisconsin-Madison Department of Anthropology, 1180 Observatory Drive, Madison, WI 53706, email *ealeith@wisc.edu*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Wisconsin-Madison Department of Anthropology, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. The individual was removed from Hughes County, South Dakota, in 1940 by an unknown individual. Traditional knowledge and archaeologists have both acknowledged a long occupation by the Mandan, Hidatsa, and Arikara Nation (Three Affiliated Tribes) in this geographic location. There is no known presence of any potentially hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The University of Wisconsin-Madison Department of Anthropology has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the University of Wisconsin-Madison Department of Anthropology must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The University of Wisconsin-Madison Department of Anthropology is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 25, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23154 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6765; NPS–WASO–NAGPRA–NPS0041524; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Sonoma State University, Rohnert Park, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Sonoma State University has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Kirsten Twork, Sonoma State University, 1801 East Cotati Avenue, Rohnert Park, CA 94928, email *tworkk@sonoma.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Sonoma State University, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, 74 lots of associated funerary objects have been identified.

A total of 13 lots of associated funerary objects were removed from CA–PLA–38 located near Roseville in Placer county California. There was no information found explaining why the cultural items were removed from the site. The cultural items are obsidian and have been housed at Sonoma State University since their submission.

A total of 61 lots of associated funerary objects were removed from CA–PLA–728/H located near Applegate in Placer county California. There was no information found explaining why the cultural items were removed from the site. The cultural items are obsidian and have been housed at Sonoma State University since their submission.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the associated funerary objects described in this notice.

Determinations

The Sonoma State University has determined that:

- The 74 lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the associated funerary objects described in this notice and the United Auburn Indian Community of the Auburn Rancheria of California.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the associated funerary objects in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, the Sonoma State University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The Sonoma State University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: December 3, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23203 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6725; NPS–WASO–NAGPRA–NPS0041485; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Western Michigan University, Institute for Intercultural and Anthropological Studies, Kalamazoo, MI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Western Michigan University (WMU) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after January 20, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Britt Hartenberger, Institute for Intercultural and Anthropological Studies, Western Michigan University, 1005 Moore Hall, Kalamazoo, MI 49008, email *britt.hartenberger@wmich.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of WMU, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 17 individuals have been identified. No associated funerary objects are present. In 1968, human remains were removed from the Brainerd Ossuary (20AE61) in Valley Township, Allegan County as part of an archaeological field school. In May 2011, WMU consulted with the Pokagon Band of Potawatomi Indians, the Match-e-be-nash-she-wish Band of Pottawatomi Indians, and the Saginaw

Chippewa Indian Tribe of Michigan, and published a Notice of Inventory Completion in the **Federal Register** (76 FR 28078). In July 2011, WMU repatriated these human ancestors and associated artifacts to the Pokagon Band of Potawatomi Indians.

In December 2023, WMU discovered additional human remains from Brainerd, deriving from the archaeological excavations and a set donated by one of the amateurs. No new associated funerary objects were found. The newly discovered skeletal collection consists of over 770 bone fragments, representing a minimum of 17 individuals ranging in age from infants to older adults. The fragmentary nature of the collection makes detailed age and sex assessments by individual difficult. No known individuals were identified from the excavated or otherwise obtained remains.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

WMU has determined that:

- The human remains described in this notice represent the physical remains of 17 individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Pokagon Band of Potawatomi Indians, Michigan and Indiana; and the Saginaw Chippewa Indian Tribe of Michigan.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after January 20, 2026. If competing requests for repatriation are received, WMU must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. WMU is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: December 2, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–23179 Filed 12–17–25; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–757 and 731–TA–1737–1738 (Final)]

Polypropylene Corrugated Boxes From China and Vietnam; Revised Schedule for the Subject Proceeding

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: December 15, 2025.

FOR FURTHER INFORMATION CONTACT: Camille Bryan ((202) 205–2811), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by 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 20, 2025, the Commission established a schedule for the conduct of the subject proceeding (90 FR 41595, August 26, 2025). Due to the lapse in appropriations and ensuing cessation of Commission operations, the Commission issued a revised schedule (90 FR 54369, November 26, 2025). Due to the Department of Commerce's tolling of case deadline by an additional 21 calendar days, the Commission is revising its schedule as follows: requests to appear at the hearing must be filed with the Secretary to the Commission on January 14, 2026; a prehearing conference will be held on January 16, 2026, if deemed necessary; parties shall file and serve written testimony and presentation slides in connection with their presentation at the hearing by no later than noon on January 20, 2026; the hearing will be held at the U.S. International Trade Commission Building at 9:30 a.m. on January 21, 2026; the deadline for filing posthearing briefs and for written statements from any person who has not entered an appearance as a party is January 28, 2026; the Commission will make its final release of information on February 9, 2026; and final party comments are due on February 11, 2026.

For further information concerning this proceeding, see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: December 15, 2025.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2025–23229 Filed 12–17–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–624–625 and 731–TA–1450–1451 (Review)]

Quartz Surface Products From India and Turkey; Determinations

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the antidumping and countervailing duty orders on quartz surface products from India and Turkey would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted these reviews on May 1, 2025 (90 FR 18697)

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

and determined on August 4, 2025, that it would conduct expedited reviews (90 FR 45245, September 19, 2025).[2]

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on December 16, 2025. The views of the Commission are contained in USITC Publication 5691 (December 2025), entitled *Quartz Surface Products from India and Turkey: Investigation Nos. 701–TA–624–625 and 731–TA–1450–1451 (Review).*

By order of the Commission.

Issued: December 16, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–23303 Filed 12–17–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–779 and 731–TA–1765–1766 (Preliminary)]

Chromium Trioxide From India and Turkey; Revised Schedule for the Subject Proceeding

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: December 12, 2025.

FOR FURTHER INFORMATION CONTACT: Laurel Schwartz (202–205–2398), 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: On October 2, 2025, the Commission published a notice of institution of these investigations, and on November 19, 2025, published a revised scheduling notice. The Commission is revising the current schedule as follows: the Commission views will be transmitted to Commerce on January 7, 2026.

For further information concerning this proceeding, see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (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 207.12 of the Commission's rules.

By order of the Commission.

Issued: December 15, 2025.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2025–23247 Filed 12–17–25; 8:45 am]

BILLING CODE 7020–02–P

[2] Due to the lapse in appropriations and ensuing cessation of Commission operations, the Commission tolled its schedule for this proceeding. The schedule was revised in a subsequent notice published in the **Federal Register** on November 28, 2025 (90 FR 54744).

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1435]

Certain Electrolyte Containing Beverages and Labeling and Packaging Thereof (II); Notice of a Commission Determination To Review in Part an Initial Determination Granting a Motion for Summary Determination of Violation; Request for Written Submissions on the Issue Under Review and on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined to review in part an initial determination (''ID'') (Order No. 18) of the presiding administrative law judge (''ALJ'') granting a motion for summary determination of violation. The Commission requests written submissions from the parties on the issue under review and from the parties, interested government agencies, and other interested persons on the issues of remedy, the public interest, and bonding, under the schedule set forth below.

FOR FURTHER INFORMATION CONTACT: Edward S. Jou, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3316. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on February 3, 2025, based upon a complaint, as supplemented (the ''Complaint''), filed on behalf of CAB Enterprises, Inc. of Houston, Texas; Sueros y Bebidas Rehidratantes, S.A. de C.V. of Guadalajara, Mexico; Brazos River Ventures LLC of Albany, New York; and Electrolit Manufacturing USA Inc. of Albany, New York (collectively, ''Complainants''). 90 FR 8811–12 (Feb. 3, 2025). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended (''section 337'') based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electrolyte containing beverages and labeling and packaging thereof by reason of infringement of one or more of U.S. Trademark Registration No. 4,222,726; U.S. Trademark Registration No. 4,833,885; U.S. Trademark Registration No. 4,717,350; and U.S. Trademark Registration No. 4,717,232. *Id.* The Complaint further alleges that an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337. *Id.* at 8811.

The Commission's notice of investigation named eight respondents: Empacadora Torres Mora, S. de R.L. de C.V. of Monterrey, Mexico; Version Expotaciones, S.R.L. de C.V. of Tijuana, Mexico; Mabed Distribuciones, S.A. de C.V. of Matamoros, Mexico; Salfe International Trade, S. de R.L. de C.V. (''Salfe'') of Garza Garcia, Mexico; Exportadora de Abarrotes del Pacifico, S.A. de C.V. (''Pacifico'') of Torreon, Mexico; Centro de Distribucion de Carbon Allende, S.A. de C.V. of Allende, Mexico; Wenceslao Colunga Ruiz (''Ruiz'') of Camargo, Mexico; and Distribuidora de Productos Heres, S.A. de C.V. (''Heres'') of Allende, Mexico. *Id.* at 8812. The Office of Unfair Import Investigations (''OUII'') is also a party to this investigation. *Id.*

The investigation was terminated with respect to respondents Ruiz and Heres based on withdrawal of the complaint. Order No. 7 (Mar. 11, 2025),

unreviewed by Comm'n Notice (Apr. 9, 2025).

On April 18, 2025, the ALJ issued an order requiring the remaining respondents in the investigation to show cause why they should not be found in default. Order No. 9 (Apr. 18, 2025). Respondent Pacifico filed an answer to the Complaint on May 1, 2025, and the investigation was subsequently terminated with respect to Pacifico based on a consent order. Order No. 10 (May 23, 2025), *unreviewed by* Comm'n Notice (June 17, 2025). The investigation was also terminated with respect to respondent Salfe based on a consent order. Order No. 12 (June 25, 2025), *unreviewed by* Comm'n Notice (July 14, 2025). The remaining four respondents did not file any response to the complaint and notice of investigation or to the order to show cause for failure to do so.

On July 21, 2025, Complainants filed a motion for summary determination of violation, and on July 22, 2025, Complainants filed a motion for leave for acceptance of a corrected motion for summary determination, which was granted pursuant to Order No. 15 (July 22, 2025). On August 4, 2025, OUII filed a response in support of Complainants' motion.

On September 10, 2025, the ALJ issued the subject ID granting the motion for summary determination, which included a recommended determination on remedy and bonding. No petitions for review of the ID were filed.

Having reviewed the record of the investigation, including the ID, the pleadings, and the parties' briefing on summary determination, the Commission has determined to review the ID in part. Specifically, the Commission has determined to review the ID's findings with respect to the economic prong of the domestic industry requirement. The Commission has determined not to review the other findings in the ID.

In connection with its review, the Commission requests responses to the following question:

Question 1: On or before the date of the complaint, explain how and to what extent the investments relating to the Texas manufacturing facility were with respect to the protected domestic industry articles as required under section 337(a)(2). Please provide citation to any evidence in the record that would support this. If such investments were not exclusively with respect to the protected domestic industry articles, explain how the asserted domestic investments for the facility can be allocated with respect to the protected domestic industry articles.

The parties are requested to brief their positions with reference to the applicable law and the existing evidentiary record.

In connection with the final disposition of this investigation, the statute authorizes issuance of, *inter alia,* (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States; and/or (2) cease and desist orders that could result in the respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (Dec. 1994).

In connection with its remedy determination, the Commission requests responses to the following question:

Question 2: Identify evidence or allegations that the foreign defaulting respondents maintain commercially significant inventories and/or engage in significant commercial operations in the United States.

The parties are requested to brief their positions with reference to the applicable law and the existing evidentiary record.

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and cease and desist orders would have on: (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's determination. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: Parties are requested to file written responses to the briefing questions above. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding.

In their initial submission, Complainants are also requested to identify the remedy sought and Complainants and OUII are requested to submit proposed remedial orders for the Commission's consideration. Complainants are further requested to provide the HTSUS subheadings under which the accused products are imported, and to supply the identification information for all known importers of the products at issue in this investigation. All initial written submissions, from the parties and/or third parties/interested government agencies, and proposed remedial orders from the parties must be filed no later than close of business on January 5, 2026. All reply submissions must be filed no later than the close of business on January 12, 2026. Opening submissions from the parties are limited to 20 pages. Reply submissions shall be limited to 10 pages. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (Inv. No. 337–TA–1435) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary, (202) 205–2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be

deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed with the Commission and served on any parties to the investigation within two business days of any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

The Commission vote for this determination took place on December 15, 2025.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: December 15, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–23176 Filed 12–17–25; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

United States et al. v. Constellation Energy Corporation et al.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that a proposed Final Judgment, Stipulation, and Competitive Impact Statement have been filed with the United States District Court for the District of Columbia in *United States of America et al.* v. *Constellation Energy Corporation et al.,* Civil Action No. 1:25–cv–04235–ABJ. On December 5, 2025, the United States filed a Complaint alleging that Constellation Energy Corporation's proposed acquisition of Calpine Corporation would violate Section 7 of the Clayton Act, 15 U.S.C. 18. The proposed Final Judgment, filed at the same time as the Complaint, requires Constellation to divest the Calpine electric generating facilities listed below.

In the area operated by the Electric Reliability Council of Texas:

- Jack A. Fusco Energy Center, located southwest of the city of Houston, Texas; and
- Calpine's minority ownership interest in the Gregory Energy Center, located northeast of the city of Corpus Christi, Texas.

In the area operated by PJM Interconnection, LLC:

- Bethlehem Energy Center, located in Bethlehem, Pennsylvania;
- Edge Moor Energy Center, located in Wilmington, Delaware;
- Hay Road Energy Center, located in Wilmington, Delaware; and
- York Energy Center (York 1 and York 2), located southeast of the city of York, Pennsylvania.

A Competitive Impact Statement filed by the United States on December 12, 2025, describes the Complaint, the proposed Final Judgment, the industry, and the remedies available to private litigants who may have been injured by the alleged violation.

Copies of the Complaint, proposed Final Judgment, and Competitive Impact Statement are available for inspection on the Antitrust Division's website at *http://www.justice.gov/atr* and at the Office of the Clerk of the United States District Court for the District of Columbia. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Public comment is invited within 60 days of the date of this notice. Such comments, including the name of the submitter, and responses thereto, will be posted on the Antitrust Division's website, filed with the Court, and, under certain circumstances, published in the **Federal Register**. Comments should be submitted in English and directed to Patricia Cororan, Acting Chief, Transportation, Energy & Agriculture Section, Antitrust Division, Department of Justice, 450 Fifth Street NW, Suite 8000, Washington, DC 20530 (email address: *ATR.Public-Comments-Tunney-Act-MB@usdoj.gov*).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

United States District Court for the District of Columbia

UNITED STATES OF AMERICA, U.S. Department of Justice, Antitrust Division, 450 5th Street NW, Suite 8000, Washington, DC 20001, and STATE OF TEXAS, Office of the Texas Attorney General, Antitrust Division, P.O. Box 12548, Austin, TX 78711, Plaintiffs, v. *CONSTELLATION ENERGY CORPORATION, 1310 Point Street, Baltimore, MD 21231, CALPINE CORPORATION, 717 Texas Avenue, Suite 1000, Houston, TX 77001, and CPN CS HOLDCO CORP., 717 Texas Avenue, Suite 1000, Houston, TX 77001,* Defendants.

Case No.: 1:25–cv–04235–ABJ

COMPLAINT

Constellation Energy Corporation (''Constellation'') seeks to buy one of its largest rivals, Calpine Corporation (''Calpine''), in a proposed acquisition that would create the largest wholesale power generator in the United States with a formidable array of assets. The combination of those assets would risk affording Constellation the opportunity to profitably raise the price of electricity for millions of citizens and businesses in Texas and parts of the mid-Atlantic, likely resulting in increased energy costs of more than $100 million per year. The United States and the State of Texas bring this suit to preserve competition.

I. Introduction

1. Electricity is an essential resource to people and companies across the country.

Whether storing food in refrigerators, keeping the lights on in workplaces, watching a football game, or powering lifesaving support systems in hospitals, Americans depend on electricity for almost every facet of their daily lives. Demand for electricity is increasing rapidly, as the population grows and innovative technologies like cloud computing and artificial intelligence rely ever more on energy-intensive data centers. In Texas, the highest level of electricity consumption (so-called ''peak load'') handled by its largest electrical grid is expected to increase by 72% from 2024 to 2030. In the multistate power grid that includes the mid-Atlantic, summer peak load is expected to increase by 3.1% per year over the next decade. Despite this rapidly increasing demand, it is challenging to

add new reliable generation to the nation's power grids.

2. Consumers and businesses demand instantaneous access to electricity to avoid disruption to their lives and work. Demand for electricity changes depending on weather and patterns of social and business activity that vary with the time of day, day of week, and season of year. For example, peak demand may be reached during the hottest summer days or coldest winter nights, when air conditioning or electric heating are most needed. Lower demand may occur on some weekends or major holidays when many businesses are closed. Electricity must be produced and delivered in line with this fluctuating demand, and electrical grid operators call upon power generators like Constellation and Calpine to turn power generation plants on or shut them off to balance the supply of electricity with demand.

3. To determine which plants should be turned on or shut off, and how much electricity each plant should produce, the grid operator conducts daily and intra-day auctions. These electricity auctions set the prices paid to every generation unit. Constellation and Calpine compete against each other and against other generators in these auctions by submitting offers from each of their individual generation units to produce certain amounts of electricity at certain times and prices to meet demand. The offers of individual generation units are accepted from lowest to highest price until the total amount of electricity from the generation units combined satisfies the demand for a particular period. The price for the last unit's offer necessary to meet real-time demand, referred to as the market-clearing price, sets the price paid at that auction for every other individual unit that has received an accepted offer.

4. In other words, the price of electricity is set by the highest price offered by the individual power generating unit whose offer is accepted. All other generating units with lower offers that had offers accepted receive the same market-clearing price for the electricity they produce within a given period, despite having offered lower prices. Because the same price is paid by all wholesale electricity customers, even small price increases driven by one generator's offer strategy, executed during specific times throughout the year, can lead to market-wide price increases, adding tens or even hundreds of millions of dollars annually in increased electricity bills for consumers and businesses.

5. On January 10, 2025, Constellation announced plans to acquire Calpine for a net purchase price of $26.6 billion (the ''Acquisition''). If allowed to proceed, the Acquisition would create the largest wholesale electricity generating company in the United States.

6. Constellation and Calpine each sell wholesale electricity to two of the nation's major electricity grids, among others. The Electric Reliability Council of Texas (''ERCOT'') encompasses most of Texas, and PJM Interconnection LLC (''PJM'') includes all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia.

7. The Acquisition would eliminate substantial competition between Constellation and Calpine within both of these grids by increasing the opportunity for the combined firm to engage profitably in a strategy that withholds output from one of its plants, forcing the grid operator to call on a higher-cost plant to set the market price. Increasing the market-clearing price would benefit the combined firm's plants that have had offers accepted, as well as all other active plants in the market. The aggregation of Constellation and Calpine's portfolios of generation capacity within each of these two grids confers more opportunities for the combined firm to engage profitably in anticompetitive withholding that would raise wholesale electricity prices within those grids.

8. In short, the Acquisition would eliminate competition between Constellation and Calpine, thereby increasing Constellation's ability and incentive to anticompetitively withhold electricity to raise wholesale electricity prices beyond what either company could do today as independent competitors. A successful withholding strategy could result in increased retail electricity prices paid by tens of millions of residential, commercial, and industrial customers across Texas and the area that includes southeastern Pennsylvania, New Jersey, Delaware, and the eastern shores of Maryland and Virginia.

II. The Defendants

9. Constellation is a Pennsylvania corporation headquartered in Baltimore, Maryland. Constellation is one of the largest competitive electric generation companies in the nation, as measured by owned and contracted megawatts.

10. In ERCOT, Constellation owns or exercises control over two combined-cycle natural gas plants and one steam turbine plant. In addition, it has a 44% interest in the South Texas Project nuclear plant and two wind farms. Constellation's combination of nuclear, wind, and natural gas electricity power plants collectively have the capacity to generate approximately 5,000 megawatts (MW) of electricity in Texas. (For context, one megawatt serves between 800 to 1,000 homes.)

11. In PJM, Constellation owns or exercises control over 25 total plants and has a partial ownership interest in three. This includes combined-cycle natural gas plants, nuclear plants, coal plants, oil plants, and solar and wind renewals. These plants collectively provide more than 20,000 MW of electric capacity across PJM.

12. Calpine is a Delaware corporation headquartered in Houston, Texas. Calpine is the largest generator of electricity from natural gas and geothermal resources in the United States.

13. In ERCOT, Calpine owns or exercises control over 13 combined-cycle plants and one combustion turbine natural gas plant. In addition, Calpine is constructing another combustion turbine natural gas plant expected to come online in 2026 and holds a 28% interest in one additional operating combined-cycle natural gas plant. Calpine's power plants collectively have the capacity to generate approximately 9,000 MW of electricity, making it the third-largest electricity generation supplier in the state.

14. In PJM, Calpine owns or exercises control over 14 total plants, including natural gas plants, oil plants, and solar facilities. These plants collectively provide more than 5,000 MW of electric capacity.

15. CPN CS Holdco Corp. (''Holdco'') is a Delaware corporation headquartered in Houston, Texas and a direct wholly owned subsidiary of Calpine. Calpine created Holdco as a vehicle for its sale to Constellation.

III. How Electricity Is Generated and Sold

A. Wholesale Electricity

16. Electricity supplied to retail customers is produced at power plants. Wholesale electricity is electricity that is generated for ''sale for resale'' to utilities or retail electric providers that in turn resell it to end consumers, such as households and businesses. Power plants often contain several individual generating units that transform energy from fuel or a renewable resource into electricity. Important generating technologies in these units include steam turbines, combustion turbines,

and combined-cycle turbines powered by natural gas, oil, or coal, as well as nuclear reactors, wind turbines, and solar panels.

17. Generating units vary considerably in their operating costs, which are determined primarily by the cost of fuel and how efficiently that fuel can be converted into electricity.

- *Renewable* units, such as solar farms and wind turbines, have very low operating costs, but can operate only when the sun is shining or the wind is blowing.
- *Baseload* units, such as nuclear plants and some coal-fired steam turbine units, also have relatively low operating costs and provide consistent generation throughout the day and across each season of the year. Nuclear plants are designed to operate at full capacity unless they are offline for refueling outages. For many coal units, it is impractical to turn them on and off on a short-term basis because of long startup times and mechanical stress from cycling the units on and off.
- *Mid-merit* units, such as combined-cycle natural gas units and some coal steam turbines, can typically be turned on or have their output adjusted more quickly than baseload units.
- *Peaking* units, such as oil- and gas-fired combustion or gas-fired steam turbine units, tend to run only during periods of high (or ''peak'') electricity demand. They typically have the highest operating costs of any generation units but are also the easiest to turn on and shut off. This makes them critical for balancing supply and demand to keep the lights on without overloading the system.

18. Electricity generated at a plant is transported via an extensive set of interconnected high voltage lines and equipment, known as the transmission grid, to lower voltage distribution lines that relay electricity to homes and businesses. Transmission grid operators closely monitor the grid to prevent too little or too much electricity from flowing over the grid, either of which can risk widespread blackouts through damage to the lines, equipment, or generating units connected to the grid. To avoid damage and service interruptions, grid operators manage a grid to prevent additional electricity from flowing over a transmission line as that line approaches its operating limit (a ''transmission constraint'').

B. The Electric Reliability Council of Texas

19. ERCOT is an independent system operator that serves as the electricity grid and market operator for most of Texas. This means it manages the purchase of wholesale electricity from Constellation, Calpine, and their competitors, as well as the resale and transmission of that electricity to utilities and retail electric providers that directly serve end customers.

20. ERCOT is a membership-based nonprofit corporation subject to oversight by the Public Utility Commission of Texas. Its members include consumers, cooperatives, generators, power marketers, retail electricity providers, investor-owned electric utilities, transmission and distribution providers, and municipally owned electric utilities.

C. PJM Interconnection

21. PJM is a regional transmission organization that manages the wholesale electricity market and transmission grid that supplies electricity to all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia.

22. PJM is a private, nonprofit organization whose members include transmission line owners, generation owners, distribution companies, retail customers, and retail electricity suppliers.

23. PJM manages the largest transmission grid in the United States, which provides electricity to more than 67 million people. Each year, PJM is responsible for overseeing more than $25 billion in wholesale electricity sales.

D. ERCOT and PJM Use Auctions To Set the Price of Electricity

24. ERCOT and PJM each oversee two auctions to set the price of wholesale electricity and ensure there is enough supply to meet demand in their respective parts of the country. The first is a ''day-ahead'' auction that sets hourly prices for the next day, and the second is a ''real-time'' auction that sets prices for each five-minute interval throughout the operating day to reflect changing demand for electricity at specific times. In both auctions, competing generators, including Constellation and Calpine, submit offers for each of their generation units to sell electricity to electricity retailers at a specific price. These offers are the primary means by which electricity generators compete to supply electricity in ERCOT and PJM and drive the price consumers ultimately pay for it.

25. In the day-ahead auctions, each buyer typically submits a bid to ERCOT or PJM that identifies the amount of electricity that the buyer expects to need for each hour of the next day. ERCOT or PJM then adds up the bids to determine how much total electricity is expected to be demanded by buyers each hour. Each generator offering electricity in the day-ahead market (such as Constellation and Calpine) submits an offer to sell electricity to ERCOT or PJM that indicates, for each generating unit, the amount of electricity it is willing to sell the next day and the price at which it is willing to sell.

26. Subject to the physical limitations of their transmission grids, ERCOT and PJM seek to ''dispatch'' generating units, that is, to call on them to generate electricity in ''merit'' order, meaning from lowest offer price to highest. In the day-ahead auction, subject to expected transmission constraints, ERCOT and PJM take the least expensive offer first and then accept offers at progressively higher prices until the needs for each hour of the next day are covered. This minimizes the total cost of generating the electricity required for the next day. The clearing price for any given hour is determined by the generating unit with the highest offer price that is needed for that hour. All other sellers for that hour receive that identical price regardless of the individual unit's own offer price or costs. So, a generating unit that offers a lower price to ERCOT or PJM is paid the higher clearing price if electricity from additional, higher-priced generating units is needed to meet demand.

27. The real-time auctions reconcile the outcome of the day-ahead auctions with actual supply and demand. ERCOT and PJM follow the same auction mechanism as in the day-ahead auctions, by accepting sellers' offers in merit order, subject to the physical and/engineering limitations of the transmission grid, until there is enough electricity to meet actual demand. In the real-time auctions, however, ERCOT and PJM set prices for each five-minute interval of the day.

28. Transmission constraints sometimes affect PJM's merit order. When the lowest- cost generation cannot be dispatched because it would overload a transmission constraint, it is called ''congestion.'' To avoid congestion while still satisfying demand, PJM must call on higher-priced units that, given their location on the grid, do not overload transmission constraints. When this happens, prices are lower on one side of the constraint and higher on the other side. In other words, when the capacity of the transmission lines connecting two regions within PJM is reached so that electricity cannot flow from one region to another, the demand within each region has to be met by electricity that

is generated within that region. In these situations, competition and thus pricing can be different across the different regions within PJM.

IV. The Relevant Markets for Evaluating the Proposed Acquisition

A. Wholesale Electricity Is a Relevant Product Market

29. Wholesale electricity is a relevant product market for evaluating the potential competitive impact of the Acquisition. And each hourly increment in which wholesale electricity is sold in ERCOT's or PJM's ''day-ahead'' auction, as well as each five-minute increment in the ERCOT or PJM ''real-time'' auctions, constitutes a separate relevant product market. This is because electricity available in one time period is not a substitute for electricity available in another time period (notwithstanding the ability to use batteries to some extent to transfer electricity from one time period to another). While supply and demand for wholesale electricity can vary in different periods, both auctions share a common feature: in the event of a small but significant non-transitory increase in the price of wholesale electricity at relevant times, not enough purchasers are likely to switch away from wholesale electricity to make that increase unprofitable. Additionally, in the event of a small but significant non-transitory increase in the price of wholesale electricity within an hourly or five-minute interval, not enough purchasers would switch to consuming wholesale electricity in a different time period to make that price increase unprofitable. This means that each of these specific auction time intervals markets is a relevant product market and a ''line of commerce'' within the meaning of Section 7 of the Clayton Act.

30. While each of these specific time intervals is a relevant product market, they can be aggregated into a ''cluster market'' for analytical convenience for considering whether the Acquisition violates the antitrust laws. For example, all 24 hours in a single day in either PJM or ERCOT's ''day-ahead'' auction could be aggregated into one market, as could all five-minute intervals in a single hour in PJM or ERCOT's ''real-time'' auction. Separate cluster markets could also be created for periods of time that exhibit similar market contexts and competitive dynamics—for example, summer afternoons or winter nights.

B. ERCOT Is a Relevant Geographic Market

31. The region covered by ERCOT is a relevant geographic market for evaluating the potential competitive impact of Constellation's purchase of Calpine and a ''section of the country'' within the meaning of Section 7 of the Clayton Act. ERCOT serves more than 27 million Texans, who collectively account for about 90% of the state's electricity demand. In 2024, ERCOT was responsible for overseeing the sale of more than $14.4 billion in wholesale electricity.

32. In the event of a small but significant non-transitory increase in the price of wholesale electricity within ERCOT, not enough purchasers in the ERCOT region are likely to switch to purchasing from regions outside ERCOT to make that increase unprofitable. At its annual peak, electricity demand in ERCOT exceeds 85,000 MW. ERCOT's connections to Mexico's grid and to the Southwest Power Pool grid, which collectively can allow about 1,200 MW of electricity to flow into ERCOT, are insufficient to prevent generators from imposing a small but significant non-transitory price increase within ERCOT.

C. PJM Coastal Mid-Atlantic Is a Relevant Geographic Market

33. The PJM Coastal Mid-Atlantic geographic area is a relevant geographic market for evaluating the potential competitive impact of Constellation's purchase of Calpine and a ''section of the country'' within the meaning of Section 7 of the Clayton Act. The PJM Coastal Mid-Atlantic geographic area is a distinct area within the PJM region that includes southeastern Pennsylvania, New Jersey, Delaware, and the eastern shores of Maryland and Virginia. In 2024, approximately $4 billion of wholesale electricity was generated and supplied to more than 10 million people and businesses in PJM Coastal Mid-Atlantic.

34. PJM Coastal Mid-Atlantic is affected by a major transmission constraint located near the Maryland-Pennsylvania border, called Nottingham, that divides PJM Coastal Mid-Atlantic from the rest of the PJM region. Generators within PJM Coastal Mid-Atlantic frequently sell electricity into other areas to the west and south. But when transmission lines are constrained, the amount of electricity that generators within PJM Coastal Mid-Atlantic can sell outside of the area is limited. As a result, electricity prices in PJM Coastal Mid-Atlantic often differ from prices in other areas within the PJM region.

35. When Nottingham is constrained, purchasers of wholesale electricity for use in PJM Coastal Mid-Atlantic have limited ability to turn to generation originating outside of PJM Coastal Mid-Atlantic. During these times, the amount of electricity that purchasers could obtain from generators outside PJM Coastal Mid-Atlantic is insufficient to deter generators located in PJM Coastal Mid-Atlantic from imposing a small but significant non-transitory price increase.

V. The Acquisition Is Reasonably Likely To Raise Electricity Prices

36. The combination of Constellation and Calpine's electricity generating units serving ERCOT and PJM Coastal Mid-Atlantic would eliminate competition between them and enhance Constellation's post-Acquisition ability and incentive to withhold electricity to raise wholesale electricity price anticompetitively in those markets.

A. Constellation's Ability and Incentive To Raise Wholesale Electricity Price in ERCOT

37. The Acquisition would increase opportunities for Constellation to profitably engage in a withholding strategy that would increase wholesale electricity prices in Texas. The Acquisition would almost triple Constellation's generation capacity to nearly 14,000 MW in ERCOT and add to its Texas portfolio a fleet of gas plants that have relatively higher operating costs than Constellation's current fleet. Constellation has three gas plants—one steam turbine plant and two combined-cycle plants—that total approximately 3,500 MW. It also has a 44% share in a nuclear plant with a capacity of approximately 2,600 MW and owns two small wind generating assets that collectively have about 170 MW of capacity. Calpine owns or controls 13 combined-cycle gas plants in ERCOT and has a minority share in a fourteenth plant that together have 9,000 MW of capacity.

38. The Acquisition would make Constellation the second-largest electric generation company in Texas, controlling more than 12% of ERCOT's generating capacity and over 20% of the natural gas generation capacity in ERCOT that often sets the clearing price. This portfolio of gas generation plants represents the ''marginal fuel'': natural gas sets the price for all customers in ERCOT the majority of the time, and is particularly valuable in ERCOT, where the electricity grid relies on gas to complement and support its increasing use of intermittent renewable resources such as sun and wind to generate electricity.

39. The Acquisition would give Constellation a broader portfolio of assets that can be turned on and shut off more readily and quickly would enable it to more frequently and more

strategically withhold electricity at lower opportunity costs in order to enjoy increased market prices on the other generation units it continues to operate. By withholding a unit—or combination of units—from ERCOT's ''day-ahead'' or ''real-time'' auctions, Constellation could force ERCOT to accept an offer from a higher-priced unit. This would in turn raise the market-wide price to the benefit of Constellation's other units. The additional revenues received by Constellation's lower-cost generating unit(s) because of anticompetitively higher market-wide prices would frequently more than compensate for the lost profits from the generating unit(s) withheld. In other words, after the Acquisition, Constellation would be in a better position than either it or Calpine are today as independent competitors to profit from withholding output and raising the market-wide price to anticompetitive levels.

40. Because every other generation unit needed to meet demand in ERCOT would also receive the anticompetitively higher market-wide prices, the market-wide harm is much greater than simply Constellation's increased profits and the harm would be felt across the entire region. A small price increase that results in only millions in profit to Constellation could result in more than $100 million in harm to Texas consumers.

B. Constellation's Ability and Incentive To Raise Wholesale Electricity Price in PJM Coastal Mid-Atlantic

41. The Acquisition would enhance Constellation's ability to withhold output and raise the wholesale electricity price in PJM Coastal Mid-Atlantic by increasing its ownership of mid-merit and peaking units, which can be turned on or shut off more quickly than other types of generation assets. The Acquisition would enable Constellation to more frequently and more strategically withhold generation capacity at lower opportunity costs.

42. Constellation can withhold capacity in several ways, such as by submitting high offers in the PJM auctions for some of the capacity from its higher-cost units so that they are not called on to produce electricity. By withholding capacity from a unit—or combination of units—from PJM's ''day-ahead'' or ''real-time'' auction, Constellation could force PJM to accept an offer from a higher-priced unit in order to meet demand. This would raise the price in PJM Coastal Mid-Atlantic to the benefit of Constellation's other units supplying power to this area.

43. The additional revenues received by Constellation's lower-cost generation units, including its nuclear plants, because of anticompetitively higher prices in PJM Coastal Mid-Atlantic would more than compensate for the lost profits from the generating unit(s) withheld. In other words, after the Acquisition, Constellation would be in a better position than either it or Calpine is today as an independent competitor to profit from reducing output and raising the wholesale electricity price in PJM Coastal Mid-Atlantic.

44. Increasing Constellation's incentive and ability to profitably withhold capacity for PJM Coastal Mid-Atlantic increases the likelihood that Constellation will exercise market power after its acquisition of Calpine.

VI. Potential Entry Would Not Offset Anticompetitive Effects

45. Entry into wholesale electricity markets by building new generation capacity in either ERCOT or PJM Coastal Mid-Atlantic requires significant capital investment in generating equipment, infrastructure, and technology, and generally takes many years, considering the necessary environmental, safety, zoning, and regulatory approvals.

46. In both ERCOT and PJM Coastal Mid-Atlantic, recent supply chain dynamics and rising inflation have made it more difficult and expensive for companies to procure transformers and turbines to build gas-fired generation plants. Furthermore, the anticipated increase in electricity demand (*e.g.,* to power AI data centers as well as population growth and increased economic activity) has led to long queues for the delivery of new gas turbines, so that new entry is unlikely to be timely.

47. In PJM, interconnection queue wait times, or the duration from initial connection request to commercial operations, have increased substantially since the early 2000s. Building new high-voltage transmission that would relieve the constraints that limit the flow of electricity out of PJM Coastal Mid-Atlantic would also generally take many years, and require significant capital investment and multiple environmental, safety, zoning, and regulatory approvals.

48. Entry into wholesale electricity markets in ERCOT and PJM Coastal Mid-Atlantic would not be timely, likely, or sufficient in magnitude, character, or scope to defeat an anticompetitive price increase resulting from the Acquisition.

49. To the extent that there is new entry, including entry from renewable generation units, it will likely lag behind the substantial increases in demand projected in ERCOT and PJM Coastal Mid-Atlantic.

50. Defendants also cannot demonstrate verifiable, merger-specific efficiencies sufficient to offset the Acquisition's anticompetitive effects.

VII. Jurisdiction and Venue

51. The United States brings this action pursuant to Section 15 of the Clayton Act, as amended, 15 U.S.C. 25, to prevent and restrain Defendants from violating Section 7 of the Clayton Act, 15 U.S.C. 18.

52. The State of Texas brings this action under Section 16 of the Clayton Act, 15 U.S.C. 26, as *parens patriae* on behalf of and to protect its general economy and the health and welfare of its residents and to prevent and restrain the violation by Defendants of Section 7 of the Clayton Act, 15 U.S.C. 18.

53. Defendants are engaged in interstate commerce and in activities substantially affecting interstate commerce. The Court has subject-matter jurisdiction over this action pursuant to Section 15 of the Clayton Act, 15 U.S.C. 25, and 28 U.S.C. 1331, 1337(a), and 1345.

54. Defendants have consented to venue and personal jurisdiction in this judicial district. Venue is therefore proper in this District under Section 12 of the Clayton Act, 15 U.S.C. 22, and 28 U.S.C. 1391(c).

VIII. Violation Alleged

55. The Acquisition, if it were consummated, likely would lessen competition substantially for wholesale electricity in ERCOT and PJM Coastal Mid-Atlantic, in violation of Section 7 of the Clayton Act, 15 U.S.C. 18.

56. Unless restrained, the Acquisition likely would have the following anticompetitive effects, among others:

(a) Competition in wholesale electricity markets in ERCOT and PJM Coastal Mid-Atlantic would be substantially lessened;

(b) Constellation would wield increased market power in wholesale electricity markets in ERCOT and PJM Coastal Mid-Atlantic; and

(c) Prices for wholesale electricity in ERCOT and PJM Coastal Mid-Atlantic would increase.

IX. Request for Relief

57. Plaintiffs request that this Court:

(a) Adjudge Constellation's proposed acquisition of Calpine to violate Section 7 of the Clayton Act, 15 U.S.C. 18;

(b) Permanently enjoin and restrain Defendants from consummating the proposed acquisition of Calpine by

Constellation or from entering into or carrying out any contract, agreement, plan, or understanding, the effect of which would be to combine Calpine and Constellation;

(c) Award the Plaintiffs their costs for this action; and

(d) Award the Plaintiffs such other and further relief as the Court deems just and proper.

Dated: December 5, 2025.

Respectfully submitted,

FOR PLAINTIFF UNITED STATES OF AMERICA:

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United States District Court for the District of Columbia

UNITED STATES OF AMERICA and STATE OF TEXAS, Plaintiffs, v. *CONSTELLATION ENERGY CORPORATION, CALPINE CORPORATION, and CPN CS HOLDCO CORP.,* Defendants.

Case No. 1:25–cv–04235–ABJ

Proposed Final Judgment

Whereas, Plaintiffs, United States of America and the State of Texas (''Texas''), filed their Complaint on December 5, 2025;

And whereas, Plaintiffs and Defendants, Constellation Energy Corporation, Calpine Corporation, and CPN CS Holdco Corp., have consented to entry of this Final Judgment without the taking of testimony, without trial or adjudication of any issue of fact or law, and without this Final Judgment constituting any evidence against or admission by any party relating to any issue of fact or law;

And whereas, Defendants agree to make certain divestitures to remedy the loss of competition alleged in the Complaint;

And whereas, Defendants represent that the divestitures and other relief required by this Final Judgment can and will be made and that Defendants will not later raise a claim of hardship or difficulty as grounds for asking the Court to modify any provision of this Final Judgment;

Now therefore, it is *ordered, adjudged, and decreed:*

I. Jurisdiction

The Court has jurisdiction over the subject matter of and each of the parties to this action. The Complaint states a claim upon which relief may be granted against Defendants under Section 7 of the Clayton Act (15 U.S.C. 18).

II. Definitions

As used in this Final Judgment:

A. ''Acquirer'' or ''Acquirers'' means the entity or entities approved by the United States, in its sole discretion, to which Defendants divest any of the Divestiture Assets or with which Defendants, after approval by the United States in its sole discretion, have entered into definitive contracts to sell any of the Divestiture Assets. The word ''Acquirer'' in this Final Judgment may have both singular and plural meaning.

B. ''Calpine'' means Defendant Calpine Corporation, a Delaware corporation with its headquarters in Houston, Texas, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

C. ''Constellation'' means Defendant Constellation Energy Corporation, a Pennsylvania corporation with its headquarters in Baltimore, Maryland, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

D. ''CPN'' means Defendant CPN CS Holdco Corp., a Delaware corporation headquartered in Houston, Texas and a direct, wholly-owned subsidiary of Calpine. Calpine created CPN as a vehicle for its sale to Constellation.

E. ''Divestiture Assets'' means the ERCOT Divestiture Assets and the PJM Divestiture Assets.

F. ''Divestiture Date'' means each date on which the ERCOT Divestiture Assets or the PJM Divestiture Assets are divested to an Acquirer or Acquirers under this Final Judgment. There may be different Divestiture Dates for each of the ERCOT Divestiture Assets and each of the PJM Divestiture Assets.

G. ''ERCOT'' means the Electric Reliability Council of Texas, Inc., 8000 Metropolis Drive, Building E, Suite 100, Austin, Texas 78744.

H. ''ERCOT Divestiture Assets'' means all of Defendants' rights, titles, and interests in and to all property and assets, tangible and intangible, wherever located, relating to or used in connection with the generation, dispatch, and offer of electricity from the ERCOT Divestiture Facilities, including:

1. the ERCOT Divestiture Facilities;

2. all other real property, including fee simple interests, real property leasehold interests and renewal rights thereto, improvements to real property, and options to purchase any adjoining or other property, together with all buildings, facilities, and other structures;

3. all tangible personal property, including fixed assets, machinery and manufacturing equipment, tools, vehicles, inventory, materials, office equipment and furniture, computer hardware, and supplies;

4. all contracts, contractual rights, and customer relationships, and all other agreements, commitments, and understandings, including supply agreements, teaming agreements, and leases, and all outstanding offers or solicitations to enter into a similar arrangement;

5. all contracts, contractual rights, or other agreements, commitments, and understandings relating to employment of Relevant Personnel who elect employment with an Acquirer pursuant to Paragraph IV.J within 180 calendar days of the Divestiture Date;

6. all licenses, permits, certifications, approvals, consents, registrations, waivers, and authorizations, including those issued or granted by any governmental organization, and all pending applications or renewals;

7. all equipment associated with connecting to ERCOT (including automatic generation control equipment);

8. all remote start capability or equipment;

9. all other interests, assets, or improvements;

10. all records and data, including (a) customer lists, accounts, sales, and credit records, (b) production, repair, maintenance, and performance records, (c) manuals and technical information Defendants provide to their own employees, customers, suppliers, agents, or licensees, (d) records and research data relating to historic and current research and development activities, including designs of experiments and the results of successful and unsuccessful designs and experiments, and (e) drawings, blueprints, and designs;

11. all intellectual property owned, licensed, or sublicensed, either as licensor or licensee, including (a) patents, patent applications, and inventions and discoveries that may be patentable, (b) registered and unregistered copyrights and copyright applications, and (c) registered and unregistered trademarks, trade dress, service marks, trade names, and trademark applications; and

12. all other intangible property, including (a) commercial names and d/b/a names, (b) technical information, (c) computer software and related documentation, know-how, trade secrets, design protocols, specifications for materials, specifications for parts, specifications for devices, safety procedures (*e.g.,* for the handling of materials and substances), quality assurance and control procedures, (d) design tools and simulation capabilities, and (e) rights in internet websites and internet domain names.

Provided, however, that the ERCOT Divestiture Assets do not include Excluded Assets.

I. The ''ERCOT Divestiture Facilities'' means:

1. Jack A. Fusco Energy Center, a natural gas combined cycle plant, located at 3440 Lockwood Rd, Richmond, TX 77469, and its contents; and

2. Calpine's interest in the Gregory Power Plant, a natural gas combined cycle plant, located at 4633A TX–361, Gregory, TX 78359.

J. ''Excluded Assets'' means master parts and services agreements, master consulting or professional services agreements, master subscription and software licenses and any other assets, rights, or properties of Defendants that Defendants use on a corporate-wide basis, ERCOT-wide basis, or PJM-wide basis. Any asset, right, or property necessary for the Acquirer to operate a Divestiture Asset that is transferable within the Defendants' control and not otherwise reasonably available to the Acquirer is not an Excluded Asset. The United States, in its sole discretion, after consultation with Texas, will resolve any disagreement relating to which assets, rights, or properties are Excluded Assets.

K. ''Good Utility Practice'' means any of the applicable practices, methods and acts (a) required by Federal Energy Regulatory Commission, North American Electric Reliability Council, Mid-Atlantic Area Council, PJM, ERCOT, or the successor of any of them, whether or not the party whose conduct is at issue is a member thereof, (b) required by applicable law or regulation, or (c) any of the practices, methods and acts which, in the exercise of reasonable judgment in the light of the facts known at the time the decision was made, could have been expected to accomplish the desired result at a reasonable cost consistent with good business practice, reliability, safety and expedition. ''Good Utility Practice'' is not intended to be limited to the optimum practice, method, or act to the exclusion of all others, but rather is intended to include acceptable practices, methods, or acts generally accepted in the region.

L. ''Including'' means including, but not limited to.

M. ''Offer'' or ''Offers'' means either (1) an offer to sell energy submitted into the PJM Market pursuant to the version of PJM ''Amended and Restated Operating Agreement of PJM Interconnection, LLC,'' available at *www.pjm.com* in effect at the time the offer is made, or (2) an offer to sell energy submitted into the ERCOT Market pursuant to the Real-Time and Day-Ahead Market rules, as defined in the ERCOT Nodal Protocols, available at *https://www.ercot.com/mktrules/nprotocols/current,* in effect at the time the offer is made.

N. ''PJM'' means PJM Interconnection, LLC, 2750 Monroe Blvd., Audubon, Pennsylvania 19403.

O. ''PJM Divestiture Assets'' means all of Defendants' rights, titles, and interests in and to all property and assets, tangible and intangible, wherever located, relating to or used in connection with the generation, dispatch, and offer of electricity from the PJM Divestiture Facilities, including:

1. the PJM Divestiture Facilities;

2. all other real property, including fee simple interests, real property leasehold interests and renewal rights thereto, improvements to real property, and options to purchase any adjoining or other property, together with all buildings, facilities, and other structures;

3. all tangible personal property, including fixed assets, machinery and manufacturing equipment, tools, vehicles, inventory, materials, office equipment and furniture, computer hardware, and supplies;

4. all contracts, contractual rights, and customer relationships, and all other agreements, commitments, and understandings, including supply agreements, teaming agreements, and leases, and all outstanding offers or solicitations to enter into a similar arrangement;

5. all contracts, contractual rights, or other agreements, commitments, and understandings relating to employment of Relevant Personnel who elect employment with an Acquirer pursuant to Paragraph IV.J within 180 calendar days of the Divestiture Date;

6. all licenses, permits, certifications, approvals, consents, registrations, waivers, and authorizations, including those issued or granted by any governmental organization, and all pending applications or renewals;

7. all equipment associated with connecting to PJM (including automatic generation control equipment);

8. all remote start capability or equipment;

9. all other interests, assets, or improvements;

10. all records and data, including (a) customer lists, accounts, sales, and credit records, (b) production, repair, maintenance, and performance records, (c) manuals and technical information Defendants provide to their own employees, customers, suppliers, agents, or licensees, (d) records and research

data relating to historic and current research and development activities, including designs of experiments and the results of successful and unsuccessful designs and experiments, and (e) drawings, blueprints, and designs;

11. all intellectual property owned, licensed, or sublicensed, either as licensor or licensee, including (a) patents, patent applications, and inventions and discoveries that may be patentable, (b) registered and unregistered copyrights and copyright applications, and (c) registered and unregistered trademarks, trade dress, service marks, trade names, and trademark applications; and

12. all other intangible property, including (a) commercial names and d/b/a names, (b) technical information, (c) computer software and related documentation, know-how, trade secrets, design protocols, specifications for materials, specifications for parts, specifications for devices, safety procedures (*e.g.,* for the handling of materials and substances), quality assurance and control procedures, (d) design tools and simulation capabilities, and (e) rights in internet websites and internet domain names.

Provided, however, that the PJM Divestiture Assets do not include any Excluded Assets.

P. ''PJM Divestiture Facilities'' means the following facilities and their contents:

1. Bethlehem Energy Center, a natural gas combined cycle plant, located at 2254 Applebutter Road, Bethlehem, PA 18015;

2. York 1 Energy Center, a dual-fuel combined cycle natural gas plant, located at 1055 Pikes Peak Road, Delta, PA 17314;

3. York 2 Energy Center, a dual-fuel combined cycle natural gas plant, located at 1597 Atom Road, Delta, PA 17314;

4. Hay Road Energy Center, a dual-fuel combined cycle natural gas plant, located at 198 Hay Road, Wilmington, DE 19809; and

5. Edge Moor Energy Center, a simple cycle natural gas plant, located at 200 Hay Road, Wilmington, DE 19809.

Q. ''Regulatory Approvals'' means (1) any approvals or clearances from the Federal Energy Regulatory Commission or any local, state, or other federal regulatory body that are required for the Transaction to proceed; and (2) any approvals or clearances from the Federal Energy Regulatory Commission or any local, state, or other federal regulatory body that are required for an Acquirer's acquisition of any Divestiture Asset to proceed.

R. ''Relevant Personnel'' means all full-time, part-time, or contract employees of Defendants, wherever located, who as of the date of filing this document with the Court are or have been stationed at or assigned to a specific Divestiture Asset and are involved in the operation of a Divestiture Asset, for the period between the date of the filing of this document and the Divestiture Date. The United States, in its sole discretion, will resolve any disagreement relating to which employees are Relevant Personnel.

S. ''Transaction'' means Constellation's acquisition of Calpine that is the subject of the ''Agreement and Plan of Merger'' between Constellation and Calpine dated January 10, 2025.

III. Applicability

A. This Final Judgment applies to Constellation, Calpine, and CPN, as defined above, and all other persons in active concert or participation with any Defendant who receive actual notice of this Final Judgment.

B. If, prior to complying with Section IV and Section V of this Final Judgment, Defendants sell or otherwise dispose of all or substantially all of their assets or of business units that include Divestiture Assets, Defendants must require any purchaser to be bound by the provisions of this Final Judgment. Defendants need not obtain such an agreement from Acquirers.

IV. Divestitures

A. Defendants are ordered and directed to divest the Divestiture Assets in a manner consistent with this Final Judgment to an Acquirer or Acquirers acceptable to the United States, in its sole discretion, after consultation with Texas. Defendants must enter into a definitive contract or contracts for sale of the Divestiture Assets within 240 calendar days after consummation of the Transaction. The United States, in its sole discretion, may grant up to two thirty (30) day extensions of this time period, not to exceed sixty (60) calendar days in total, and will notify the Court in such circumstances. Defendants must seek Regulatory Approvals within five calendar days after the United States provides written notice pursuant to Paragraph VI.C. that it does not object to the proposed Acquirer or Acquirers. Defendants must divest the relevant Divestiture Assets no later than thirty (30) calendar days after receiving, for all of any Acquirer's Divestiture Assets, the last necessary Regulatory Approvals required for that Acquirer's Divestiture Assets. The United States, in its sole discretion, may grant up to one fifteen (15) day extension of this time period, and will notify the Court in such circumstances. For the avoidance of doubt, the deadlines set forth in this Paragraph apply independently to each set of Divestiture Assets (ERCOT Divestiture Assets and PJM Divestiture Assets), such that the timing of receipt of Regulatory Approvals required for divestiture of one set of Divestiture Assets does not provide a basis to delay the divestiture of the other set of Divestiture Assets. For the avoidance of doubt, the divestiture of assets to a particular Acquirer need only be completed once all relevant Regulatory Approvals have been received for all assets to be divested to that Acquirer.

B. For all contracts, agreements, and customer relationships (or portions of such contracts, agreements, and customer relationships) included in the Divestiture Assets, Defendants must assign or otherwise transfer all contracts, agreements, and customer relationships to Acquirer or Acquirers within the deadlines for divestiture set forth in Paragraph IV.A; *provided, however,* that for any contract or agreement that requires the consent of another party to assign or otherwise transfer, Defendants must use best efforts to accomplish the assignment or transfer but it may not be a violation of this Final Judgment to fail to obtain the required consents. Defendants must not interfere with any negotiations between an Acquirer and a contracting party.

C. Defendants must use best efforts to divest the Divestiture Assets as expeditiously as possible. Defendants must take no action that would jeopardize the completion of the divestitures ordered by the Court, including any action to impede the permitting, operation, or divestiture of the Divestiture Assets.

D. Unless the United States otherwise consents in writing, the divestitures pursuant to this Final Judgment must include the entire Divestiture Assets and must be accomplished in such a way as to satisfy the United States, in its sole discretion, after consultation with Texas, that the Divestiture Assets can and will be used by Acquirer or Acquirers as part of a viable, ongoing business of electric generation services and that divestiture to Acquirer or Acquirers will remedy the competitive harm alleged in the Complaint.

E. The divestitures must be made to one or more Acquirers that, in the United States' sole judgment, after consultation with Texas, have the intent and capability, including the necessary managerial, operational, technical, and financial capability, to compete

effectively in the business of the provision of electric generation services.

F. The divestitures must be accomplished in a manner that satisfies the United States, in its sole discretion, after consultation with Texas, that none of the terms of any agreement between an Acquirer and Defendants give Defendants the ability unreasonably to raise an Acquirer's costs, to lower an Acquirer's efficiency, or otherwise interfere in the ability of an Acquirer to compete effectively in the provision of electric generation services.

G. Divestiture of the Divestiture Assets may be made to one or more Acquirers, provided that it is demonstrated to the sole satisfaction of the United States, after consultation with Texas, that the criteria required by Paragraphs IV.D., IV.E., and IV.F. will still be met.

H. In accomplishing the divestitures ordered by this Final Judgment, Defendants promptly must make known, by usual and customary means, the availability of the Divestiture Assets, except that, for Calpine's interest in the Gregory Power Plant, such notice of availability will be subject to any third-party rights under the existing partnership agreements relating to the Gregory Power Plant. Defendants must inform any person making an inquiry relating to a possible purchase of the Divestiture Assets that the Divestiture Assets are being divested in accordance with this Final Judgment and must provide that person with a copy of this Final Judgment. Defendants must offer to furnish to all prospective Acquirers, subject to customary confidentiality assurances, all information and documents relating to the Divestiture Assets that are customarily provided in a due diligence process; *provided, however,* that Defendants need not provide information or documents subject to the attorney-client privilege or work-product doctrine. Defendants must make all information and documents available to Plaintiffs at the same time that the information and documents are made available to any other person.

I. Defendants must provide prospective Acquirers with (1) access to make inspections of the Divestiture Assets; (2) access to all environmental, zoning, and other permitting documents and information relating to the Divestiture Assets; and (3) access to all financial, operational, or other documents and information relating to the Divestiture Assets that would customarily be provided as part of a due diligence process. Defendants also must disclose all encumbrances on any part of the Divestiture Assets, including on intangible property. *Provided, however,* that a prospective Acquirer interested in purchasing only one or some of the Divestiture Assets must be provided with (1)–(3) for only the relevant Divestiture Assets of interest.

J. Defendants must cooperate with and assist any Acquirer in identifying and, at the option of Acquirer, hiring all Relevant Personnel, including:

1. Within 10 business days following receipt of a request by an Acquirer or a Plaintiff, Defendants must identify all Relevant Personnel to the requesting Acquirer and the Plaintiffs, including by providing organization charts covering all Relevant Personnel.

2. Within 10 business days following receipt of a request by an Acquirer or a Plaintiff, Defendants must provide to the requesting Acquirer and Plaintiffs additional information relating to Relevant Personnel, including name, job title, reporting relationships, past experience, responsibilities, training and educational histories, relevant certifications, and job performance evaluations. Defendants must also provide to a requesting Acquirer and Plaintiffs information relating to current and accrued compensation and benefits of Relevant Personnel, including most recent bonuses paid, aggregate annual compensation, current target or guaranteed bonus, if any, any retention agreement or incentives, and any other payments due, compensation or benefits accrued, or promises made to the Relevant Personnel. If Defendants are barred by any applicable law from providing any of this information, Defendants must provide, within 10 business days following receipt of the request, the requested information to the full extent permitted by law and also must provide a written explanation of Defendants' inability to provide the remaining information, including specifically identifying the provisions of the applicable laws.

3. At the request of an Acquirer, Defendants must promptly make Relevant Personnel available for private interviews with the requesting Acquirer during normal business hours at a mutually agreeable location.

4. Defendants must not interfere with any effort by an Acquirer to employ any Relevant Personnel. Interference includes offering to increase the compensation or improve the benefits of Relevant Personnel at any time after the date of the filing of this document, unless (a) the offer is part of an annual compensation increase or improvement in benefits pursuant to the Defendants' compensation and benefit programs existing as of December 1, 2025, (b) the offer is part of a tenure-based, automatic increase in compensation or improvement in benefits, (c) the offer is otherwise required pursuant to the terms of collective bargaining agreements relating to the Divested Assets, (d) the offer is consistent with the terms of the Asset Preservation and Hold Separate Stipulation and Order, or (e) the offer is approved by the United States in its sole discretion. Defendants' obligations under this Paragraph IV.J.4. will expire 150 calendar days after the Divestiture Date for the relevant Divestiture Assets.

5. For Relevant Personnel who elect employment with an Acquirer within 150 calendar days of the Divestiture Date for the relevant Divestiture Assets, Defendants must waive all non-compete and non-disclosure agreements; vest and pay to the Relevant Personnel (or to Acquirer for payment to the employee) on a prorated basis any bonuses, incentives, other salary, benefits, or other compensation fully or partially accrued at the time of the transfer of the employee to Acquirer; vest any unvested pension and other equity rights; and provide all other benefits that those Relevant Personnel otherwise would have been provided had the Relevant Personnel continued employment with Defendants, including any retention bonuses or payments. Defendants may maintain reasonable restrictions on disclosure by Relevant Personnel of Defendants' proprietary non-public information that is unrelated to the Divestiture Assets and not otherwise required to be disclosed by this Final Judgment.

K. Defendants must warrant to any Acquirer that (1) the Divestiture Assets to be divested to that Acquirer will be operational and without material defect on the date of their transfer to the Acquirer; (2) the Divestiture Assets to be divested to that Acquirer will be consistent with Good Utility Practice, subject to legal or regulatory restrictions on any of the Divestiture Assets in existence on the date of sale; (3) there are no material defects in the environmental, zoning, or other permits relating to the operation of the Divestiture Assets to be divested to that Acquirer; and (4) Defendants have disclosed all material encumbrances on any part of the Divestiture Assets to be divested to that Acquirer, including on intangible property. Following the sale of any Divestiture Assets, Defendants must not undertake, directly or indirectly, challenges to the environmental, zoning, or other permits relating to the operation of those Divestiture Assets.

L. Defendants must use best efforts to assist the Acquirer or Acquirers to obtain all necessary licenses,

registrations, and permits to operate the relevant Divestiture Assets. Until an Acquirer obtains the necessary licenses, registrations, and permits, Defendants must provide that Acquirer with the benefit of Defendants' licenses, registrations, and permits to the full extent permissible by law.

M. If any term of an agreement between Defendants and an Acquirer, including an agreement to effectuate any of the divestitures required by this Final Judgment, varies from a term of this Final Judgment, to the extent that Defendants cannot fully comply with both, this Final Judgment determines Defendants' obligations.

V. Appointment of Divestiture Trustee

A. If Defendants have not divested all of the Divestiture Assets within the period specified in Paragraph IV.A., Defendants must immediately notify Plaintiffs of that fact in writing. Upon application of the United States, which Defendants may not oppose, the Court will appoint a divestiture trustee selected by the United States and approved by the Court to effect the divestiture of any of the Divestiture Assets that have not been sold during the time periods specified in Paragraph IV.A.

B. After the appointment of a divestiture trustee by the Court, only the divestiture trustee will have the right to sell those Divestiture Assets that the divestiture trustee has been appointed to sell. The divestiture trustee will have the power and authority to accomplish the divestitures to an Acquirer or Acquirers acceptable to the United States, in its sole discretion, after consultation with Texas, at a price and on terms obtainable through reasonable effort by the divestiture trustee, subject to the provisions of Sections IV, V, and VI of this Final Judgment, and will have other powers as the Court deems appropriate. The divestiture trustee must sell the Divestiture Assets as quickly as possible.

C. Defendants may not object to a sale by the divestiture trustee on any ground other than malfeasance by the divestiture trustee. Objections by Defendants must be conveyed in writing to the United States and the divestiture trustee within 10 calendar days after the divestiture trustee has provided the notice of proposed divestiture required by Section VI.

D. The divestiture trustee will serve at the cost and expense of Defendants pursuant to a written agreement, on terms and conditions, including confidentiality requirements and conflict of interest certifications, approved by the United States in its sole discretion.

E. The divestiture trustee may hire at the cost and expense of Defendants any agents or consultants, including investment bankers, attorneys, and accountants, that are reasonably necessary in the divestiture trustee's judgment to assist with the divestiture trustee's duties. These agents or consultants will be accountable solely to the divestiture trustee and will serve on terms and conditions, including confidentiality requirements and conflict-of-interest certifications, approved by the United States in its sole discretion.

F. The compensation of the divestiture trustee and agents or consultants hired by the divestiture trustee must be reasonable in light of the value of the Divestiture Assets and based on a fee arrangement that provides the divestiture trustee with incentives based on the price and terms of the divestiture and the speed with which it is accomplished. If the divestiture trustee and Defendants are unable to reach agreement on the divestiture trustee's compensation or other terms and conditions of engagement within 14 calendar days of the appointment of the divestiture trustee by the Court, the United States, in its sole discretion, may take appropriate action, including by making a recommendation to the Court. Within three business days of hiring an agent or consultant, the divestiture trustee must provide written notice of the hiring and rate of compensation to Defendants and the United States.

G. The divestiture trustee must account for all monies derived from the sale of the Divestiture Assets by the divestiture trustee and all costs and expenses incurred. Within 30 calendar days of the Divestiture Date, the divestiture trustee must submit that accounting to the Court for approval. After approval by the Court of the divestiture trustee's accounting, including fees for unpaid services and those of agents or consultants hired by the divestiture trustee, all remaining money must be paid to Defendants, and the trust will then be terminated.

H. Defendants must use best efforts to assist the divestiture trustee to accomplish the required divestitures, including best efforts to obtain all necessary Regulatory Approvals. Subject to reasonable protection for trade secrets, other confidential research, development, or commercial information, or any applicable privileges, Defendants must provide the divestiture trustee and agents or consultants retained by the divestiture trustee with full and complete access to all personnel, books, records, and facilities of the Divestiture Assets. Defendants also must provide or develop financial and other information relevant to the Divestiture Assets that the divestiture trustee may reasonably request. Defendants must not take any action to interfere with or to impede the divestiture trustee's accomplishment of the divestitures.

I. The divestiture trustee must maintain complete records of all efforts made to sell the Divestiture Assets, including by providing monthly reports to the Plaintiffs setting forth the divestiture trustee's efforts to accomplish the divestitures ordered by this Final Judgment. The reports must include the name, address, and telephone number of each person who, during the preceding month, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring any interest in the Divestiture Assets and must describe in detail each contact.

J. If the divestiture trustee has not accomplished the divestitures ordered by this Final Judgment within 180 calendar days of appointment, the divestiture trustee must promptly provide Plaintiffs with a report setting forth: (1) the divestiture trustee's efforts to accomplish the required divestitures; (2) the reasons, in the divestiture trustee's judgment, why the required divestitures have not been accomplished; and (3) the divestiture trustee's recommendations for completing the divestitures. Following receipt of that report, the United States may make additional recommendations to the Court. The Court thereafter may enter such orders as it deems appropriate to carry out the purpose of this Final Judgment, which may include extending the trust and the term of the divestiture trustee's appointment by a period requested by the United States.

K. The divestiture trustee will serve until divestiture of all Divestiture Assets is completed or for a term otherwise ordered by the Court.

L. If the United States determines that the divestiture trustee is not acting diligently or in a reasonably cost-effective manner, the United States may recommend that the Court appoint a substitute divestiture trustee.

VI. Notice of Proposed Divestiture

A. Within two business days following execution of a definitive agreement to divest the Divestiture Assets, Defendants or the divestiture trustee, whichever is then responsible for effecting the divestitures, must

notify Plaintiffs of the proposed divestiture. If the divestiture trustee is responsible for completing the divestiture, the divestiture trustee also must notify Defendants. The notice must set forth the details of the proposed divestiture and list the name, address, and telephone number of each person not previously identified who offered or expressed an interest in or desire to acquire any ownership interest in the Divestiture Assets.

B. After receipt of the notice required by Paragraph VI.A., the United States, after consultation with Texas, may make one or more requests to Defendants or the divestiture trustee for additional information concerning the proposed divestiture, the proposed Acquirers, and other prospective Acquirers. Defendants and the divestiture trustee must furnish any additional information requested within 15 calendar days of the receipt of each request unless the United States provides written agreement to a different period.

C. Within 45 calendar days after receipt of the notice required by Paragraph VI.A or within 20 calendar days after the United States has been provided the additional information requested pursuant to Paragraph VI.B, whichever is later, the United States will provide written notice to Defendants and any divestiture trustee that states whether the United States, in its sole discretion, after consultation with Texas, objects to the proposed Acquirers or any other aspect of the proposed divestitures. Without written notice that the United States does not object, a divestiture may not be consummated. If the United States provides written notice that it does not object, the divestiture may be consummated, subject only to Defendants' limited right to object to the sale under Paragraph V.C. of this Final Judgment. Upon objection by Defendants pursuant to Paragraph V.C., a divestiture by the divestiture trustee may not be consummated unless approved by the Court.

VII. Financing

Defendants may not finance all or any part of any Acquirer's purchase of all or part of the Divestiture Assets.

VIII. Asset Preservation and Hold Separate Obligations

Defendants must take all steps necessary to comply with the Asset Preservation and Hold Separate Stipulation and Order entered by the Court.

IX. Affidavits

A. Within 20 calendar days of entry of the Hold Separate Stipulation and Order in this matter, and every 30 calendar days thereafter until all divestitures required by this Final Judgment have been completed, each Defendant must deliver to Plaintiffs an affidavit, signed by each Defendant's Chief Financial Officer and General Counsel, describing in reasonable detail the fact and manner of that Defendant's compliance with this Final Judgment. The United States, in its sole discretion, may approve different signatories for the affidavits.

B. Each affidavit required by Paragraph IX.A. must include: (1) the name, address, and telephone number of each person who, during the preceding 30 calendar days, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, an interest in the Divestiture Assets and describe in detail each contact with such persons during that period; (2) a description of the efforts Defendants have taken to solicit buyers for and complete the sale of the Divestiture Assets and to provide required information to prospective Acquirers; and (3) a description of any limitations placed by Defendants on information provided to prospective Acquirers. Objection by the United States to information provided by Defendants to prospective Acquirers must be made within 14 calendar days of receipt of the affidavit, except that the United States may object at any time if the information set forth in the affidavit is not true or complete.

C. Defendants must keep all records of any efforts made to divest the Divestiture Assets until one year after the Divestiture Date.

D. Within 20 calendar days of the filing of the Complaint in this matter, each Defendant must deliver to Plaintiffs an affidavit signed by each Defendant's Chief Financial Officer and General Counsel that describes in reasonable detail all actions that Defendant has taken and all steps that Defendant has implemented on an ongoing basis to comply with Section VIII of this Final Judgment. The United States, in its sole discretion, may approve different signatories for the affidavits.

E. If a Defendant makes any changes to actions and steps described in affidavits provided pursuant to Paragraph IX.A, the Defendant must, within 15 calendar days after any change is implemented, deliver to Plaintiffs an affidavit describing those changes.

F. Defendants must keep all records of any efforts made to comply with Section IX until one year after the Divestiture Date.

X. Compliance Inspection

A. For the purposes of determining or securing compliance with this Final Judgment or of related orders such as the Asset Preservation and Hold Separate Stipulation and Order or of determining whether this Final Judgment should be modified or vacated, upon written request of an authorized representative of the Assistant Attorney General for the Antitrust Division and reasonable notice to Defendants, Defendants must permit, from time to time and subject to legally recognized privileges, authorized representatives, including agents retained by the United States:

1. to have access during Defendants' office hours to inspect and copy, or at the option of the United States, to require Defendants to provide electronic copies of all books, ledgers, accounts, records, data, and documents, wherever located, in the possession, custody, or control of Defendants relating to any matters contained in this Final Judgment; and

2. to interview, either informally or on the record, Defendants' officers, employees, or agents, wherever located, who may have their individual counsel present, relating to any matters contained in this Final Judgment. The interviews must be subject to the reasonable convenience of the interviewee and without restraint or interference by Defendants.

B. Upon the written request of an authorized representative of the Assistant Attorney General for the Antitrust Division, Defendants must submit written reports or respond to written interrogatories, under oath if requested, relating to any matters contained in this Final Judgment.

XI. No Reacquisition

Defendants may not reacquire any part of or any interest in the Divestiture Assets during the term of this Final Judgment without prior written authorization of the United States.

XII. Public Disclosure

A. No information or documents obtained pursuant to any provision in this Final Judgment may be divulged by Plaintiffs to any person other than an authorized representative of the executive branch of the United States or an authorized representative of Texas, except in the course of legal proceedings

to which the United States or Texas are a party, including grand-jury proceedings, for the purpose of evaluating a proposed Acquirer or securing compliance with this Final Judgment, or as otherwise required by law.

B. In the event of a request by a third party, pursuant to the Freedom of Information Act, 5 U.S.C. 552, or similar state disclosure laws, for disclosure of information obtained pursuant to any provision of this Final Judgment, the United States will act in accordance with that statute and the Department of Justice regulations at 28 CFR part 16, including the provision on confidential commercial information at 28 CFR 16.7, and Texas will act in accordance with its applicable disclosure laws. Defendants submitting information to the Antitrust Division or Texas should designate the confidential commercial information portions of all applicable documents and information under 28 CFR 16.7 or the relevant state statute. Designations of confidentiality under 28 CFR part 16 expire 10 years after submission, ''unless the submitter requests and provides justification for a longer designation period.'' *See* 28 CFR 16.7(b).

C. If at the time that Defendants furnish information or documents to the United States or Texas pursuant to any provision of this Final Judgment, Defendants represent and identify in writing information or documents for which a claim of protection may be asserted under Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure, and Defendants mark each pertinent page of such material, ''Subject to claim of protection under Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure,'' the United States and Texas must give Defendants 10 calendar days' notice before divulging the material in any legal proceeding (other than a grand jury proceeding).

XIII. Retention of Jurisdiction

The Court retains jurisdiction to enable any party to this Final Judgment to apply to the Court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this Final Judgment, to modify any of its provisions, to enforce compliance, and to punish violations of its provisions.

XIV. Enforcement of Final Judgment

A. The United States and Texas retain and reserve all rights to enforce the provisions of this Final Judgment, including the right to seek an order of contempt from the Court. In a civil contempt action, a motion to show cause, or a similar action brought by the United States or Texas relating to an alleged violation of this Final Judgment, the United States or Texas may establish a violation of this Final Judgment and the appropriateness of a remedy therefor by a preponderance of the evidence, and Defendants waive any argument that a different standard of proof should apply.

B. This Final Judgment should be interpreted to give full effect to the procompetitive purposes of the antitrust laws and to restore the competition the Plaintiffs allege was harmed by the challenged conduct. Defendants may be held in contempt of, and the Court may enforce, any provision of this Final Judgment that, as interpreted by the Court in light of these procompetitive principles and applying ordinary tools of interpretation, is stated specifically and in reasonable detail, whether or not it is clear and unambiguous on its face. In any such interpretation, the terms of this Final Judgment should not be construed against either party as the drafter.

C. In an enforcement proceeding in which the Court finds that Defendants have violated this Final Judgment, the United States may apply to the Court for an extension of this Final Judgment, together with other relief that may be appropriate. In connection with a successful effort by the United States or Texas to enforce this Final Judgment against a Defendant, whether litigated or resolved before litigation, Defendant must reimburse the United States and Texas for the fees and expenses of their attorneys, as well as all other costs including experts' fees, incurred in connection with that effort to enforce this Final Judgment, including in the investigation of the potential violation.

D. For a period of four years following the expiration of this Final Judgment, if the United States has evidence that a Defendant violated this Final Judgment before it expired, the United States, may file an action against that Defendant in this Court requesting that the Court order: (1) Defendant to comply with the terms of this Final Judgment for an additional term of at least four years following the filing of the enforcement action; (2) all appropriate contempt remedies; (3) additional relief needed to ensure the Defendant complies with the terms of this Final Judgment; and (4) fees or expenses as called for by this Section XIV.

XV. Expiration of Final Judgment

Unless the Court grants an extension, this Final Judgment will expire 10 years from the date of its entry, except that after five years from the date of its entry, this Final Judgment may be terminated upon notice by the United States to the Court, Defendants, and Texas that the divestitures have been completed and continuation of this Final Judgment is no longer necessary or in the public interest.

XVI. Public Interest Determination

Entry of this Final Judgment is in the public interest. The parties have complied with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, including by making available to the public copies of this Final Judgment and the Competitive Impact Statement, public comments thereon, and any response to comments by the United States. Based upon the record before the Court, which includes the Competitive Impact Statement and, if applicable, any comments and response to comments filed with the Court, entry of this Final Judgment is in the public interest.

Date: _____

[Court approval subject to procedures of Antitrust Procedures and Penalties Act, 15 U.S.C. 16]

_____

United States District Judge

United States District Court for the District of Columbia

UNITED STATES OF AMERICA, and STATE OF TEXAS, Plaintiffs, v. *CONSTELLATION ENERGY CORPORATION, CALPINE CORPORATION, and CPN CS HOLDCO CORP.,* Defendants.

Case No. 1:25–cv–04235–ABJ

Competitive Impact Statement

In accordance with the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h) (the ''APPA'' or ''Tunney Act''), the United States of America files this Competitive Impact Statement related to the proposed Final Judgment filed in this civil antitrust proceeding.

I. Nature and Purpose of the Proceeding

On January 10, 2025, Constellation Energy Corporation (''Constellation'') announced its agreement to acquire Calpine Corporation (''Calpine'') for a net purchase price of $26.6 billion (the ''Acquisition''), a transaction that would create the largest wholesale electricity generating company in the United States. The United States and the State of Texas (collectively, the ''Plaintiffs''), filed a civil antitrust Complaint on December 5, 2025, seeking to enjoin the Acquisition.

The Complaint alleges that the likely effect of this Acquisition would be to substantially lessen competition for wholesale electricity in two relevant geographic markets in violation of

Section 7 of the Clayton Act, 15 U.S.C. 18. One market comprises the area operated by the Electric Reliability Council of Texas (''ERCOT''), an independent system operator that serves as the electricity grid and market operator for most of Texas. ERCOT's electricity is delivered to more than 27 million Texans, supplying approximately 90% of the state's electricity demand. In 2024, ERCOT oversaw the sale of more than $14.4 billion in wholesale electricity. The second market comprises the Coastal Mid-Atlantic area of the PJM Interconnection, LLC (''PJM''). PJM is a regional transmission organization that manages the largest electricity transmission grid in the United States. It serves all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia, supplying electricity to more than 67 million Americans. The PJM Coastal Mid-Atlantic geographic area is a distinct area within PJM that includes southeastern Pennsylvania, New Jersey, Delaware, and the eastern shores of Maryland and Virginia. In 2024, approximately $4 billion of wholesale electricity was generated and supplied to more than 10 million people and businesses in PJM's Coastal Mid-Atlantic area.

Concurrent with filing the Complaint, the United States filed a proposed Final Judgment [1] and an Asset Preservation and Hold Separate Stipulation and Order (''Stipulation and Order''),[2] which are designed to remedy the loss of competition alleged in the Complaint.

Under the proposed Final Judgment, which is explained more fully below, Constellation, Calpine, and CPN CS Holdco Corp. (collectively the ''Defendants'') are required to divest the Calpine electric generating facilities listed below.

In ERCOT:

- Jack A. Fusco Energy Center, located southwest of the city of Houston, Texas (''Jack A. Fusco''); and
- Calpine's minority ownership interest in the Gregory Energy Center, located northeast of the city of Corpus Christi, Texas (''Gregory'').

In PJM:

- Bethlehem Energy Center, located in Bethlehem, Pennsylvania (''Bethlehem'');
- Edge Moor Energy Center, located in Wilmington, Delaware (''Edge Moor'');
- Hay Road Energy Center, located in Wilmington, Delaware (''Hay Road''); and
- York Energy Center (York 1 and York 2), located southeast of the city of York, Pennsylvania (''York'').

The Stipulation and Order requires the Defendants to take certain steps to operate, preserve, and maintain the full economic viability, marketability, and competitiveness of the assets that must be divested pending entry of the proposed Final Judgment by this Court. Plant management and operations of the assets to be divested must be held entirely separate, distinct, and apart from Defendants' other operations.

For the four PJM electric generating facilities the Defendants must divest, the Stipulation and Order requires the Defendants to submit offers into the PJM day-ahead auction market, described in detail at Section II.B.2 below, at a price not greater than its costs. For each of these facilities, the Defendants must submit offers to this market at cost or lower, unless unable to do so due to an outage, as defined in the Stipulation and Order. In the event of an outage, the Defendants must submit offers for all output that is unaffected by the outage. Similarly, for Jack A. Fusco, the Defendants must submit offers into ERCOT's day-ahead auction, described in detail at Section II.B.2 below, at a price not greater than its costs in accordance with the physical characteristics of the applicable units unless unable to do so due to an outage or because ERCOT has issued an Advanced Action Notice or Weather Watch as specified in the Stipulation and Order. In the event of an outage, ERCOT Advanced Action Notice, or ERCOT Weather Watch, the Defendants must submit offers for all output that is unaffected by the outage, ERCOT Advanced Action Notice, or ERCOT Weather Watch. The Stipulation and Order prohibits the Defendants from participating in the formulation, determination, or direction of the strategy for Gregory's offers into the ERCOT auction markets.

The purpose of these terms in the Stipulation and Order is to ensure that competition is maintained during the pendency of the required divestiture of the six Calpine electric generating facilities listed above.

The Plaintiffs and Defendants have stipulated that the proposed Final Judgment may be entered after compliance with the APPA. Entry of the proposed Final Judgment will terminate this action, except that the Court will retain jurisdiction to construe, modify, or enforce the provisions of the proposed Final Judgment and to punish violations thereof.

II. Description of Events Giving Rise to the Alleged Violations

A. The Defendants and the Proposed Acquisition

Constellation is a publicly held Pennsylvania corporation headquartered in Baltimore, Maryland. The company is one of the largest competitive electric generation companies in the nation, as measured by owned and contracted megawatts, generating $23.6 billion in revenue in 2024. Constellation controls approximately 5,000 megawatts (MW) of electric generation capacity in ERCOT and over 20,000 MW in PJM. For context, one MW serves between 800 to 1,000 homes.

Calpine is a privately held Delaware corporation headquartered in Houston, Texas. Calpine is the largest generator of electricity from natural gas and geothermal resources in the United States. Calpine's power plants collectively have the capacity to generate approximately 9,000 MW of electricity in ERCOT, making it the third-largest electricity generation supplier in the state. In PJM, Calpine owns or exercises control over 14 total plants. These plants collectively provide more than 5,000 MW of capacity.

Defendant CPN CS Holdco Corp. (''Holdco'') is a Delaware corporation headquartered in Houston, Texas. It is a direct wholly owned subsidiary of Calpine that was created to serve as a vehicle for Calpine's sale to Constellation.

Pursuant to an Agreement and Plan of Merger dated January 10, 2025, Defendant Constellation proposes to acquire Defendant Calpine for a net purchase price of $26.6 billion.

B. The Acquisition's Competitive Effects

The Complaint alleges that the Acquisition would result in likely anticompetitive effects in the markets for wholesale electricity in ERCOT and PJM's Coastal Mid-Atlantic area.

1. Electricity Background

Generating companies such as Constellation and Calpine own power plants that produce electricity. Electric utilities and retail providers purchase that electricity from the generating companies and resell it to their end customers, such as households and businesses.

Power plants, which often contain several individual generating units, transform fuel or renewable resources

[1] Proposed Final Judgment, *United States et al.* v. *Constellation Energy Corporation, et al.,* No. 25–cv–4235, ECF 2–2 (D.D.C. Dec. 5, 2025).

[2] Asset Preservation And Hold Separate Stipulation And Order, *United States et al.* v. *Constellation Energy Corporation,* No. 25–cv–4235, ECF 2–1 (D.D.C. Dec. 5, 2025).

into electricity. Steam turbines, combustion turbines, and combined-cycle turbines powered by natural gas, oil, or coal, as well as nuclear reactors, wind turbines, and solar panels are important electric generating technologies.

The cost to operate generating units varies considerably, based primarily on the cost of fuel and the efficiency of converting that fuel into electricity:

- *Renewable* units, such as solar farms and wind turbines, have very low operating costs, but can operate only when the sun is shining or the wind is blowing.
- *Baseload* units, such as nuclear plants and some coal-fired steam turbine units, also have relatively low operating costs and provide consistent generation throughout the day and across each season of the year. Nuclear units are designed to operate at full capacity unless they are offline for refueling outages. For many coal units, it is impractical to turn them on and off on a short-term basis because of long startup times and mechanical stress from cycling the units on and off.
- *Mid-merit* units, including combined-cycle natural gas units and some coal steam turbines, can typically turn on or have their output adjusted more quickly than baseload units.
- *Peaking* units, such as oil- and gas-fired combustion or gas-fired steam turbine units, tend to run only during periods of high (or ''peak'') electricity demand. They typically have the highest operating costs of any generation units but are also the easiest to turn on and shut off. This makes them critical for balancing supply and demand to keep the lights on without overloading the system.

Electricity generated at a plant is transported via an extensive set of interconnected high voltage lines and equipment, known as the transmission grid, to lower voltage distribution lines that relay electricity to businesses and consumers in their homes. Operators, such as ERCOT and PJM, monitor the transmission grid closely to prevent too little or too much electricity from flowing over the grid, either of which can risk widespread blackouts through damage to the lines, equipment, or generating units connected to the grid. To avoid damage and service interruptions, grid operators manage the grid to prevent additional electricity from flowing over a transmission line as it approaches its operating limit (a ''transmission constraint'').

2. ERCOT and PJM Use Auctions to Set the Price of Electricity

ERCOT and PJM each oversees two auctions that set the wholesale electricity price in their respective areas. These auctions are the primary means by which electricity generators compete to supply electricity in ERCOT and PJM and drive the price consumers ultimately pay for it.

The first auction is called the ''day-ahead auction.'' Each generator offering electricity in the day-ahead market submits an individual offer for each of its participating generating units indicating the amount of electricity the unit is willing to sell each hour of the following day and the price at which it is willing to sell. Similarly, each buyer typically submits a bid identifying the amount of electricity that the buyer expects to need for each hour of the following day. ERCOT and PJM will take each of the bids and offers, add them up, and determine how much electricity will be demanded each hour.

ERCOT and PJM will then ''dispatch'' generating units to meet each hour's demand. Subject to the physical limitations of their transmission grids, ERCOT and PJM will call on individual units to operate in ''merit'' order, meaning that each will begin by accepting the least-expensive offer and thereafter, accept offers from units at progressively higher prices until the needs for each hour of the next day are met. The price offered by the last unit to be accepted to meet demand for an individual hour sets the clearing price for that hour. All other units whose offers also have been accepted for that individual hour receive the price of that highest cost unit, regardless of their individual offer price (or their units' costs). Thus, a generator may be paid a higher clearing price than its own offer price if electricity from additional, higher-priced generating units is needed to meet demand.

The second auction is a ''real-time'' auction that operates functionally in the same way. However, it clears the same day the electricity is required and reconciles the results of the day-ahead auctions with actual supply and demand. In the real-time auctions, ERCOT and PJM set prices for each five-minute interval of the day rather than each hour as in the day-ahead auction.

3. Wholesale Electricity Markets

As alleged in the complaint, wholesale electricity is a relevant product for evaluating the competitive impact of the Acquisition. Each hourly increment in which wholesale electricity is sold in ERCOT's or PJM's ''day-ahead'' auction and each five-minute increment in the ERCOT or PJM ''real-time'' auctions is a separate relevant product market. This is because electricity in one time period is not a substitute for electricity in another time period. While supply and demand for wholesale electricity varies in different periods, both auctions share a common feature: in the event of a small but significant non-transitory increase in the price of wholesale electricity at relevant times, not enough purchasers are likely to switch away from wholesale electricity to make that increase unprofitable. Additionally, in the event of a small but significant non-transitory increase in the price of wholesale electricity within an hourly or five-minute time period, not enough purchasers would switch to consuming wholesale electricity in a different time period to make that price increase unprofitable. This means that each of these specific auction time periods is a relevant product market and a ''line of commerce'' within the meaning of Section 7 of the Clayton Act.

Although each of these specific time periods is a relevant product market, they can be aggregated into a ''cluster market'' for analytical convenience for considering whether the Acquisition violates the antitrust laws. For example, all 24 hours in a single day in either PJM or ERCOT's ''day-ahead'' auction could be aggregated into one market, as could all five-minute intervals in a single hour in PJM or ERCOT's ''real-time'' auction.

4. Geographic Markets

At times, transmission constraints within power grids limit the free flow of electricity across a geographic region. Energy produced on one side of a constraint cannot easily flow to the other side of the constraint once the transfer limit has been reached. Transmission constraints can affect electricity flow within ERCOT and PJM to varying degrees with PJM, in particular, impacted. When constraints arise, PJM cannot dispatch generating units in merit order if doing so would overload a transmission constraint, a concept called ''congestion.'' To avoid congestion while still satisfying demand, PJM must call on higher-priced units that, given their grid location, do not overload the transmission constraint. When this happens, prices are lower on one side of the constraint and higher on the other side.

a. PJM's Coastal Mid-Atlantic Market

The Complaint alleges that the PJM Coastal Mid-Atlantic geographic area is a relevant geographic market for evaluating the potential competitive

impact of the Acquisition. PJM Coastal Mid-Atlantic is a distinct area within PJM that includes parts of southeastern Pennsylvania, New Jersey, Delaware, and the eastern shores of Maryland and Virginia.

PJM Coastal Mid-Atlantic is affected by Nottingham, a major transmission constraint located near the Maryland-Pennsylvania border that divides PJM Coastal Mid-Atlantic from the rest of the PJM region. Generators within PJM Coastal Mid-Atlantic frequently sell electricity into other areas to the west and south. However, when transmission lines are constrained, the amount of electricity that generators within PJM Coastal Mid-Atlantic can sell outside of the area is limited. As a result, electricity prices in PJM Coastal Mid-Atlantic often differ from other areas within the PJM region.

When Nottingham is constrained, purchasers of wholesale electricity for use in PJM Coastal Mid-Atlantic have limited capability to turn to generation outside of PJM Coastal Mid-Atlantic. At such times, the amount of electricity that purchasers could obtain from generators outside PJM Coastal Mid-Atlantic is insufficient to deter generators located in PJM Coastal Mid-Atlantic from imposing a small but significant non-transitory price increase. Thus, PJM Coastal Mid-Atlantic is a relevant geographic market and a ''section of the country'' within the meaning of Section 7 of the Clayton Act.

b. ERCOT Market

The Complaint also alleges that the entire ERCOT region is a relevant geographic market for evaluating the potential competitive impact of the Acquisition. The ERCOT grid experiences very little congestion. In the event of a small but significant non-transitory increase in the price of wholesale electricity within ERCOT, not enough purchasers in the ERCOT region are likely to switch to purchasing from regions outside ERCOT to make that increase unprofitable. At its annual peak, the electricity in demand in ERCOT exceeds 85,000 MW. ERCOT's connections to Mexico's grid and to the Southwest Power Pool grid, which collectively can for approximately 1,200 MW of electricity to flow into ERCOT. The volume of these power flows is insufficient to prevent generators from imposing a small but significant non-transitory price increase within ERCOT. Thus, the region covered by ERCOT is a relevant geographic market and a ''section of the country'' within the meaning of Section 7 of the Clayton Act.[3]

5. Anticompetitive Effects

As alleged in the Complaint, the Acquisition risks substantially lessening competition in the ERCOT and PJM Coastal Mid-Atlantic wholesale electricity markets. The combination of Constellation and Calpine's electricity generating units serving ERCOT and PJM Coastal Mid-Atlantic would eliminate competition between them and enhance Constellation's post-Acquisition ability and incentive to withhold electricity to raise wholesale electricity price anticompetitively in those markets.

Under certain circumstances, a wholesale electricity generator, such as Constellation or Calpine, may profitably withhold electricity, leading to increased wholesale electricity prices. An operator of a generating unit may withhold capacity in several ways, including by submitting high offers for some of its higher-cost units into the day-ahead or real-time auctions so that its units are not dispatched. If a unit is withheld from an auction, then a higher-priced unit may need to take the place of the withheld capacity because the units are dispatched in merit order, that is from the lowest-priced unit to the highest until demand matches supply. Thus, withholding a unit (or units) can lead to a higher market-clearing price because the withheld units force ERCOT or PJM to accept higher-priced offers from units that end up setting the market clearing price. All accepted units are paid the identical price regardless of the unit's offer price or its operating cost. Withholding can be profitable for generating companies that offer multiple units into an auction. For example, a generator might have four units accepted and a fifth higher-cost unit that, if accepted, would be one of the last units needed to meet demand and thus affect the market clearing price. If that fifth unit were withheld, then ERCOT or PJM would be required to accept an even higher-priced unit, thereby increasing the market-clearing price that would benefit the generator's four other units which had been accepted. In this example, withholding the fifth unit would be profitable for the generator if it increases the market-clearing price such that increased profits from the four dispatched units attributable to that price increase exceed the lost profits that would have been earned by the fifth unit if it were offered into the market at the lower market-clearing price. This type of electricity withholding is well established in a large body of theoretical and empirical literature in economics, public policy, and electricity markets analysis.

The risk that an electricity generator such as Constellation or Calpine may profitably withhold depends in part on the generator's asset mix. A profitable withholding strategy typically requires a combination of units that confer the ability to withhold and relatively low-cost units that provide an incentive to withhold. Units that provide an incentive to withhold typically are relatively low cost and operate consistently throughout the day and across all seasons of the year. As the Complaint describes, baseload units, such as nuclear plants and some coal-fired steam turbine units, are low cost and consistently operating. Because these types of units run frequently and at operating costs lower than the market-clearing price, they benefit from the higher prices and provide a significant incentive for their owner to withhold another, higher-cost generating asset.

These higher-cost units provide the ability to raise the market-clearing price. As the Complaint describes, peaking units, such as oil- and gas-fired combustion turbine or internal combustion units, are among the highest-cost electricity generators. Peaking units are also relatively easy to turn on and shut off and typically operate during high-demand periods, often setting the market-clearing price. Mid-merit units, including combined-cycle natural gas units and some coal steam turbines, often possess similar characteristics. As the Complaint describes, such units can typically be turned on and off or adjust their output more rapidly than baseload units. Although they are typically lower cost than peaking units, mid-merit units set the market-clearing price during periods of lower demand. This means that an owner of a peaking or mid-merit unit can raise the market-clearing price by withholding the unit. Withholding a unit is profitable to the extent that the company also owns enough low-cost units that confer incentive to at least recoup the profit foregone by withholding the unit that confers the withholding ability.

The Acquisition would likely enhance Constellation's ability and incentive to withhold electricity to raise prices in ERCOT and PJM Coastal Mid-Atlantic by giving Constellation a broader portfolio of units and a richer mix of assets. This combination of assets would enable Constellation to profitably

[3] Section 7 of the Clayton Act covers ERCOT, a geographic region located entirely within the state of Texas.

withhold one or more units in the ERCOT and PJM day-ahead and real-time auctions to a greater degree than either it or Calpine would have had individually, leading to higher market-clearing prices.

As the Complaint alleges, through the Acquisition, Constellation is increasing its share of mid-merit and peaking units serving PJM Coastal Mid-Atlantic. The acquisition of mid-merit and peaking units would give Constellation an enhanced ability to profitably withhold in that market. The additional revenues received by Constellation's lower-cost generation units, including its nuclear plants, because of anticompetitively higher prices in PJM Coastal Mid-Atlantic would more than compensate for the lost profits from the generating unit(s) withheld.

Similarly, in ERCOT, the Complaint alleges that after the Acquisition, Constellation would control more than 12% of ERCOT's generating capacity, and over 20% of the natural gas generation units in ERCOT that often set the clearing price. As the Complaint alleges, natural gas units set the market-clearing price in ERCOT the majority of the time, making them particularly valuable in Texas, where the electricity grid relies on gas to complement and support its increasing use of intermittent renewable resources such as sun and wind to generate electricity. Thus, the Acquisition would confer on Constellation an enhanced ability to profitably withhold. The additional revenues received by Constellation's lower-cost generating units because of anticompetitively higher market-wide prices would frequently more than compensate for the lost profits from the generating unit(s) withheld.

6. Possible Entry and Expansion Unlikely To Offset Anticompetitive Effects

Entry of additional generation into either the PJM Coastal Mid-Atlantic market or ERCOT market is unlikely to be timely or sufficient in deterring or counteracting the competitive harm that may result from the Acquisition. Expansion by existing generators in those markets is similarly unlikely to occur in a sufficient and timely fashion to prevent such harm. Wholesale electricity markets feature high barriers to entry and expansion. Among those barriers, building new generation capacity in either the ERCOT and PJM Coastal Mid-Atlantic regions requires significant capital investment in generating equipment, infrastructure, and technology, and generally takes many years, considering the necessary environmental, safety, zoning, and regulatory approvals. Furthermore, the anticipated increase in electricity demand (*e.g.,* to power AI data centers) has led to long queues for the delivery of new gas turbines. There are additional barriers affecting the PJM Coastal Mid-Atlantic market. For example, building new high-voltage transmission lines that would relieve the constraints that limit the flow of electricity out of PJM Coastal Mid-Atlantic would also generally take many years, and require significant capital investment and multiple environmental, safety, zoning, and regulatory approvals.

III. Explanation of the Proposed Final Judgment

The relief required by the proposed Final Judgment will remedy the loss of competition alleged in the Complaint by establishing one or more independent and economically viable competitors in the ERCOT and PJM Coastal Mid-Atlantic wholesale electricity markets.

A. Divestitures

Paragraph IV.A of the proposed Final Judgment requires Defendants, within 240 calendar days after consummation of the Acquisition, to enter into a definitive contract or contracts to divest two sets of assets to an acquirer or acquirers acceptable to the United States. Allowing Defendants a 240-day period will help ensure that the transition of generation assets to an acquirer or acquirors will not occur during peak summer months.

Defendants must divest the ''ERCOT Divestiture Assets'' as that term is defined in Paragraph II.H of the proposed Final Judgment. The ERCOT Divestiture Assets include Calpine's Jack A. Fusco plant and Calpine's ownership interest in the Gregory plant, including all of Defendants' rights, titles, and interests in and to all property and assets, tangible and intangible, relating to or used in connection with the plants' generation, dispatch, and offer of electricity from these plants.

Defendants must also divest the ''PJM Divestiture Assets'' as that term is defined in Paragraph II.O of the proposed Final Judgment. The PJM Divestiture Assets include Calpine's Bethlehem, York, Hay Road, and Edge Moor plants, including all of Defendants' rights, titles, and interests in and to all property and assets, tangible and intangible, relating to or used in connection with the plants' generation, dispatch, and offer of electricity in PJM.

Defendants are responsible for divesting to an acquirer or acquirers acceptable to the United States in its sole discretion. The assets must be divested in such a way as to satisfy the United States, in its sole discretion, that the assets can and will be operated by an acquirer or acquirers as a viable, ongoing business that can compete effectively in the ERCOT and PJM Coastal Mid-Atlantic markets. Defendants must take all reasonable steps necessary to accomplish the divestitures quickly and must cooperate with any acquirer.

1. Divestiture Assets

Calpine's two ERCOT plants to be divested as part of the ERCOT Divestiture Assets are Jack A. Fusco and Gregory. Jack A. Fusco is a 557 MW combined-cycle natural gas facility located in Richmond, Texas. Gregory is a 365 MW combined-cycle natural gas facility located in Gregory, Texas. Calpine owns approximately 28.5% of Gregory.

Calpine's four PJM Coastal Mid-Atlantic plants to be divested as part of the PJM Divestiture Assets are Bethlehem, York, Hay Road, and Edge Moor. Bethlehem is a 1,134 MW natural gas-fired combined cycle plant located in Bethlehem, Pennsylvania. It began commercial operations in 2003. York comprises two generating units, known as York 1 and York 2. York 1 is a 569 MW natural gas-fired combined-cycle unit. It began operations in 2011. York 2 is an 828 MW natural gas-fired combined-cycle unit. It is newer than York 1, having begun operations in 2019, eight years later. York 1 and 2 are in Peach Bottom Township, Pennsylvania. Hay Road is a 1,136 MW dual-fuel combined cycle plant. It began commercial operations in 1989. Edge Moor is a 707 MW simple cycle natural gas-fired plant that began commercial operations in 1965. Both Hay Road and Edge Moor are in Wilmington, Delaware.

For each plant, the Defendants must divest the entirety of their rights, titles, and interests in and to all property and assets, tangible and intangible, relating to or used in connection with the generation, dispatch, and offer of electricity. This includes all real property, tangible personal property, intangible property, and intellectual property relating to each plant. This also includes all customer contracts and relationships, as well as all supply agreements. The proposed Final Judgment defines the entirety of the assets that the Defendants must divest as the ''Divestiture Assets.''

The divestiture requirements of the proposed Final Judgment will maintain competition for wholesale electricity in the ERCOT and PJM Coastal Mid-

Atlantic markets by allowing one or more competitors independent of the Defendants to acquire the Divestiture Assets. The proposed Final Judgment seeks to preserve competition by depriving Constellation of assets that are key to making it profitable for Constellation to withhold electricity generation to raise the market-clearing price in ERCOT and PJM's day-ahead and real-time auctions. In ERCOT, Defendants must divest the Jack A. Fusco plant and Calpine's interest in the Gregory plant. These plants are natural-gas plants, a critical fuel type in ERCOT that, as the Complaint alleges, set the market-clearing price the majority of the time. Constellation's divestiture of these plants will keep it from gaining an enhanced ability to raise the market-clearing prices in the ERCOT auctions. In the PJM Coastal Mid-Atlantic market, Defendants must divest the Bethlehem, York, Hay Road, and Edge Moor plants. These are mid-merit and peaking units, which often set the market-clearing price in the PJM Coastal Mid-Atlantic market. Divestiture of these four plants ensures that the Acquisition does not confer on Constellation an enhanced ability to withhold electricity to raise the market-clearing price and the incentive to make withholding profitable. Accordingly, the proposed Final Judgment protects competition in these markets.

2. Relevant Personnel

The proposed Final Judgment contains provisions intended to facilitate an acquirer's efforts to hire certain employees. Specifically, Paragraph IV.J of the proposed Final Judgment requires Defendants to provide an acquirer, the United States, and the State of Texas with organization charts and information relating to these employees and to make them available for interviews. It also provides that Defendants must not interfere with any negotiations by an acquirer to hire these employees. In addition, for employees who elect employment with an acquirer, Defendants must waive all non-compete and non-disclosure agreements, vest all unvested pension and other equity rights, provide any pay pro rata, provide all compensation and benefits that those employees have fully or partially accrued, and provide all other benefits that the employees would generally be provided had those employees continued employment with Defendants, including but not limited to any retention bonuses or payments.

3. Divestiture Trustee

If Defendants do not accomplish the divestitures within the period prescribed in Paragraph IV.A of the proposed Final Judgment, Section V of the proposed Final Judgment provides that the Court will appoint a divestiture trustee selected by the United States to effect the divestiture. If a divestiture trustee is appointed, the proposed Final Judgment provides that Defendants must pay all costs and expenses of the trustee. The divestiture trustee's commission must be structured to provide an incentive for the trustee based on the price obtained and the speed with which the divestiture is accomplished. After the divestiture trustee's appointment becomes effective, the trustee must provide monthly reports to the United States and State of Texas setting forth his or her efforts to accomplish the divestiture. If the divestiture has not been accomplished within 180 calendar days of the divestiture trustee's appointment, the United States may make recommendations to the Court, which will enter such orders as appropriate, to carry out the purpose of the Final Judgment, including by extending the term of the divestiture trustee's appointment by a period requested by the United States.

B. Other Provisions To Ensure Compliance

The proposed Final Judgment also contains provisions designed to promote compliance with and make enforcement of the Final Judgment as effective as possible. Paragraph XIV.A provides that the United States and the State of Texas retain and reserve all rights to enforce the Final Judgment, including the right to seek an order of contempt from the Court. Under the terms of this paragraph, Defendants have agreed that in any civil contempt action, any motion to show cause, or any similar action brought by the United States or the State of Texas regarding an alleged violation of the Final Judgment, the United States or the State of Texas may establish the violation and the appropriateness of any remedy by a preponderance of the evidence and that Defendants have waived any argument that a different standard of proof should apply. This provision aligns the standard for compliance with the Final Judgment with the standard of proof that applies to the underlying offense that the Final Judgment addresses.

Paragraph XIV.B provides additional clarification regarding the interpretation of the provisions of the proposed Final Judgment. The proposed Final Judgment is intended to remedy the loss of competition the United States and the State of Texas allege would otherwise result from the Acquisition. Defendants agree that they will abide by the proposed Final Judgment and that they may be held in contempt of the Court for failing to comply with any provision of the proposed Final Judgment that is stated specifically and in reasonable detail, as interpreted in light of this procompetitive purpose.

Paragraph XIV.C provides that, if the Court finds in an enforcement proceeding that a Defendant has violated the Final Judgment, the United States may apply to the Court for an extension of the Final Judgment, together with such other relief as may be appropriate. In addition, to compensate American taxpayers for any costs associated with investigating and enforcing violations of the Final Judgment, Paragraph XIV.C provides that, in any successful effort by the United States or the State of Texas to enforce the Final Judgment against a Defendant, whether litigated or resolved before litigation, the Defendant must reimburse the United States and the State of Texas for attorneys' fees, experts' fees, and other costs incurred in connection with that effort to enforce the Final Judgment, including the investigation of the potential violation.

Paragraph XIV.D states that the United States may file an action against a Defendant for violating the Final Judgment for up to four years after the Final Judgment has expired or been terminated. This provision is meant to address circumstances such as when evidence that a violation of the Final Judgment occurred during the term of the Final Judgment is not discovered until after the Final Judgment has expired or been terminated or when there is not sufficient time for the United States to complete an investigation of an alleged violation until after the Final Judgment has expired or been terminated. This provision, therefore, makes clear that, for four years after the Final Judgment has expired or been terminated, the United States may still challenge a violation that occurred during the term of the Final Judgment.

Finally, Section XV of the proposed Final Judgment provides that the Final Judgment will expire ten years from the date of its entry, except that after five years from the date of its entry, the Final Judgment may be terminated upon notice by the United States to the Court, Defendants and the State of Texas that the divestitures have been completed and continuation of the Final Judgment is no longer necessary or in the public interest.

IV. Remedies Available to Potential Private Plaintiffs

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed Final Judgment neither impairs nor assists the bringing of any private antitrust damage action. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the proposed Final Judgment has no prima facie effect in any subsequent private lawsuit that may be brought against Defendants.

V. Procedures Available for Modification of the Proposed Final Judgment

The United States and Defendants have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the APPA, provided that the United States has not withdrawn its consent. The APPA conditions entry upon the Court's determination that the proposed Final Judgment is in the public interest.

The APPA provides a period of at least 60 days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wishes to comment should do so within 60 days of the date of publication of this Competitive Impact Statement in the **Federal Register**, or within 60 days of the first date of publication in a newspaper of the summary of this Competitive Impact Statement, whichever is later. All comments received during this period will be considered by the U.S. Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time before the Court's entry of the Final Judgment. The comments and the response of the United States will be filed with the Court. In addition, the comments and the United States' responses will be published in the **Federal Register** unless the Court agrees that the United States instead may publish them on the U.S. Department of Justice, Antitrust Division's internet website.

Written comments should be submitted in English to: Patricia C. Corcoran, Acting Chief, Transportation, Energy & Agriculture Section, Antitrust Division, United States Department of Justice, 450 Fifth St. NW, Suite 8000, Washington, DC 20530, *ATR.Public-Comments-Tunney-Act-MB@usdoj.gov*.

The proposed Final Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for the modification, interpretation, or enforcement of the Final Judgment.

VI. Alternatives to the Proposed Final Judgment

As an alternative to the proposed Final Judgment, the United States considered a full trial on the merits against Defendants. The United States could have pursued litigation and sought preliminary and permanent injunctions against the Acquisition. The United States is satisfied, however, that the relief required by the proposed Final Judgment will remedy the anticompetitive effects alleged in the Complaint, preserving competition in the markets for wholesale electricity in ERCOT and PJM's Coastal Mid-Atlantic area. Thus, the proposed Final Judgment achieves all or substantially all of the relief the United States would have obtained through litigation but avoids the time, expense, and uncertainty of a full trial on the merits.

VII. Standard of Review Under the APPA for the Proposed Final Judgment

Under the Clayton Act and APPA, proposed Final Judgments, or ''consent decrees,'' in antitrust cases brought by the United States are subject to a 60-day comment period, after which the Court shall determine whether entry of the proposed Final Judgment ''is in the public interest.'' 15 U.S.C. 16(e)(1). In making that determination, the Court, in accordance with the statute as amended in 2004, is required to consider:

> (A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and
>
> (B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. 16(e)(1)(A) & (B). In considering these statutory factors, the Court's inquiry is necessarily a limited one, as the government is entitled to ''broad discretion to settle with the defendant within the reaches of the public interest.'' *United States* v. *Microsoft Corp.,* 56 F.3d 1448, 1461 (D.C. Cir. 1995); *United States* v. *U.S. Airways Grp., Inc.,* 38 F. Supp. 3d 69, 75 (D.D.C. 2014) (explaining that the ''court's inquiry is limited'' in Tunney Act settlements); *United States* v. *InBev N.V./S.A.,* No. 08–1965 (JR), 2009 U.S. Dist. LEXIS 84787, at *3 (D.D.C. Aug. 11, 2009) (noting that a court's review of a proposed Final Judgment is limited and only inquires ''into whether the government's determination that the proposed remedies will cure the antitrust violations alleged in the complaint was reasonable, and whether the mechanisms to enforce the final judgment are clear and manageable'').

As the U.S. Court of Appeals for the District of Columbia Circuit has held, under the APPA, a court considers, among other things, the relationship between the remedy secured and the specific allegations in the government's complaint, whether the proposed Final Judgment is sufficiently clear, whether its enforcement mechanisms are sufficient, and whether it may positively harm third parties. *See Microsoft,* 56 F.3d at 1458–62. With respect to the adequacy of the relief secured by the proposed Final Judgment, a court may not ''make de novo determination of facts and issues.'' *United States* v. *W. Elec. Co.,* 993 F.2d 1572, 1577 (D.C. Cir. 1993) (quotation marks omitted); *see also Microsoft,* 56 F.3d at 1460–62; *United States* v. *Alcoa, Inc.,* 152 F. Supp. 2d 37, 40 (D.D.C. 2001); *United States* v. *Enova Corp.,* 107 F. Supp. 2d 10, 16 (D.D.C. 2000); *InBev,* 2009 U.S. Dist. LEXIS 84787, at *3. Instead, ''[t]he balancing of competing social and political interests affected by a proposed antitrust decree must be left, in the first instance, to the discretion of the Attorney General.'' *W. Elec. Co.,* 993 F.2d at 1577 (quotation marks omitted). ''The court should also bear in mind the *flexibility* of the public interest inquiry: the court's function is not to determine whether the resulting array of rights and liabilities is the one that will *best* serve society, but only to confirm that the resulting settlement is within the *reaches* of the public interest.'' *Microsoft,* 56 F.3d at 1460 (citation and internal quotation marks omitted) (emphases in original); *see also United States* v. *Deutsche Telekom AG,* No. 19–2232 (TJK), 2020 WL 1873555, at *7 (D.D.C. Apr. 14, 2020). More demanding requirements would ''have enormous practical consequences for the government's ability to negotiate future settlements,'' contrary to congressional

intent. *Microsoft,* 56 F.3d at 1456. ''The Tunney Act was not intended to create a disincentive to the use of the consent decree.'' *Id.*

The United States' predictions about the efficacy of the remedy are to be afforded deference by the Court. *See, e.g., Microsoft,* 56 F.3d at 1461 (recognizing courts should give ''due respect to the Justice Department's . . . view of the nature of its case''); *United States* v. *Iron Mountain, Inc.,* 217 F. Supp. 3d 146, 152–53 (D.D.C. 2016) (''In evaluating objections to settlement agreements under the Tunney Act, a court must be mindful that [t]he government need not prove that the settlements will perfectly remedy the alleged antitrust harms[;] it need only provide a factual basis for concluding that the settlements are reasonably adequate remedies for the alleged harms.'' (internal citations omitted)); *United States* v. *Republic Servs., Inc.,* 723 F. Supp. 2d 157, 160 (D.D.C. 2010) (noting ''the deferential review to which the government's proposed remedy is accorded''); *United States* v. *Archer-Daniels-Midland Co.,* 272 F. Supp. 2d 1, 6 (D.D.C. 2003) (''A district court must accord due respect to the government's prediction as to the effect of proposed remedies, its perception of the market structure, and its view of the nature of the case.''). The ultimate question is whether ''the remedies [obtained by the Final Judgment are] so inconsonant with the allegations charged as to fall outside of the 'reaches of the public interest.' '' *Microsoft,* 56 F.3d at 1461 (quoting *W. Elec. Co.,* 900 F.2d at 309).

Moreover, the Court's role under the APPA is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its Complaint and does not authorize the Court to ''construct [its] own hypothetical case and then evaluate the decree against that case.'' *Microsoft,* 56 F.3d at 1459; *see also U.S. Airways,* 38 F. Supp. 3d at 75 (noting that the court must simply determine whether there is a factual foundation for the government's decisions such that its conclusions regarding the proposed settlements are reasonable); *InBev,* 2009 U.S. Dist. LEXIS 84787, at *20 (''[T]he 'public interest' is not to be measured by comparing the violations alleged in the complaint against those the court believes could have, or even should have, been alleged''). Because the ''court's authority to review the decree depends entirely on the government's exercising its prosecutorial discretion by bringing a case in the first place,'' it follows that ''the court is only authorized to review the decree itself,'' and not to ''effectively redraft the complaint'' to inquire into other matters that the United States did not pursue. *Microsoft,* 56 F.3d at 1459–60.

In its 2004 amendments to the APPA, Congress made clear its intent to preserve the practical benefits of using judgments proposed by the United States in antitrust enforcement, Public Law 108–237 § 221, and added the unambiguous instruction that ''[n]othing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene.'' 15 U.S.C. 16(e)(2); *see also U.S. Airways,* 38 F. Supp. 3d at 76 (indicating that a court is not required to hold an evidentiary hearing or to permit intervenors as part of its review under the Tunney Act). This language explicitly wrote into the statute what Congress intended when it first enacted the Tunney Act in 1974. As Senator Tunney explained: ''[t]he court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process.'' 119 Cong. Rec. 24,598 (1973) (statement of Sen. Tunney). ''A court can make its public interest determination based on the competitive impact statement and response to public comments alone.'' *U.S. Airways,* 38 F. Supp. 3d at 76 (citing *Enova Corp.,* 107 F. Supp. 2d at 17).

VIII. Determinative Documents

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment.

Dated: December 12, 2025

Respectfully submitted,

FOR PLAINTIFF
UNITED STATES OF AMERICA

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BILLING CODE 4410–11–P

NEIGHBORHOOD REINVESTMENT CORPORATION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m., Thursday, December 18, 2025.

PLACE: via ZOOM.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Regular Board of Directors meeting.

The General Counsel of the Corporation has certified that in her opinion, one or more of the exemptions set forth in the Government in the Sunshine Act, 5 U.S.C. 552b(c)(2) permit closure of the following portion(s) of this meeting:

- Executive (Closed) Session

Agenda

I. Call to Order
II. Action Item: Temporary Delegation of Authority to the President & CEO
III. Action Item: Approval of Government in Sunshine Act Notice Waiver
IV. Discussion Item: FY25 External Audit With CliftonLarsonAllen
V. Sunshine Act Approval of Executive (Closed) Session
VI. Executive Session: FY25 External Audit With CliftonLarsonAllen
VII. Executive Session: CEO Report
VIII. Executive Session: CFO Report
IX. Executive Session: General Counsel Report
X. Executive Session: CIO Report
XI. Executive Session: Chief Audit Executive Report
XII. Action Item: Approval of Meeting Minutes for June 26 Annual Board Meeting and September 11 Regular Board Meeting
XIII. Action Item: Audit Committee Appointments
XIV. Action Item: Capital Corporations—Master Investment Agreement
XV. Action Item: Internal Audit Report Acceptance
  a. Active Directory Management
  b. Cyber Attack Incident Response II
  c. Network Affiliations
XVI. Discussion Item: Change to FY25/26 Internal Audit Plan
XVII. Discussion Item: Lapse in Funding Policy—OMB Requested Edit
XVIII. Discussion Item: Management Program Background and Updates
  a. 2026 Board Calendar
  b. 2026 Board Agenda Planner
  c. CFO Report
  i. Financials (Through 9/30/25)
  ii. Single Invoice Approvals $100K and Over

iii. Vendor Payments $350K and Over
iv. Exceptions
d. FY25–FY27 SP Scorecard—Q4
e. Network Watchlist Report

PORTIONS OPEN TO THE PUBLIC:
Everything except the Executive (Closed) Session.

PORTIONS CLOSED TO THE PUBLIC:
Executive (Closed) Session.

CONTACT PERSON FOR MORE INFORMATION:
Jenna Sylvester, Paralegal, (202) 568–2560; *jsylvester@nw.org.*

Jenna Sylvester,

Paralegal.

[FR Doc. 2025–23277 Filed 12–16–25; 11:15 am]

BILLING CODE 7570–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–237 and 50–249; NRC–2024–0080]

Constellation Energy Generation, LLC; Dresden Nuclear Power Station, Units 2 and 3; Subsequent License Renewal and Record of Decision

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued Subsequent Renewed Facility Operating License Nos. DPR–19 and DPR–25 to Constellation Energy Generation, LLC (CEG, or the licensee), for Dresden Nuclear Power Station, Units 2 and 3 (Dresden). In addition, the NRC has prepared a record of decision (ROD) that supports the NRC's decision to issue Subsequent Renewed Facility Operating License Nos. DPR–19 and DPR–25.

DATES: The Subsequent Renewed Facility Operating License Nos. DPR–19 and DPR–25 were issued on December 16, 2025.

ADDRESSES: Please refer to Docket ID NRC–2024–0080 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2024–0080. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:
Mark Yoo, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–8583; email: *Mark.Yoo@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Discussion

Notice is hereby given that the NRC has issued Subsequent Renewed Facility Operating License Nos. DPR–19 and DPR–25 to CEG for Dresden. CEG is the operator of the facilities. Subsequent Renewed Facility Operating License Nos. DPR–19 and DPR–25 authorize operation of Dresden, Units 2 and 3, by CEG at reactor core power levels not in excess of 2,957 megawatts thermal, in accordance with the provisions of the Dresden subsequent renewed licenses and technical specifications. Notice is also given that the ROD that supports the NRC's decision to issue Subsequent Renewed Facility Operating License Nos. DPR–19 and DPR–25 is available in the ''Availability of Documents'' section of this document.

As discussed in the ROD and the final supplemental environmental impact statement (SEIS), published as NUREG–1437, Supplement 17, Second Renewal, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Subsequent License Renewal for Dresden Nuclear Power Station, Units 2 and 3, Final Report,'' dated September 2025, the final SEIS documents the NRC staff's environmental review, including the determination that the adverse environmental impacts of subsequent license renewal (SLR) for Dresden are not so great that preserving the option of SLR for energy planning decisionmakers would be unreasonable. The final SEIS conclusion is based on (1) information provided in the environmental report submitted by CEG, as supplemented, (2) the NRC staff's consultations with Federal, State, local, and Tribal agencies, (3) the NRC staff's independent environmental review, and (4) the NRC staff's consideration of public comments received during the scoping process and on the 2025 draft SEIS.

Dresden is a boiling water reactor site located near Morris, Illinois. CEG submitted its application for the subsequent renewed license, ''Dresden Nuclear Power Station, Units 2 and 3—Subsequent License Renewal Application,'' on April 17, 2024, as supplemented by letters through May 8, 2025 (see ''Availability of Documents'' section of this document). The NRC staff has determined that CEG's application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and NRC's regulations. As required by the Act and NRC regulations in Chapter 1 of title 10 of the *Code of Federal Regulations* (10 CFR), the NRC has made appropriate findings, which are set forth in the subsequent renewed licenses.

A public notice of the NRC's acceptance for docketing of the subsequent renewed license application and an opportunity for a hearing was published in the **Federal Register** on June 24, 2024 (89 FR 52514). Further, a notice of intent to conduct environmental scoping was published on August 5, 2024 (89 FR 63450). On August 6, 2024, the NRC amended its environmental protection regulations by updating the Commission's 2013 findings on the environmental effects of renewing the operating license of a nuclear power plant. This final rule redefines the number and scope of the environmental issues that must be addressed during the review of each application for license renewal (LR) and specifically considers the environmental effects of SLR. As part of this update, the NRC issued Revision 2 to the LR Generic Environmental Impact Statement (GEIS) to account for new information and to address the impacts of initial license renewal as well as one 20-year period of SLR. The final rule became effective for NRC staff on September5,2024. On September 9, 2025, the NRC staff issued its Safety Evaluation (SE) concerning the Dresden subsequent license renewal application (SLRA). In May 2025, the NRC staff issued a draft SEIS for public comment, providing the preliminary results of the

staff's environmental evaluation of Dresden's SLRA. A notice of availability of the draft SEIS was published in the **Federal Register** on May 30, 2025 (90 FR 23079). On September 3, 2025, the NRC staff issued a final SEIS, providing its final evaluation of the environmental impacts of Dresden's SLR; a notice of issuance was published in the **Federal Register** on September 12, 2025 (90 FR 44251).

For further details with respect to this action, see (1) CEG's SLRA for Dresden, dated April 17, 2024, as supplemented by letters dated through May 8, 2025; (2) the NRC's SE, dated September 9, 2025; (3) the NRC's final SEIS (NUREG–1437, Supplement 17, Second Renewal) for Dresden, SLR dated September 3, 2025; and (4) the NRC's ROD, dated December 16, 2025.

II. Availability of Documents

The documents identified in the following table are available to interested persons through ADAMS, as indicated.

Document description	ADAMS Accession No.
Dresden Nuclear Power Station, Units 2 and 3, Application for Renewed Operating License, dated April 17, 2024	ML24108A007 (Package).
NUREG–1437, Revision 2, Volumes 1, 2, and 3, Generic Environmental Impact Statement for License Renewal of Nuclear Plants, dated August 1, 2024..	ML24087A133 (Package).
Supplement No. 1—Changes to the Dresden Nuclear Power Station, Units 2 and 3, Subsequent License Renewal Application, dated February 20, 2025.	ML25051A253 (Package).
Supplement No. 2—Changes to the Dresden Nuclear Power Station, Units 2 and 3, Subsequent License Renewal Application, dated March 13, 2025.	ML25072A153 (Package).
Responses to NRC Request for Additional Information Set 1 and Request for Confirmation of Information Sets 1 and 2, dated April 10, 2025.	ML25100A132 (Package).
Supplement No. 3—Changes to the Dresden Nuclear Power Station, Units 2 and 3, Subsequent License Renewal Application, dated April 28, 2025.	ML25118A278 (Package).
Response to NRC Request for Additional Information Set 2 and Request for Confirmation of Information Set 3, dated May 8, 2025.	ML25128A184 (Package).
NUREG–1437, Supplement 17, Second Renewal, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Regarding Subsequent License Renewal for Dresden Nuclear Power Station, Units 2 and 3,'' Draft Report for Comment, dated May 2025..	ML25132A151.
Safety Evaluation Related to the License Renewal of Dresden Nuclear Power Station, Units 2 and 3, dated September 10, 2025..	ML25251A146 (Package).
NUREG–1437, Supplement 17, Second Renewal, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 17, Second Renewal, Regarding Subsequent License Renewal for Dresden Nuclear Power Station, Units 2 and 3, Final Report, dated September 2025..	ML25233A275.
Record of Decision—Subsequent License Renewal Application Review—Dresden Nuclear Power Station, Units 2 and 3, dated December 16, 2025..	ML25237A115.

Dated: December 16, 2025.

For the Nuclear Regulatory Commission.

Michele Sampson,

Director, Division of New and Renewed Licenses, Office of Nuclear Reactor Regulation.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104374A; File No. SR–FICC–2025–019]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Order Approving Proposed Rule Change, as Modified by Partial Amendment No. 1, To Establish a New Collateral-in-Lieu Offering Within the Sponsored GC Service, and Expand the Sponsored GC Service To Allow a Sponsoring Member To Submit for Clearing a ''Done-Away'' Sponsored GC Trade

December 12, 2025.

On August 29, 2025, Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–FICC–2025–019 pursuant to Section 19(b) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 [2] thereunder to modify FICC's Government Securities Division (''GSD'') Rulebook (''GSD Rules'') [3] to incorporate rules to establish a new Collateral-in-Lieu offering within the Sponsored GC Service, and expand the Sponsored GC Service to allow a Sponsoring Member to submit for clearing a ''done-away'' Sponsored GC Trade. The proposed rule change was published for public comment in the **Federal Register** on September 15, 2025.[4]

On September 26, 2025, pursuant to Section 19(b)(2) of the Exchange Act,[5] the Commission designated a longer period within which to approve, disapprove, or institute proceedings to determine whether to approve or disapprove the proposed rule change.[6]

On September 29, 2025, FICC filed Partial Amendment No. 1 to the proposed rule change [7] to make conforming changes to GSD Rule 3A liquidation provisions for consistency with a separate pending proposed rule change that FICC amended after the Notice of Filing.[8] The Proposed Rule Change was published for public

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The GSD Rules are *available at https://www.dtcc.com/~/media/Files/Downloads/legal/rules/ficc_gov_rules.pdf.* Terms not otherwise defined herein are defined in the GSD Rules or in the proposed rule change.

[4] *See* Exchange Act Release No. 103940 (Sept. 10, 2025), 90 FR 44408 (Sept. 15, 2025) (File No. SR–FICC–2025–019) (''Notice of Filing'').

[5] 15 U.S.C. 78s(b)(2).

[6] Securities Exchange Act Release No. 104085 (Sept. 26, 2025), 90 FR 46981 (Sept. 30, 2025) (File No. SR–FICC–2025–019).

[7] Text of the proposed changes made by the Partial Amendment No. 1 to the proposed rule change is *available at https://www.sec.gov/comments/sr-ficc-2025-019/srficc2025019-664907-1986975.pdf.* The proposed rule change, as modified by Partial Amendment No. 1, is hereinafter referred to as the ''Proposed Rule Change.''

[8] Specifically, FICC amended proposed rule change SR–FICC–2025–015 to include express language regarding the ability of a Sponsoring Member or FICC to liquidate an indirect participant's done-away positions and to describe two ways that a Sponsoring Member may liquidate done-away transactions pursuant to FICC's default management rules. *See* Securities Exchange Act Release No. 104001 (Sept. 18, 2025), 90 FR 45850 (Sept. 23, 2025) (File No. SR–FICC–2025–015). *See also* Securities Exchange Act Release No. 103282 (June 17, 2025), 90 FR 26656 (June 23, 2025) (File No. SR–FICC–2025–015).

comment in the **Federal Register** on November 20, 2025.[9]

The Commission has received no comments regarding the substance of the Proposed Rule Change. For the reasons discussed below, the Commission is approving the Proposed Rule Change.

I. Description of the Proposed Rule Change

A. Background

FICC, through GSD, serves as a central counterparty (''CCP'') and provides real-time trade matching, clearing, risk management and netting for cash purchases and sales and repurchase and reverse repurchase transactions (''repos'') involving U.S. Treasury securities. Market participants that are not direct members of FICC may access FICC's clearing services indirectly through a FICC direct member (*i.e.,* Netting Member). Through the Sponsored Service, one of FICC's indirect participation offerings, FICC permits Netting Members, approved under the GSD Rules as ''Sponsoring Members,'' to sponsor certain firms, referred to as ''Sponsored Members,'' into a limited form of GSD membership.[10] A Sponsoring Member is permitted to submit to FICC, for comparison, novation, and netting, certain eligible securities transactions of its Sponsored Members. FICC requires each Sponsoring Member to establish an omnibus account at FICC (separate from its regular netting account) for Sponsored Member trading activity. For operational and administrative purposes, a Sponsored Member appoints its Sponsoring Member to act as processing agent with respect to the Sponsored Member's satisfaction of its securities and funds-only settlement obligations.[11]

A Sponsored Member is the legal counterparty to FICC for any submitted transactions.[12] However, the Sponsoring Member unconditionally guarantees to FICC the Sponsored Member's performance under a Sponsoring Member Guaranty, which guarantees to FICC the payment and performance of a Sponsored Member's obligations to FICC.[13] Therefore, FICC relies on the financial resources of the Sponsoring Member as guarantor.

General collateral[14] triparty repos between Sponsoring Members and Sponsored Members (*i.e.,* ''done-with'' trades) are eligible for clearing under FICC's Sponsored GC Service within FICC's Sponsored Service (''Sponsored GC Trades'').[15] After the Start Leg settles away from FICC, the End Leg, or the concluding Sponsored GC Trade (*i.e.,* the ''repurchase''), is novated to FICC and is eligible for netting against all other eligible trades of the GSD Member.[16] FICC states that, to protect against the non-performance of the End Leg, certain cash lenders, such as registered investment companies (''RICs''), generally charge cash borrowers a haircut as additional collateral above 100% of the cash value lent at settlement of the Start Leg (hereinafter ''collateral haircut'').[17] Currently, this haircut is charged away from FICC and is distinct from FICC's margin charge.[18] Furthermore, FICC charges margin (*i.e.,* the member's Clearing Fund Requirement) on all trades, including any Sponsored GC Trades, novated to FICC.

FICC states that certain market participants have identified a number of constraints on the ability of RICs and other cash providers to access FICC's clearance and settlement services.[19] First, Sponsoring Members, who are either borrowing cash or intermediating the trade on behalf of a cash borrower on a done-with basis, currently are charged a collateral haircut by the RIC or other cash provider, away from FICC.[20] Because that collateral haircut cannot be on-posted to FICC, Sponsoring Members must also pay margin to FICC in relation to the cash provider's obligations under the Sponsored GC Trade.[21] Second, FICC states Sponsoring Members face regulatory capital requirements associated with providing the Sponsoring Member Guaranty on behalf of the RICs and other cash providers it sponsors into FICC membership, which may limit Sponsoring Members' ability to provide clearing services for these trades on either a done-with or done-away basis.[22] Third, FICC understands certain RICs and other cash providers may face operational constraints on making or receiving Funds-Only Settlement Amount payments twice daily; therefore, it is common practice for the Sponsoring Member to agree to pay the amounts due on behalf of the Sponsored Member.[23] Fourth, there are timing constraints around allocations that limit a Sponsoring Member's ability to submit to FICC triparty repo transactions entered into through joint trading accounts, as detailed below.[24] Additionally, market participants have expressed interest in being able to clear ''done-away'' Sponsored GC Trades between the Sponsored Member and either a Netting Member other than the Sponsoring Member or another Indirect Participant of any Netting Member.[25]

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[9] Securities Exchange Act Release No. 104193 (November 17, 2025), 90 FR 52466 (Nov. 20, 2025) (File No. SR–FICC–2025–019).

[10] *See* Rule 3A, *supra* note 3.

[11] *See* GSD Rule 3A, *supra* note 3. An entity that chooses to become a Sponsoring Member retains its status as a Netting Member and can continue to submit any non-Sponsored Member activity to FICC as such.

[12] *See* GSD Rule 3A, section 7 (describing novation of Sponsored Member Trades) and section 2 (identifying membership types), *supra* note 3.

[13] *See* GSD Rule 3A, section 2 (describing the operation of the Sponsoring Member Guaranty) *and* GSD Rule 1 (defining the Sponsoring Member Guaranty), *supra* note 3.

[14] General collateral, or GC, refers to a set of high-quality, liquid security issues, which trade in the repo market at the same or a very similar repo rate. These security issues can therefore be substituted for one another without changing the repo rate. In other words, the buyer in a general collateral repo is indifferent to which of the general collateral securities she will receive. The basket of security issues that form a particular general collateral repo market belong to the same class (*e.g.,* government bonds) or sub-class (*e.g.,* government bonds with no more than five years remaining to maturity). *See* International Capital Market Association, *[FAQ] 8. What is General Collateral (GC)?,* ICMA ERCC Publications (Jan. 2019), *available at https://www.icmagroup.org/market-practice-and-regulatory-policy/repo-and-collateral-markets/icma-ercc publications/frequently-asked-questions-on-repo/8-what-is-general-collateral-gc.*

[15] *See* GSD Rule 3A, *supra* note 3. The Start Leg, or the initial trade of the general collateral triparty repo, is not centrally cleared and is settled on a trade-for-trade basis on the triparty repo platform of a Sponsored GC Clearing Agent Bank. BNY currently operates the tri-party platform that facilitates trades conducted through the Sponsored GC Service.

[16] *See* GSD Rule 3A, *supra* note 3. Sponsored GC Trades are settled on the triparty repo platform of a Sponsored GC Clearing Agent Bank.

[17] FICC states the haircut amount typically is set at 102%, although this amount may vary based on the commercial terms agreed upon by the counterparties involved. *See* Notice of Filing, *supra* note 4, at 44413.

[18] *See* Notice of Filing, *supra* note 4, at 44411.

[19] *See* Notice of Filing, *supra* note 4, at 44421.

[20] *See* Letter from Ken Bentsen, President & CEO, SIFMA, et al. to Mark Uyeda, Jan. 24, 2025, in Release No. 34–95763, File No. S7–23–22, at 2, *available at https://www.sifma.org/wp-content/uploads/2025/01/SIFMA-Extension-Request-USTreasury-Clearing-Mandate-FINAL-Clean.pdf* (describing ''SEC-registered fund rules that effectively require double margining for cleared repos'' as a critical issue that needs to be resolved in advance of the compliance date of the Commission's Treasury Clearing Rule).

[21] *See id.*

[22] *See* Notice of Filing, *supra* note 4, at 44421.

[23] *See id.*

[24] *See* Notice of Filing, *supra* note 4, at 44417.

[25] *See, e.g.,* Letter from Joanna Mallers, Secretary, FIA Principal Traders Group to Vanessa Countryman, Apr. 17, 2024, in Release No. 34–99844, File No. SR–FICC–2024–007, at 3, *available at https://www.sec.gov/comments/sr-ficc-2024-007/srficc2024007-459391-1190934.pdf* (emphasizing the negative consequences of a lack of ''done-away'' clearing); Letter from Jennifer Han, Executive Vice President, Chief Counsel and Head of Global Regulatory Affairs, Managed Funds Association to Vanessa Countryman, Apr. 17, 2024, in Release No. 34–99844, File No. SR–FICC–2024–007, at 5, *available at https://www.sec.gov/comments/sr-ficc-2024-007/srficc2024007-461691-1208034.pdf*

B. Proposed Changes [26]

FICC proposes two sets of changes to address these issues. First, FICC proposes to expand its Sponsored Service to add a new Collateral-in-Lieu offering to its Sponsored GC Service, in which FICC will take a lien on the collateral in lieu of charging margin. The lien on collateral generally will obviate FICC's need to collect margin or the Funds Only Settlement Amount payments and to obtain the Sponsoring Member Guaranty on these trades.[27] Second, FICC proposes to allow a Sponsoring Member to submit for clearance and settlement a ''done-away'' Sponsored GC Trade. As discussed further below, the purpose of this expansion is to facilitate access to central clearing for market participants, particularly RICs including money market funds and other cash providers.[28]

1. Expand the Sponsored GC Service for a New Collateral-in-Lieu Offering (''CIL Service'')

CIL Service Offering

Under the proposed CIL Service, a Sponsoring Member would be eligible to submit to FICC for clearance and settlement a GC triparty repo (''Sponsored GC CIL Trade'') entered into by its Sponsored Member as cash provider (''CIL Funds Lender'').[29] FICC proposes that Sponsored GC CIL Trades would be recorded in a new type of Indirect Participants Account, called a ''Sponsored GC CIL Omnibus Account.'' FICC states the reason for the separate Sponsored GC CIL Omnibus Account is that the margin requirements for Sponsored GC CIL Trades would be calculated differently from those for general Sponsored Member Trades.[30] In addition, since one of the principal purposes of the CIL Service is to address the inability of CIL Funds Lenders to post margin, and the margin for Segregated Indirect Participants Accounts must generally consist of Indirect Participant assets, the Rules would not permit a Sponsored GC CIL Omnibus Account to be a Segregated Indirect Participants Account.[31]

Risk Management Under New CIL Service

FICC proposes to require each CIL Funds Lender to collect a haircut and to grant FICC a lien on the Purchased GC Repo Securities subject to the Sponsored GC CIL Trade. FICC states that the purpose of the lien would be to allow FICC to acquire the Purchased GC Repo Securities and use them to settle with the GC Funds Borrower in the event FICC ceases to act for the CIL Funds Lender or its Sponsoring Member.[32] FICC proposes to amend the Rules to provide that if FICC ceases to act for a CIL Funds Lender, FICC may, in lieu of closing out the Sponsored GC CIL Trades (or a portion of any such trades), exercise its right as a secured party in relation to the Purchased GC Repo Securities and instruct the Sponsored GC Clearing Agent Bank to remove such Purchased GC Repo Securities from the account of such CIL Funds Lender.

Once FICC ceases to act for a CIL Funds Lender, FICC would only be permitted, under the GSD Rules, to instruct the Sponsored GC Clearing Agent Bank to remove the Purchased GC Repo Securities from the account of the CIL Funds Lender in two scenarios. First, FICC would be able to remove such securities if such removal is against cash in an amount equal to the amount payable to the CIL Funds Lender (*i.e.,* against the repurchase price due back to the CIL Funds Lender in final settlement of the Sponsored GC CIL Trade). Second, FICC would be able to remove the amount of Purchased GC Repo Securities necessary to satisfy the CIL Funds Lender's obligation to return excess Purchased GC Repo Securities [33] or to return Purchased GC Repo Securities for which the GC Funds Borrower has exercised its right to make a substitution.[34]

To ensure that the Sponsored GC Clearing Agent Bank acts on such instructions and to perfect FICC's security interest in the Purchased GC Repo Securities, the CIL Custodial Agreement Supplement would contain an agreement by the Sponsored GC Clearing Agent Bank to comply with FICC's instructions except following delivery by the CIL Funds Lender to the Sponsored GC Clearing Agent Bank of a notice of a Corporation Default (a ''GC CIL Notice of Default'').[35] FICC states the reason the Sponsored GC Clearing Agent Bank would agree not to act on FICC's instructions following the delivery by the CIL Funds Lender of a CIL GC Notice of Default is to ensure that, the CIL Funds Lender would be able to exercise remedies against the Purchased GC Repo Securities promptly upon a Corporation Default without potential competing instructions from FICC.[36]

FICC states that the lien on the Purchased GC Repo Securities generally will obviate FICC's need to collect margin or the Funds Only Settlement Amount payments and to obtain the Sponsoring Member Guaranty on these trades.[37] In the context of a reverse repurchase transaction (''reverse repo''), FICC collects margin to ensure that it has sufficient resources in the event it ceases to act for the reverse repo buyer or its Sponsoring Member, to purchase the relevant securities and deliver them to the non-defaulting pre-Novation counterparty.[38] However, if FICC can acquire the securities without taking market action by virtue of a lien on such securities, FICC states that it would not

(emphasizing that indirect participants require a robust ''done-away'' clearing market); Letter from Jiri Krol, Deputy CEO, Global Head of Government Affairs, Alternative Investment Management Association to Vanessa Countryman, Apr. 23, 2024, in Release No. 34–99844, File No. SR–FICC–2024–007, at 4, *available at https://www.sec.gov/comments/sr-ficc-2024-007/srficc2024007-462091-1209374.pdf* (noting that indirect participants need done-away clearing to access clearing and settlement services); Letter from William Thum, Managing Director and Assistant General Counsel, SIFMA Asset Management Group to Vanessa Countryman, May 24, 2024, in Release No. 34–99844, File No. SR–FICC–2024–007, at 5, *available at https://www.sec.gov/comments/sr-ficc-2024-007/srficc2024007-477851-1366734.pdf* (noting that FICC must facilitate ''done-away'' trading in a manner that fulfills the Access Requirement).

[26] For a detailed description of each proposed change, please refer generally to the Notice of Filing, *supra* note 4.

[27] *See* Notice of Filing, *supra* note 4, at 44410.

[28] *See id.*

[29] FICC states that by proposing the CIL Service under its existing Sponsored GC Service, it would leverage much of the legal and operational framework applicable to the existing Sponsored GC Service, including the process for trade submission, the use of Generic CUSIP Numbers, and the process for settling the transactions through the triparty platform of the Sponsored GC Clearing Agent Bank. *See* Notice of Filing, *supra* note 4, at 44409.

[30] *See id.* at 44411.

[31] *See id.* at 44411–12.

[32] *See id.* at 44412.

[33] FICC states that this instruction right is consistent with the Sponsored GC Service in which the cash borrower is generally entitled to the return of excess margin. Such excess would generally arise due to an increase in the market value of the Purchased GC Repo Securities since the Sponsored GC CIL Trade was executed. *See* Notice of Filing, *supra* note 4, at 44412.

[34] The GC Funds Borrower would be entitled to effectuate, and a CIL Funds Lender would be required to process, a substitution for some or all of the Purchased GC Repo Securities of the same Generic CUSIP Number.

[35] The lien would be documented in a ''CIL Custodial Agreement Supplement'' between a Sponsored GC Clearing Agent Bank, a CIL Funds Lender, FICC, and the GC Funds Borrower. The Rules would require that each CIL Custodial Agreement Supplement include, at a minimum, the terms set forth in the Rules and no terms inconsistent with such terms. The CIL Custodial Agreement Supplement would supplement the existing custodial undertaking or similar agreement (''Custody Agreement'') governing the account in which the Sponsored GC Clearing Agent Bank maintains the Purchased GC Repo Securities for the CIL Funds Lender (''Buyer's GC CIL Trade Account''). *See* Notice of Filing, *supra* note 4, at 44412.

[36] *See* Notice of Filing, *supra* note 4, at 44413.

[37] *See id.*

[38] *See id.*

need margin to secure the CIL Funds Lender's obligations because FICC would generally be able to settle with the GC Funds Borrower and CIL Funds Lender even if FICC ceased to act for the CIL Funds Lender's Sponsoring Member.[39]

FICC states that, nonetheless, certain limited circumstances could prevent FICC from effectuating such settlement, namely, if the GC Funds Borrower on the Sponsored GC CIL Trade is the defaulting Sponsoring Member or an Indirect Participant of that Sponsoring Member or its Affiliate.[40] In such a default scenario, FICC may not be able to settle the Sponsored GC CIL Trade at all.[41] In other cases, FICC may be able to complete only partial settlement notwithstanding the fact that it has ceased to act for the Sponsoring Member.[42]

To address these possibilities, FICC proposes to provide that, if FICC ceases to act for the Sponsoring Member, and the GC Funds Borrower is the defaulting Sponsoring Member or one of its Indirect Participants, FICC may, as an alternative to effectuating settlement or exercising rights under its lien, terminate the Sponsored GC CIL Trade (or portion thereof). In that situation, the CIL Funds Lender would be permitted to take such market action in relation to the relevant Purchased GC Repo Securities as it determines in its discretion.[43] Were FICC to terminate a Sponsored GC CIL Trade (or a portion thereof), FICC would calculate a liquidation amount owing in respect thereof pursuant to GSD Rule 22A. If the liquidation amount is owed by the CIL Funds Lender to FICC, FICC would require resources to ensure the CIL Funds Lender can satisfy its obligation to pay such amount.[44]

FICC proposes to address such need for additional resources in two ways. First, FICC proposes to require that a Sponsored GC CIL Trade have an Initial Haircut no less than 2 percent of the Contract Value of the Start Leg or such other amount determined by FICC (''CIL Required Haircut''). FICC states that this requirement would be broadly consistent with the market practice of how uncleared triparty repos of RICs are overcollateralized today.[45] FICC would provide Netting Members with at least 30 Business Days' advance notice of any changes to the CIL Required Haircut.

Second, FICC proposes to subject the CIL Funds Lender's Sponsoring Member to a Clearing Fund requirement for a Sponsored GC CIL Omnibus Account (''Sponsored GC CIL Omnibus Account Required Fund Deposit'') when necessary to ensure that FICC would have resources, in the form of Clearing Fund deposits or Purchased GC Repo Securities, no less than the Clearing Fund FICC would otherwise collect in relation to the transaction.[46]

The Sponsored GC CIL Omnibus Account Required Fund Deposit would be the greater of a $1 million minimum and the sum of all applicable charges, with margin calculated in the same manner as when calculated with respect to a Sponsoring Member Omnibus Account. The VaR Charge would be calculated for each CIL Funds Lender as the positive difference between (1) the amount of VaR Charge that FICC would have collected if the Sponsored GC CIL Trades of that CIL Funds Lender had been subject to the calculation of a Sponsoring Member Omnibus Account Required Fund Deposit, and (2) the aggregate of all CIL Required Haircuts on that CIL Funds Lender's Sponsored GC CIL Trades.[47]

FICC states that its security interest in Purchased GC Repo Securities subject to Sponsored GC CIL Trades would also generally remove the need for the Sponsoring Member to guarantee to FICC the performance by the CIL Funds Lender of its obligations under the Sponsored GC CIL Trades, since FICC's lien generally would allow it to obtain the Purchased GC Repo Securities and perform to the GC Funds Borrower.[48] Accordingly, FICC proposes to amend the Rules to provide that, notwithstanding anything to the contrary set forth in any Sponsoring Member Guaranty, the Sponsoring Member does not guarantee to FICC and, except as expressly set forth in the Rules, shall not be responsible for, the obligations of a Sponsored Member arising under any Sponsored GC CIL Trade for which the Sponsored Member is the CIL Funds Lender.

Because FICC would generally anticipate addressing a CIL Funds Lender default by utilizing the lien to settle with the GC Funds Borrower, FICC proposes to amend Section 16 of Rule 3A, which generally allows a Sponsoring Member to liquidate a done-with Sponsored Member Trade,[49] to provide that a Sponsoring Member may only trigger that provision if FICC has not exercised its rights as a secured party. In addition, FICC is proposing to amend the GSD Rules to provide that, in the event that the Sponsoring Member did exercise its rights to terminate any done-with Sponsored GC CIL Trades, the Sponsoring Member would be responsible for any Sponsored Member Liquidation Amount owed by the CIL Funds Lender.

FICC states that the CIL Service would not present additional or new liquidity risks to FICC.[50] FICC would incorporate Sponsored GC CIL Trades into its liquidity risk management calculations and the calculation of Sponsoring Members' obligations for the Capped Contingency Liquidity Facility (''CCLF''), using the same methodology, logic and parameters that FICC uses with respect to Sponsored GC Trades.[51]

Under the existing Sponsored GC Service, the only Funds-Only

[39] *See id.*

[40] *See id.*

[41] *See id.* For example, if the GC Funds Borrower is an Indirect Participant of the defaulting Sponsoring Member and the Sponsoring Member's trustee or bankruptcy receiver refuses to perform its obligation as processing agent for such Indirect Participant to complete settlement, FICC would not be able to settle. *See* Notice of Filing, *supra* note 4, at 44413.

[42] *See id.* For instance, if the Sponsoring Member were the GC Funds Borrower but entered into a back-to-back FICC-cleared transaction involving some of the Purchased GC Repo Securities with a Netting Member or an Indirect Participant of a third party Netting Member, the Sponsoring Member's obligations would net out, and FICC would not? be able to complete settlement with the Sponsoring Member's pre-Novation counterparty on the back-to-back transaction.

[43] In furtherance of the foregoing, the CIL Custodial Agreement Supplement would permit the CIL Funds Lender to instruct the Sponsored GC Clearing Agent Bank in relation to any Purchased GC Repo Securities that FICC has informed the Sponsored GC Clearing Agent Bank FICC does not intend to use to complete settlement with the relevant GC Funds Borrower.

[44] To the extent the Sponsoring Member posted Clearing Fund to secure the obligations of the GC Funds Borrower, that Clearing Fund could serve as such resources. Accordingly, FICC proposes to amend the Rules to allow it to look to such Clearing Fund deposits to address a CIL Funds Lender's obligations in the event FICC closes out the Sponsored GC CIL Trades. However, if the GC Funds Borrower is an Indirect Participant that has posted Segregated Customer Margin, such margin would only be available to cover the GC Funds Borrower's obligations and could not be used to address the obligations of a CIL Funds Lender. FICC would therefore require other resources to cover such liquidation amount. *See* Notice of Filing, *supra* note 4, at 44413.

[45] *See id.*

[46] FICC states this would only occur in situations where (1) the Sponsored GC CIL Omnibus Account has been enabled to record Sponsored GC CIL Trades for which the GC Funds Borrower is its Sponsoring Member or a Segregated Indirect Participant of its Sponsoring Member; and (2) that Sponsoring Member or its Affiliate has a Segregated Indirect Participants Account. *See id.*

[47] In addition to the VaR Charge, the Sponsored GC CIL Omnibus Account Required Fund Deposit would include a Portfolio Differential Charge, Backtesting Charge, Holiday Charge, Margin Liquidity Adjustment Charge and Intraday Supplemental Deposit. *See* GSD Margin Component Schedule, *supra* note 3.

[48] *See id.*, at 44414.

[49] *See* GSD Rule 3A, Section 16, *supra* note 3.

[50] *See* Notice of Filing, *supra* note 4, at 44415.

[51] *See* GSD Rule 22A Section 2a(b), *supra* note 3.

Settlement Amounts that the pre-Novation counterparties to a Sponsored GC Trade are obligated to pay to FICC and entitled to receive from FICC are the Forward Mark Adjustment Payment [52] and Interest Adjustment Payment.[53] FICC exchanges such amounts with the pre-Novation counterparties to address the risk that the pre-Novation counterparty (or its Sponsoring Member or Agent Clearing Member, as applicable) defaults and FICC needs to enter into a replacement transaction at market interest rates, which may have changed since the date of Novation, in order to perform to the other pre-Novation counterparty.[54]

According to FICC, in the context of the CIL Service, FICC's lien on the Purchased GC Repo Securities and ability to instruct the Sponsored GC Clearing Agent Bank to transfer such securities would effectively ensure that FICC never needs to enter into a replacement transaction to address the default of a CIL Funds Lender (or its Sponsoring Member). Rather, FICC would rely upon its lien and instruction right to settle with the GC Funds Borrower or, if the GC Funds Borrower is the Sponsoring Member or its Indirect Participant, possibly terminate both the transaction with the CIL Funds Lender and GC Funds Borrower such that no replacement transaction is required.[55] FICC is therefore proposing for FICC not to pay or collect Funds-Only Settlement Amounts to or from a CIL Funds Lender (or its Sponsoring Member) in relation to a Sponsored GC CIL Trade.[56] FICC states that, in turn, this change would facilitate the ability of RICs and other cash providers to access FICC's clearance and settlement services because, without the need for these obligations, Sponsoring Members would have more capacity and therefore could be better able provide access to clearance and settlement services for these indirect participants.[57]

Joint Trading Accounts Under the CIL Service

FICC states that RICs and other cash providers that have engaged a common investment adviser may seek to enter into triparty repo transactions using joint trading accounts.[58] The investment adviser acts as agent for the joint trading account, and the obligations of the investment adviser and a cash provider in relation to the joint trading account are typically set out in an agreement between the investment adviser and the cash provider.[59]

FICC states that one of the obligations of an investment adviser that acts on behalf of a joint trading account is to ''allocate'' transactions entered into through the joint trading account to the individual participants.[60] The allocation serves to cause the transaction to constitute separate individual transactions between the counterparty and each participant based on the participant's allocated portion.[61] However, prior to such allocation, the transaction remains a single transaction, with each participant having a pro rata interest in it and being liable for a pro rata share of the obligations.[62] Regardless of whether a transaction has been allocated, each participant's entitlement to the purchased securities in the triparty account corresponds to its portion of the relevant transaction.

To facilitate the ability of CIL Funds Lenders to access FICC's clearance and settlement systems in relation to transactions executed through a joint trading account, FICC proposes to permit two or more CIL Funds Lenders to be represented by an agent (a ''CIL Joint Account Agent'') that has been approved by FICC. Each such CIL Funds Lender and CIL Joint Account Agent would need to sign and deliver to FICC a ''CIL Joint Account Agent Agreement'' in such form as may be prescribed by FICC. FICC further proposes to amend its Rules to permit a Sponsoring Member to submit to FICC for Novation a Sponsored GC CIL Trade entered into by a CIL Joint Account Agent on behalf of multiple CIL Funds Lenders (each such Sponsored GC CIL Trade, a ''CIL Joint Account Block'').

Each such CIL Funds Lender on whose behalf a CIL Joint Account Block has been submitted would only be entitled to, and liable for, its respective portion of the rights and obligations arising under or in connection with the CIL Joint Account Block. The GSD Rules would provide that, if the CIL Joint Account Agent has performed such allocation, the entitlement of each CIL Funds Lender to, and liability of each such CIL Funds Lender for, the rights and obligations arising under or in connection with such CIL Joint Account Block shall be limited to the amount of such CIL Joint Account Block allocated to each such CIL Funds Lender. If the CIL Joint Account Agent has not performed such allocation, the CIL Funds Lender would be liable for its pro rata portion of the transaction.

FICC proposes to provide in the GSD Rules that, in a default of a CIL Funds Lender on whose behalf a CIL Joint Account Block has been submitted, FICC would, to the extent it determines doing so is feasible and consistent with applicable law, exercise remedies in a way that would have no significant adverse impact on the interest of any non-defaulting CIL Funds Lender in such CIL Joint Account Block or the Purchased GC Repo Securities related thereto.[63] As discussed above, in relation to a defaulting CIL Funds Lender, such exercise would constitute an exercise of remedies as a secured party. In relation to any non-defaulting CIL Funds Lender, such exercise of remedies would constitute settlement of its portion of the CIL Joint Account Block in relation to mark-to-market, substitution, or final settlement obligations with respect thereto.

In order to ensure that FICC knows the respective interests of the defaulting and non-defaulting CIL Funds Lenders in a CIL Joint Account Block, FICC proposes to require that a CIL Joint Account Agent provide FICC with certain information in the event FICC ceases to act for a CIL Funds Lender on whose behalf a CIL Joint Account Agent acts. In particular, the Rules would

[52] FICC states that the Forward Mark Adjustment Payment captures the loss or gain to FICC and the defaulting pre-Novation counterparty of such greater or lower costs and thereby ensures that FICC and the pre-Novation counterparty are made whole in the event FICC ceases to act for the pre-Novation counterparty. *See* Notice of Filing, *supra* note 4, at 44418.

[53] FICC states that the Interest Adjustment Payment serves to compensate the payer of the Forward Mark Adjustment Payment for the time value of the payment. *See id.*

[54] *See id.*

[55] *See id.*

[56] FICC states it would still collect Funds-Only Settlement Amounts from the GC Funds Borrower in relation to the Sponsored GC CIL Trade because, in the event the GC Funds Borrower (or its Sponsoring Member or Agent Clearing Member, as applicable) defaults, FICC might need to enter into a replacement transaction to perform to the CIL Funds Lender. However, FICC would not pay Funds-Only Settlement Amounts to the GC Funds Borrower because FICC would not be collecting such amounts from the CIL Funds Lender. *See id.*

[57] *See* Notice of Filing, *supra* note 4, at 44411.

[58] *See* Notice of Filing, *supra* note 4, at 44417.

[59] *See id.*

[60] *See id.*

[61] *See id.*

[62] *See id.*

[63] If FICC determines that its exercise of remedies would have a significant adverse impact on the interest of any non-defaulting CIL Funds Lender (*e.g.,* if the CIL Joint Account Block has not been allocated), then FICC would refrain from exercising its remedies against the CIL Funds Lender in relation to such CIL Joint Account Block or Purchase GC Repo Securities, including its rights under its security interest in the Purchased GC Repo Securities, as long as it determines that such non-action is allowed, and would not prejudice its rights under, applicable law and is necessary to preserve the interest of any non-defaulting CIL Funds Lenders. In this scenario, the only actions FICC would take would be to (1) facilitate the movement of an Margin Excess Amount or (2) cause the transfer of the Purchased GC Repo Securities against the amount due under the CIL Joint Account Block. *See* Notice of Filing, *supra* note 4, at 44417.

provide that, in the event FICC ceases to act for a CIL Funds Lender that is a participant in a CIL Joint Account Block, the relevant CIL Joint Account Agent must promptly notify FICC whether such CIL Joint Account Block had been allocated and, if so, the respective allocation to the defaulting CIL Funds Lender. The Rules would further provide that the CIL Joint Account Agent would not be permitted to change the allocation information with respect to the defaulting CIL Funds Lender following such notification. FICC does not propose to require the CIL Joint Account Agent to provide allocation information outside the context of a default by a CIL Funds Lender because, in light of FICC's lien on the Purchased GC Repo Securities and instruction right, FICC does not require such information to risk manage the Sponsored GC CIL Trade or to effectuate settlement thereof.[64]

2. Expand the Sponsored GC Service To Allow for ''Done-Away'' Trades

Currently, a Sponsoring Member may submit only done-with transactions to FICC under the Sponsored GC Service.[65] FICC proposes to amend its Rules to permit a Sponsoring Member to submit to FICC for clearing under the existing Sponsored GC Service done-away transactions. FICC is proposing to effectuate this change by revising a number of defined terms and certain sections in Rule 3A to make clear that counterparties to a Sponsored GC Trade do not need to be a Sponsored Member and its Sponsoring Member, but instead can be a Sponsored Member and any Netting Member or its Indirect Participant. FICC states that allowing for the submission of done-away transactions should facilitate greater access by allowing a Sponsored Member to submit more of their eligible secondary market transactions and to do so without entering into clearing agreements with each of their execution counterparties.[66]

FICC states that its risk management and liquidity requirements in respect of done-away Sponsored GC Trades would not be different from those in respect of other done-away sponsored trades.[67] Done-away Sponsored GC Trades would be subject to all applicable requirements as done-with Sponsored GC Trades. Furthermore, as with existing Sponsored Member Trades, the liquidation provision in the GSD Rules would only be applicable to done-with Sponsored GC Trades.[68]

In connection with this proposed change, FICC is also proposing to extend the deadline set forth in the Schedule of Sponsored GC Trade Timeframes for (i) full settlement of the Start Leg of Sponsored GC Trades, (ii) substitutions of Purchased GC Repo Securities, and (iii) satisfaction of GC Collateral Return Obligations and cash payment obligations associated with GC Collateral Return Entitlements by GC Funds Lenders and GC Funds Borrowers. The current deadline for these actions is 5:30 p.m. and the proposal would move this deadline to 7:00 p.m. (New York City times), which would align with the close of the Fedwire Funds Service at the Federal Reserve Bank of New York. Currently, Sponsored GC Trades for which funds are delivered between 5:30 p.m. and 7:00 p.m. do not settle until the next Business Day. FICC states that aligning these two deadlines would facilitate additional settlement of Sponsored GC Trades.[69]

II. Discussion and Commission Findings

Section 19(b)(2)(C) of the Exchange Act[70] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Exchange Act and rules and regulations thereunder applicable to such organization. After carefully considering the Proposed Rule Change, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Exchange Act[71] and the rules and regulations thereunder applicable to FICC.[72] In particular, the Commission finds that the Proposed Rule Change is consistent with Sections 17A(b)(3)(F)[73] of the Exchange Act and Rules 17ad–22(e)(4)(i), (e)(6), (e)(7), (e)(18)(iv)(C), (e)(19), and (e)(21) thereunder.[74]

A. Consistency With Section 17A(b)(3)(F) of the Exchange Act

Section 17A(b)(3)(F) of the Exchange Act[75] requires that the rules of a clearing agency, such as FICC, be designed to, among other things, (i) promote the prompt and accurate clearance and settlement of securities transactions, (ii) assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and (iii) protect investors and the public interest.

As described above in Section I.B., the Proposed Rule Change changes to the GSD Rules that are designed to encourage and facilitate a greater number of market participants to utilize GSD's clearance and settlement systems for transactions in U.S. securities, including for done-with and done-away transactions. As described above in Section I.A, and as market participants have indicated to the Commission, RICs and other cash providers may face certain issues when seeking to access FICC's clearance and settlement services.[76] As described above in Section I.B, by creating the CIL Service, FICC generally would eliminate margin requirements and Funds Only Settlement Payments by taking a perfected security interest in the Purchased GC Repo Securities. The lien would also allow FICC not to require a Sponsoring Member to guarantee the obligations of a CIL Funds Lender under a Sponsored GC CIL Trade. The elimination of such guarantee requirement would have substantial capital savings for the Sponsoring Member (and corresponding cost savings for the CIL Funds Lender). FICC would also accommodate the clearance and settlement of Sponsored GC CIL Trades entered into through a joint trading account even before such transactions have been allocated. Accordingly, the proposed changes are designed to address these issues for RICs and other cash providers to access FICC's clearance and settlement services, which should increase the

[64] *See* Notice of Filing, *supra* note 4, at 44417–18.

[65] *See* Rule 1, *supra* note 3 (defining a Sponsored GC Trade as ''a Sponsored Member Trade that is a Repo Transaction between a Sponsored Member and its Sponsoring Member involving securities represented by a Generic CUSIP Number the data on which are submitted to [FICC] by the Sponsoring Member pursuant to the provisions of Rule 6A, for Novation to [FICC] pursuant to Section 7(b)(ii) of Rule 3A'' in connection with the Sponsored GC Service; and defining a Sponsored Member Trade as ''(a) a transaction that satisfies the requirements of Section 5 of Rule 3A and that is (i) between a Sponsored Member and its Sponsoring Member or (ii) between a Sponsored Member and a Netting Member or (b) a Sponsored GC Trade.'').

[66] See Notice of Filing, *supra* note 4, at 44422.

[67] *See* Notice of Filing, *supra* note 4, at 44419.

[68] *See* Rule 3A, Section 18, *supra* note 3.

[69] *See* Notice of Filing, *supra* note 4, at 44420.

[70] 15 U.S.C. 78s(b)(2)(C).

[71] 15 U.S.C. 78q–1(b)(3)(F).

[72] 17 CFR 240.17ad–22(e)(4)(i), (6), (18)(ii), (e)(18)(iv)(C), (e)(19), and (e)(23)(ii).

[73] 15 U.S.C. 78q–1(b)(3)(F).

[74] 17 CFR 240.17ad–22(e)(4)(i), (6), (18)(ii), (e)(18)(iv)(C), (e)(19), and (e)(23)(ii).

[75] 15 U.S.C. 78q–1(b)(3)(F).

[76] *See* Letter from Eric J. Pan, President & CEO, and Paul Cellupica, General Counsel, ICI to Mark Uyeda, Feb. 21, 2025, in Release No. 34–95763, File No. S7–23–22, *available at https://www.ici.org/system/files/2025-02/25-cl-extension-treasury-compliance-dates.pdf* (describing ''margin issues associated with registered funds' Treasury repo transactions'' and ''to develop done-away capabilities'' as critical issues that need to be resolved in advance of the compliance date of the Commission's Treasury Clearing Rule).

number of triparty repo trades centrally cleared by FICC. In turn, this would promote the prompt and accurate clearance and settlement of securities transactions because securities transactions that might otherwise be conducted outside of central clearing would benefit from FICC's risk management and guarantee of settlement.[77]

The Proposed Rule Change would encourage and facilitate greater participation in central clearing, while still providing sound risk management which would promote the prompt and accurate clearance and settlement of securities transactions, and would protect investors and the public interest. On December 13, 2023, the Commission adopted amendments to the standards applicable to covered clearing agencies, such as FICC,[78] requiring each such clearing agency for U.S. Treasury securities to have written policies and procedures reasonably designed to, among other things, ensure that it has appropriate means to facilitate access to clearance and settlement services of all eligible secondary market transactions in U.S. Treasury securities, including those of the clearing agency's indirect participants.[79] As the Commission explained when adopting the Treasury Clearing Rules, U.S. Treasury securities play a critical and unique role in the U.S. and global economy, serving as a significant investment instrument and hedging vehicle for investors, a risk-free benchmark for other financial instruments, and an important mechanism for the Federal Reserve's implementation of monetary policy.[80] Consequently, confidence in the U.S. Treasury market, and in its ability to function efficiently is critical to the stability of the global financial system. In central clearing, through novating transactions (*i.e.,* becoming the counterparty to both sides of a transaction), a CCP addresses concerns about counterparty risk by substituting its own creditworthiness and liquidity for the creditworthiness and liquidity of the counterparties.[81] A CCP thereby enables market participants to effectively reduce costs, increase operational efficiency, and manage risks.[82] Moreover, a CCP provides a centralized system of default management that can mitigate the potential for a single market participant's failure to destabilize other market participants or the financial system more broadly.[83] The Commission adopted the Treasury Clearing Rules, in part, to help reduce contagion risk to the CCP and bring the benefits of central clearing to more transactions involving U.S. Treasury securities, thereby lowering overall systemic risk in the market.[84]

Furthermore, CCP rules that are clear and comprehensible, increase operational efficiency, and more effectively manage risks, like the Proposed Rule Change, should encourage a broader scope of market participants to utilize the CCP's services, thereby promoting the prompt and accurate clearance and settlement of securities transactions, and protecting investors and the public interest, consistent with Section 17A(b)(3)(F) of the Exchange Act. The Proposed Rule Change is consistent with those objectives because it encourages and supports greater participation in GSD's central clearing services for RICs and other cash lenders and for done-away transactions. Accordingly, the Proposed Rule Change would promote the prompt and accurate clearance and settlement of securities transactions, and protect investors and the public interest, because by encouraging greater participation in central clearing, the proposals would extend the benefits of operational efficiency and risk management to a greater segment of the U.S. Treasury securities market.

In addition, although the proposed amendments would not provide FICC with custody of any additional securities, as described above in Section I.B.1, the proposed CIL Custodial Agreement Supplement would provide FICC with ''control'' of Purchased GC Repo Securities subject to a Sponsored GC CIL Trade.[85] FICC's lien and control are specifically designed so that FICC can complete settlement of Sponsored GC CIL Trades even in a default of the CIL Funds Lender or Sponsoring Member. Furthermore, the CIL Custodial Agreement Supplement would prohibit any withdrawals of the Purchased GC Repo Securities by the CIL Funds Lender other than to allow for ordinary course settlement, in a Corporation Default, or in respect of securities that FICC does not intend to use to complete settlement with the GC Funds Borrower on the Sponsored GC CIL Trade. Accordingly, the proposed changes should ensure that the Purchased GC Repo Securities subject to FICC's control remain safeguarded in the Buyer's GC CIL Trade Account at the Sponsored GC Clearing Agent Bank until such time as they are needed for settlement or the Sponsored GC CIL Trade is terminated.

More broadly, the proposed changes are designed to ensure that FICC calculates and has sufficient resources to cover potential losses from a default on a done-away Sponsored GC Trade or on a Sponsored GC CIL Trade.[86] In the case of Sponsored GC CIL Trades, FICC's perfected security interest in the Purchased GC Repo Securities subject to the Sponsored GC CIL Trades, as supplemented by the Clearing Fund posted by the Sponsoring Member for its Sponsored GC CIL Omnibus Account, the mandatory CIL Required Haircut, and any Sponsored GC CIL Omnibus Account Required Fund Deposit, is designed to ensure that FICC has sufficient resources to address a default of a CIL Funds Lender or its Sponsoring Member. As noted above, the perfected security interest as well as FICC's right to instruct the Sponsored GC Clearing Agent Bank in relation to such securities would ensure that FICC can settle with the GC Funds Borrower in a CIL Funds Lender default or the default of its

[77] *See* Letter from Robert Toomey, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association (June 18, 2021) at 2 (commenting on the benefits to market participants resulting from the expected increase in greater central clearing of tri-party repos via the Sponsored GC Service).

[78] A ''covered clearing agency'' is, among other things, a registered clearing agency that provides the services of a CCP, and a CCP is a clearing agency that interposes itself between the counterparties to securities transactions, acting functionally as the buyer to every seller and the seller to every buyer. 17 CFR 240.17ad–22(a); *see also* 15 U.S.C. 78c(a)(23) (defining a clearing agency). FICC is a clearing agency registered with the Commission under Section 17A of the Exchange Act (15 U.S.C. 78q–1), and it acts as a CCP.

[79] 17 CFR 240.17ad–22(e)(18)(iv)(C). *See* Securities Exchange Act Release No. 99149 (Dec. 13, 2023), 89 FR 2714 (Jan. 16, 2024) (''Adopting Release,'' and the rules adopted therein referred to herein as ''Treasury Clearing Rules'').

[80] *See id.* at 2715–17.

[81] *See id.* at 2716.

[82] *See id.* (citing Covered Clearing Agency Standards Proposing Release, Exchange Act Release No. 71699 (Mar. 12, 2014), 79 FR 29507, 29587 (May 27, 2014) (''CCA Standards Proposing Release'')).

[83] *See id.* at 2716 (citing Order Granting Temporary Exemptions Under the Securities Exchange Act of 1934 in Connection with Request of Liffe Administration and Management and Lch.Clearnet Ltd. Related to Central Clearing of Credit Default Swaps, and Request for Comments, Exchange Act Release No. 59164 (Dec. 24, 2008), 74 FR 139, 140 (Jan. 2, 2009) (''Liffe Order'')).

[84] *See id.* at 2716 (citing Proposing Release, Standards for Covered Clearing Agencies for U.S. Treasury Securities and Application of the Broker-Dealer Customer Protection Rule With Respect to U.S. Treasury Securities, Exchange Act Release No. 95763 (Sept. 14, 2022), 87 FR 64610, 64614 (Oct. 25, 2022) (''Proposing Release'')).

[85] Control would be established as a matter of the Uniform Commercial Code as in effect in the State of New York. UCC 8–106(d)(2).

[86] *See* Securities Exchange Act Release No. 101695 (Nov. 21, 2024), 89 FR 93763 (Nov. 27, 2024) (SR–FICC–2024–007) (stating the margin requirements of done-away trades ''limit FICC's risk to a Netting Member or indirect participant default and thereby enhance its ability to safeguard securities and funds in its control and for which it is responsible'').

Sponsoring Member, provided that the Sponsoring Member or its Indirect Participant is not the GC Funds Borrower. If the Sponsoring Member or its Indirect Participant is the GC Funds Borrower, FICC may need to terminate the Sponsored GC Trade in whole or in part and rely upon the Sponsoring Member's Clearing Fund, the CIL Required Haircut, or the Sponsored GC CIL Omnibus Account Required Fund Deposit to cover any losses resulting from the liquidation. Such amounts, however, would never be less than the Clearing Fund FICC would have available for a Sponsored GC Trade. Therefore, the proposed changes would enhance FICC's ability to safeguard funds and securities which are in the custody or control of FICC or for which it is responsible.

For the foregoing reasons, the Commission finds that the Proposed Rule Change is designed to promote the prompt and accurate clearance and settlement of securities transactions, safeguard securities and funds that are in the custody or control of FICC, and protect investors and the public interest, consistent with Section 17A(b)(3)(F) of the Exchange Act.[87]

B. Consistency With Rule 17ad–22(e)(4)(i)

Rule 17ad–22(e)(4)(i) under the Act requires that FICC establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes by maintaining sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence.[88]

First, as described above in Section I.B.1, the proposed changes relating to the risk and default management mechanism for the CIL Service, *i.e.,* FICC's perfected security interest in the Purchased GC Repo Securities subject to the Sponsored GC CIL Trades, supplemented by the Clearing Fund for the Sponsoring Member's Sponsoring Member Omnibus Account, the mandatory CIL Required Haircut, and the Sponsored GC CIL Omnibus Account Required Fund Deposit requirement, should ensure that the resources available to FICC to manage the default on a Sponsored GC CIL Trade would accurately reflect FICC's credit exposures to participants in the CIL Service, and that FICC would be able to use such resources to cover its credit exposure in the event of a default by the CIL Funds Lender or its Sponsoring Member.

Second, as described in Section I.B.2, the done-away Sponsored GC Trades (other than Sponsored GC CIL Trades), which present the same credit and market risk profile as done-with Sponsored GC Trades, would be margined in the same manner as done-with Sponsored GC Trades using methodologies that have been approved by the Commission.[89]

Therefore, collectively, these changes should enhance the ability of FICC to cover its credit exposure to its participants with a high degree of confidence. Accordingly, the Proposed Rule Change is consistent with Rule 17ad–22(e)(4)(i) under the Act.

C. Consistency With Rule 17ad–22(e)(6)

Rule 17ad–22(e)(6) under the Act requires, in part, that FICC establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system.[90] As described in Section I.B.1, the Proposed Rule Change is designed to ensure that FICC has sufficient resources to perform to non-defaulting participants in a participant default. In particular, the proposed changes would provide FICC, in the form of its lien on Purchased GC Repo Securities and the potential to require Clearing Fund deposits as needed in circumstances described above, with resources to address a CIL Funds Lender default that are equal to, or in excess of, the resources FICC calculates using its established and approved risk-based models as necessary to address the default of a Sponsored Member under a Sponsored GC Trade. Additionally, as described above in Section I.B.2, the done-away Sponsored GC Trades (other than Sponsored GC CIL Trades), which present the same credit and market risk profile as done-with Sponsored GC Trades, would be margined in the same manner as done-with Sponsored GC Trades using methodologies that have been approved by the Commission.[91]

Accordingly, the Proposed Rule Change would ensure FICC covers its credit exposures to its participants consistent with Rule 17ad–22(e)(6) under the Act.

D. Consistency With Rule 17ad–22(e)(7)

Rule 17Ad–22(e)(7) under the Act requires a covered clearing agency, such as FICC, to establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively measure, monitor, and manage the liquidity risk that arises in or is borne by the covered clearing agency.[92]

As discussed above in Section I.B.1, FICC would incorporate Sponsored GC CIL Trades into its liquidity risk management calculations and into the calculation of Sponsoring Members' obligations with respect to CCLF, using the same methodology, logic and parameters that FICC uses with respect to Sponsored GC Trades.[93] Additionally, as discussed above in Section I.B.2, done-away Sponsored GC Trades, which present the same liquidity risks as other done-away transactions, would be treated identically to such other done-away transactions for purposes of calculating a Sponsoring Member's CCLF obligations. Therefore, collectively, these changes should enhance FICC's ability to manage the liquidity risks arising from the Sponsored GC CIL Trades it clears and settles.

Accordingly, the Proposed Rule Change is consistent with Rule 17ad–22(e)(7) under the Act.

E. Consistency With Rule 17ad–22(e)(18)(iv)(C)

Rule 17ad–22(e)(18)(iv)(C) under the Exchange Act requires that a covered clearing agency, such as FICC, when providing CCP services for transactions in U.S Treasury securities, establish objective, risk-based, and publicly disclosed criteria for participation, which ensure that it has appropriate means to facilitate access to clearance and settlement services of all eligible secondary market transactions in U.S. Treasury securities, including those of indirect participants.[94]

As described above in Section I.B.1, the Proposed Rule Change is designed to facilitate increased access to FICC's clearing and settlement services for triparty repo transactions by eliminating or ameliorating certain existing impediments to access that RICs and other cash providers face.

First, FICC's security interest in the Purchased GC Repo Securities would address what market participants have referred to as ''double margining'' that increases the costs (and thereby decreases the ability of) a Sponsoring

[87] 15 U.S.C. 78q–1(b)(3)(F).

[88] 17 CFR 240.17ad–22(e)(4)(i).

[89] *See* Exchange Act Release No. 92808 (Aug. 30, 2021), 86 FR 49580 (Sept. 3, 2021) (File No. SR–FICC–2021–003) (''2021 Sponsored GC Order'').

[90] 17 CFR 240.17ad–22(e)(6).

[91] *See* 2021 Sponsored GC Order, *supra* note 92.

[92] 17 CFR 240.17Ad–22(e)(7).

[93] *See* 2021 Sponsored GC Order, *supra* note 92.

[94] 17 CFR 240.17ad–22(e)(18)(iv)(C).

Member to provide clearance and settlement services to RICs and other cash providers.[95] The lien would also eliminate the need for a Sponsoring Member to guarantee the obligations of a CIL Funds Lender. The elimination of the guarantee should reduce the capital requirements associated with a Sponsoring Member providing access to FICC's clearance and settlement systems, and thus the costs of providing such access.

Second, the CIL Service would allow a Sponsoring Member to submit to FICC for clearance and settlement transactions that have been entered into by multiple RICs or other CIL Funds Lenders using a joint trading account. Such transactions may be ineligible for submission to FICC today because investment advisers are unable to complete final allocations to individual cash providers by the FICC submission deadline. As a result, the proposed changes should facilitate the ability of RICs and other cash providers to access FICC's clearance and settlement services in relation to transactions that they are currently only able to clear bilaterally.

Third, the CIL Service would not include the exchange of Funds-Only Settlement Amounts between FICC and a CIL Funds Lender (or its Sponsoring Member). This proposed change should facilitate access to central clearing by eliminating the possibility of such Funds-Only Settlement Amount obligations and entitlements giving rise to operational or regulatory impediments for RICs, other cash providers, and their Sponsoring Members. As such, the CIL Service would facilitate access to clearance and settlement services of all eligible secondary market transactions in U.S. Treasury securities, including those of indirect participants.[96]

Moreover, as described in Section 1.B.2, the proposed changes to provide for clearing of done-away Sponsored GC Trades and to extend its settlement deadline for Sponsored GC Trades would promote access to FICC's clearance and settlement systems in respect of eligible secondary market transactions in U.S. Treasury securities. Currently, a Sponsoring Member may submit only done-with transactions to FICC under the Sponsored GC Service. Allowing for the submission of done-away transactions should facilitate greater access by allowing a Sponsored Member to submit more of their eligible secondary market transactions and to do so without entering into clearing agreements with each of their execution counterparties. The proposed change to align FICC's settlement and substitution deadlines for Sponsored GC Trades with the close of the Fedwire Funds Service at 7:00 p.m. (New York City time) would support the settlement of additional tri-party activity and, therefore, also promote access to FICC's clearance and settlement systems in respect of eligible secondary market transactions. As such, these proposed changes should facilitate access to clearance and settlement services of all eligible secondary market transactions in U.S. Treasury securities.[97]

Accordingly, for the reasons above, the Proposed Rule Change is consistent with Rule 17ad–22(e)(18)(iv)(C).[98]

F. Consistency With Rule 17ad–22(e)(19)

Rule 17ad–22(e)(19) under the Act requires that FICC establish, implement, maintain and enforce written policies and procedures reasonably designed to identify, monitor, and manage the material risks to the covered clearing agency arising from arrangements in which firms that are indirect participants in the covered clearing agency rely on the services provided by direct participants to access the covered clearing agency's payment, clearing, or settlement facilities.[99] The proposed changes relating to the CIL Service contain specific risk management features to address FICC's exposure to CIL Funds Lenders, including (i) a lien on the Purchased GC Repo Securities subject to the Sponsored GC CIL Trades, (ii) provisions describing how FICC would enforce remedies and otherwise address such a default, and (iii) the Clearing Fund, mandatory CIL Required Haircut, and Sponsored GC CIL Omnibus Account Required Fund Deposit that FICC would require. These risk management features should ensure that FICC has sufficient resources to cover simultaneous default of both a CIL Funds Lender and its Sponsoring Member and would allow FICC to settle with the GC Funds Borrower even in a CIL Funds Lender default.

Because of these features, the proposed changes would promote FICC's ability to identify, monitor, and manage the material risks arising from indirect participants' (*i.e.,* the CIL Funds Lenders) access to its payment, clearing, or settlement facilities and is therefore consistent with Rule 17ad-22(e)(19).

G. Consistency With Rule 17ad–22(e)(21)

Rule 17Ad–22(e)(21) under the Act requires a covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to be efficient and effective in meeting the requirements of its participants and the markets it serves, including the clearing agency's clearing and settlement arrangements and the scope of products cleared or settled.[100]

As described above in Sections I.A. and I.B.1, market participants have stated that FICC's current Sponsored GC Service does not accommodate certain aspects of how RICs and other cash providers currently conduct repo transactions in U.S. Treasury securities, including current industry practices in which RICs and other cash providers collect a haircut from cash borrowers. The proposed changes relating to the CIL Service contain features to address these issues, including a lien on the Purchased GC Repo Securities subject to the Sponsored GC CIL Trades that generally would obviate FICC's need to collect margin or Fund-Only Settlement Amounts from CIL Funds Lenders or their Sponsors as well as the need to obtain a Sponsoring Member Guaranty on Sponsored GC CIL Trades. Moreover, by providing FICC a lien on the Purchased GC Repo Securities in lieu of FICC margin charges generally, the proposed changes would accommodate current industry practices in which RICs and other cash providers collect a haircut from cash borrowers. Additionally, as described above in Section I.B.2, FICC's proposed CIL Service would accommodate both done-with and done-away Sponsored GC CIL Trades.

By expanding the Sponsored GC Service in these ways, the Proposed Rule Change is designed to address the feedback FICC has received from market participants regarding their needs to facilitate access to FICC's clearance and settlement services through a Sponsoring Member. For these reasons, the Proposed Rule Change is consistent with Rule 17Ad–22(e)(21) [101] because it is responsive to the requests from FICC's members for the ability to trade centrally cleared tri-party repos in a manner that is efficient and effective in meeting the operational requirements of FICC's members.

III. Conclusion

On the basis of the foregoing, the Commission finds that the Proposed

[95] *See* Letter from Ken Bentsen, *supra* note 23.

[96] 17 CFR 240.17ad–22(e)(18)(iv)(C).

[97] *Id.*

[98] *See* 17 CFR 240.17ad–22(e)(18)(iv)(C).

[99] 17 CFR 240.17ad–22(e)(19).

[100] 17 CFR 240.17Ad–22(e)(21).

[101] *Id.*

Rule Change is consistent with the requirements of the Exchange Act and in particular with the requirements of Section 17A of the Exchange Act [102] and the rules and regulations promulgated thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act [103] that proposed rule change SR–FICC–2025–019, be, and hereby is, APPROVED.[104]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[105]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–23285 Filed 12–17–25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104390; File No. SR–CBOE–2025–087]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Modify the Permissible Strike Price Intervals for Options on the Cboe Mini Bitcoin U.S. ETF Index and the Cboe Magnificent 10 Index

December 15, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 3, 2025, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to permit strike price intervals for options on the Cboe Mini Bitcoin U.S. ETF Index (''MBTX options'') and the Cboe Magnificent 10 Index (''MGTN options'') to be no less than $1. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/options/regulation/rule_filings/bzx/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Rules to modify the permissible strike price intervals for options on the Cboe Mini Bitcoin U.S. ETF Index (''MBTX options'') and the Cboe Magnificent 10 Index (''MGTN options''). Pursuant to Rule 4.13, Interpretation and Policy .01(a), the interval between strike prices for index options can be no less than $5.00 (with certain specified exceptions). Additionally, Rule 4.13, Interpretation .01(d) provides that when new series of index options with a new expiration date are opened for trading, or when additional series of index options in an existing expiration date are opened for trading as the current value of the underlying index to which such series relate moves substantially from the strike prices of series already opened, the strike prices of such new or additional series shall be reasonably related to the current value of the underlying index at the time such series are first opened for trading. In the case of all classes of index options, the term ''reasonably related to the current value of the underlying index'' shall have the meaning set forth in Interpretation and Policy .04 under Rule 4.13.[5] These provisions currently apply to MBTX options and would apply to MGTN options (which the Exchange plans to begin listing in the fourth quarter of 2025).

The Exchange proposes to amend Rule 4.13, Interpretation and Policy .01(i) to provide that notwithstanding Interpretation and Policies .01(a), .01(d), and .04, the strike price intervals for new and additional series of each of MBTX options and MGTN options shall be listed subject to the following:

(1) if the current value of the index is less than or equal to 20, the Exchange shall not list series with an exercise price (*i.e.,* strike price) of more than 100% above or below the current value of the index;

(2) if the current value of the index is greater than 20, the Exchange shall not list series with an exercise price (*i.e.,* strike price) of more than 50% above or below the current value of the index; and

(3) the lowest strike price interval that may be listed for standard index options, including LEAPS, is $1, and the lowest strike price interval that may be listed for series of index options listed under the Nonstandard Expirations Program in Rule 4.13(e) and for QIX index options [6] is $0.50.[7]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the

[102] 15 U.S.C. 78q–1.

[103] 15 U.S.C. 78s(b)(2).

[104] In approving the proposed rule change, the Commission considered the proposals' impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[105] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] Rule 4.13, Interpretation and Policy .04 defines ''reasonably related to the current index value of the underlying index'' as the exercise price (*i.e.,* strike price) being within 30% of the current index value. That provision also provides that the Exchange may also open for trading additional series of index options that are more than 30% away from the current index value, provided that demonstrated customer interest exists for such series, as expressed by institutional, corporate, or individual customers or their brokers.

[6] MGTN options are currently not eligible for the Nonstandard Expirations Program or QIXs. However, the Exchange has a separate proposal pending that would permit the Exchange to list MGTN options with those expirations. *See* Securities Exchange Act Release No. 104019 (September 23, 2025), 90 FR 46424 (September 26, 2025) (SR–CBOE–2025–068). Therefore, this proposed provision that would permit $0.50 strikes for MGTN series listed with those expirations would apply only if the Commission approves that filing. If that filing is not approved, then MGTN options with all expirations would be eligible for $1 strikes only pursuant to this proposed rule change.

[7] Current Rule 4.13, Interpretation and Policy .01(i) relates to permissible strike prices for options on the Mini-Russell 2000 Index (''MRUT options'' or ''Mini-RUT options''). The proposed rule change makes nonsubstantive changes to paragraph (i) so that it applies to MRUT options, as well as MBTX and MGTN options (but has no impact on permissible strike prices for MRUT options).

Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change will protect investors and the public interest, because it will provide investors with greater flexibility by allowing them to establish positions better tailored to meet their investment objectives. The Exchange believes the proposed rule change will also remove impediments to and perfect the mechanism of a free and open market and a national market system, because it aligns the permissible strike intervals for MBTX and MGTN options with permissible strike intervals of other index options with similar index values, such as options on the Mini-Russell 200 Index (''MRUT options'') and the Mini S&P 500 Index (''XSP options''). For example, current Rule 4.13, Interpretation and Policy .01(i) provides that MRUT options[11] may have the same strike prices as proposed for MBTX[12] and MGTN.[13] Similarly, Rule 4.13, Interpretation and Policy .10 provides XSP options may have the same strikes as proposed for MBTX and MGTN options.[14]

A wider base of MBTX and MGTN options will afford market participants additional hedging and trading opportunities, including the ability to roll positions more aligned with movements in the value of the underlying index, similar to those available for other index options that overlie indexes with comparable values. For example, if the value of the Cboe Mini Bitcoin U.S. ETF Index is 270, MBTX options are currently permitted to be listed with strikes of 275, 280, and 285, as opposed to 271, 272 and 273, as proposed. Therefore, new strikes are added in percentage intervals of approximately 1.9% and not investment strategies more aligned with moves in the index value (such as from 270 to 272, representing a 0.7% change, and thus over 1% away from the next highest strike). Additionally, the Cboe Mini Bitcoin U.S. ETF Index is 1/10th the value of the Cboe Bitcoin U.S. ETF Index, options on which (''CBTX options'') may be listed in the same $5 strike intervals. Given MBTX options have 1/10th the value of CBTX options, the Exchange believes MBTX options should be permitted in smaller strike price intervals than CBTX options. MBTX options are intended, among other things, to allow smaller-scale investors to gain broad exposure to the Cboe Bitcoin U.S. ETF Index market and hedge CBTX-related positions with a manageably sized contract, and the proposed finer strike prices for MBTX options will permit strike prices accordingly aligned with CBTX options. The proposed rule change will allow the Exchange to better respond to customer demand for additional strike prices for MBTX and MGTN options (the Exchange expects this demand for MGTN options when listing begins), as the more granular strike prices allowed by the proposed rule change will permit investors to use these options in a manner more closely tailored to their investment needs, as they are currently able to do with other index options. For example, if the Cboe Bitcoin U.S. ETF Index value is 2700, the Cboe Mini Bitcoin U.S. ETF Index value is 270. CBTX options would be permitted to be listed with strikes of 2710, 2720, and 2730. Corresponding MBTX options strikes, as proposed, would be 271, 272, and 273, as opposed to strikes of only 270 and 275, as permitted under the current rule. The proposed $1 strike price intervals for MBTX options will permit the listing of series with strikes that correspond more closely to CBTX option strikes.

Similarly, while MGTN options do not correspond to larger-sized options, the proposed $1 strike price intervals for MGTN options will permit investors to engage in investment strategies more closely aligned with movements in the value of the underlying index. For example, if the value of the Cboe Magnificent 10 Index is 400, MBTX options are currently permitted to be listed with strikes of 405, 410, and 415, as opposed to 401, 402, and 403, as proposed. Therefore, new strikes are added in percentage intervals of approximately 1.25% and not investment strategies more aligned with moves in the index value (such as from 400 to 402, representing a 0.5% change, and thus nearly 1% away from the next highest strike).

The Exchange recognizes the proposed $1 strike price intervals for MBTX options and MGTN options alone do not achieve full alignment with the applicable underlying index (or with CBTX options with respect to MBTX options). For example, if the value of the underlying index was 271.5 (and if there was a 2715 strike in CBTX options), the $1 strike interval would not permit the Exchange to list a corresponding 271.5 strike in MBTX options. However, the Exchange believes $1 strike price intervals will increase the alignment in a manner to provide investors with additional flexibility to tailor their investment strategies more closely with changes in the underlying index value. Therefore, the Exchange also proposes $0.50 strike price intervals for MBTX and MGTN options with Nonstandard Expirations[15] and for QIX MBTX and MGTN options. The Exchange believes that smaller strike intervals for MBTX and MGTN options with Nonstandard and QIX expirations (all of which are ''nonstandard'' expirations with P.M.-settlement, and, at times, have expirations that coincide) will provide market participants with more efficient hedging and trading opportunities. The proposed $0.50 strike price intervals would permit strikes on a more refined scale that, at times, will more closely reflect values in the underlying RUT [sic] Index and allow market participants to roll open positions from a lower strike to a higher strike in conjunction with the price movement of the underlying.

Additionally, the proposed strike price range limitations (100% and 50% away from the current index value, rather than 30% as used in the definition of ''reasonably related'') are closely aligned with the strike price range limitations for equity and ETF options pursuant to the Rule 4.7(b) and the Options Listing Procedure Plan

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *Id.*

[11] The value of the Mini-Russell 2000 Index on September 25, 2025 is approximately 242.

[12] The value of the Cboe Mini Bitcoin U.S. ETF Index on September 25, 2025 is approximately 268.

[13] The value of the Cboe Magnificent 10 Index on September 25, 2025 is approximately 400.

[14] The value of the Mini-S&P 500 Index on September 25, 2025 is approximately 661.

[15] MGTN options are not currently eligible for Nonstandard Expirations, as a rule filing to permit such expiration is pending. *See* Securities Exchange Act Release No. 104019 (September 23, 2025), 90 FR 185 (September 26, 2025) (SR–CBOE–2025–068).

(''OLPP'').[16] The OLPP and Rule 4.7(b) set forth strike price range limitations for equity and ETF options which differ from the general exercise price range limitations for index options set forth in Interpretations and Policies .01(d) and .04 to Rule 4.13. The Exchange also notes that the exercise price range limitations currently in place for Mini-SPX options and MRUT options are consistent with these OLPP limitations.[17] Interpretation and Policy .01(d) requires the exercise price of each series of index options to be reasonably related to the current index value of the underlying index to which the series relates at time the series is first opened for trading on the Exchange. ''Reasonably related to the current index value of the underlying index'' means the exercise price must be within 30% of the current index value.[18] Pursuant to Interpretation and Policy .04 to Rule 4.13, the Exchange may also open for trading additional series of index options that are more than 30% away from the current index value, provided that demonstrated customer interest exists for the series. Therefore, if the value of the Cboe Mini Bitcoin U.S. ETF Index or Cboe Magnificent 10 Index is 200, under the current Rules providing general strike price range limitations for index options, the Exchange may only list options with the strikes ranging from $140 to $260 (*i.e.,* 30% above and below the current value). Pursuant to the OLPP and Rule 4.7(b) strike price limitations for equity and ETF options, however, if the underlying price of an equity or ETF option is $200 (including equities that comprise the Cboe Magnificent 10 Index or ETFs that comprise the Cboe Mini Bitcoin U.S. ETF Index), the Exchange is permitted to list options on those stocks or ETFs with strikes ranging from $100 through $300 (*i.e.,* 50% above and below the current value). Therefore, by applying the OLPP limitations, as proposed, if the value of the Cboe Mini Bitcoin U.S. ETF Index or Cboe Magnificent 10 Index is 200, the Exchange will be able to list strikes ranging 50% above and below the current value of the index. The Exchange believes the proposed exercise price limitations for both MBTX and MGTN options will put such options on equal standing with equity and ETF options (including options on equities that comprise the Cboe Magnificent 10 Index and the ETFs that comprise the Cboe Mini Bitcoin U.S. ETF Index), as well as Mini-SPX options, in connection with exercise price limitations and, as a result, will allow the Exchange to list strikes that more closely reflect the current values in the RUT Index and to better respond to customer demand for MBTX and MGTN options strike prices that better relate to current values of the underlying indexes.

The Exchange acknowledges the proposed rule change may augment the potential number of options series available on the Exchange. However, the Exchange believes any such increase will be moderate and that the number of strikes that may be listed will be contained by the percentages proposed, specifically that strike prices may not be listed more than 100% above or below the current index value if less than or equal to 20, and not more than 50% above or below the current index value if greater than 20. Rather, the Exchange may determine to list strikes in $1 intervals or higher based on the level of the applicable underlying index and customer demand. Also, the Exchange believes that there is no reason to have a more limited range of strikes for MBTX or MGTN options than is currently permitted for other index options that overlie indexes with comparable values. Additionally, the Exchange believes it and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange also believes that TPHs will not have a capacity issue due to the proposed rule change. The Exchange does not believe that this expansion will cause fragmentation of liquidity, but rather, believes that finer strike intervals will serve to increase liquidity available as well as price efficiency by providing more trading opportunities for all market participants.

Ultimately, the proposed strike price intervals will provide the Exchange with flexibility to respond to customer demand for MBTX and MGTN option strike prices that relate to and more closely reflect the current value of the applicable underlying index, which will allow investors to roll open positions from a lower strike to a higher strike in conjunction with the price movement of the underlying index. The Exchange believes the proposed strike price intervals will afford investors important hedging and trading opportunities by allowing investors (particularly retail investors) to fine-tune their use of both MBTX and MGTN options to gain exposure to the applicable index, hedge index-related positions, and manage their portfolios. The proposed rule change will add consistency to the options market for these index options and the options overlying the equities and ETFs that comprise each index.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, because all strikes will be available to all market participants. The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, because the proposed strike regime for MBTX and MGTN options is available for other index options, as discussed above. Additionally, the proposed percentage bounds for the strike prices of MBTX and MGTN options align with that of equity and ETF options, including the equities that comprise the Cboe Magnificent 10 Index and the ETFs that comprise the Cboe Mini Bitcoin U.S. ETF Index, as provided in Rule 4.7 and the OLPP. The Exchange believes the proposed rule change may promote competition by affording investors for these index options additional investment opportunities that are similarly available for other index options, which opportunities may be more aligned with their investment needs and changes in the underlying index values.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

[16] *See* Rule 4.7(b)

[17] *See* Rule 4.13, Interpretations and Policies .01(i) and .10.

[18] *See* Rule 4.13, Interpretation and Policy .04.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [19] and Rule 19b–4(f)(6) thereunder.[20] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [21] and Rule 19b–4(f)(6)(iii) thereunder.[22]

A proposed rule change filed under Rule 19b–4(f)(6) [23] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[24] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that the proposal will benefit investors by permitting the Exchange to list more granular strikes in both MBTX and MGTN options as soon as practicable, and the more granular strikes would permit investors to use these options in a manner more closely tailored to their investment needs. For these reasons, and because the proposed rule change does not raise any new or novel regulatory issues, the Commission finds that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[25]

[19] 15 U.S.C. 78s(b)(3)(A)(iii).

[20] 17 CFR 240.19b–4(f)(6).

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[23] 17 CFR 240.19b–4(f)(6).

[24] 17 CFR 240.19b–4(f)(6)(iii).

[25] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* U.S.C. 78c(f).

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings under Section 19(b)(2)(B) [26] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CBOE–2025–087 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CBOE–2025–087. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CBOE–2025–087 and should be submitted on or before January 8, 2026.

[26] 15 U.S.C. 78s(b)(2)(B).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–23230 Filed 12–17–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104399; File No. SR–MIAX–2025–46]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule To Regroup Options Exchanges Within the Routing Fee Table

December 15, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 1, 2025, Miami International Securities Exchange, LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the MIAX Options Exchange Fee Schedule (the ''Fee Schedule'').

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/all-options-exchanges/rule-filings* and at MIAX's principal office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of

[27] 17 CFR 200.30–3(a)(12), (59).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the exchange grouping of options exchanges within the routing fee table in Section 1)c) of the Fee Schedule, Fees for Customer Orders Routed to Another Options Exchange, to adjust the groupings of options exchanges.

Background

Currently, the Exchange assesses routing fees based upon (i) the origin type of the order; (ii) whether or not it is an order for standard option classes in the Penny Interval Program [3] (''Penny classes'') or an order for standard option classes which are not in the Penny Interval Program (''Non-Penny classes'') (or other explicitly identified classes); and (iii) to which away market it is being routed. This assessment practice is identical to the routing fees assessment practice currently utilized by the Exchange's affiliates, MIAX PEARL, LLC (''MIAX Pearl''), MIAX Emerald, LLC (''MIAX Emerald''), and MIAX Sapphire, LLC (''MIAX Sapphire''). This is also similar to the methodology utilized by the Cboe BZX Exchange, Inc. (''Cboe BZX Options''), a competing options exchange, in assessing routing fees. Cboe BZX Options has exchange groupings in its fee schedule, similar to those of the Exchange, whereby several exchanges are grouped into the same category dependent upon the order's origin type and whether it is a Penny or Non-Penny class.[4]

As a result of conducting a periodic review of the current transaction fees charged by away markets the Exchange has determined to amend the exchange groupings of options exchanges within the routing fee table to better reflect the associated costs and fees of routing customer orders to certain away markets for execution.

Proposal

The Exchange proposes to amend the table in Section 1)c) of the Exchange's Fee Schedule, Fees for Customer Orders Routed to Another Options Exchange, to update the exchange groupings of options exchanges within the routing fee table. Under this proposed change, the Exchange will not amend the fees associated with the exchange groupings. This proposal merely seeks to amend the exchange groupings, which change is reflected in the routing fee table below and described in detail herein.

Description	Fees
Routed, Priority Customer, Penny Program, to: NYSE American, Cboe, Cboe EDGX Options, Nasdaq PHLX (except SPY), Nasdaq MRX, MIAX Sapphire	$0.15
Routed, Priority Customer, Penny Program, to: BOX	0.30
Routed, Priority Customer, Penny Program, to: NYSE Arca Options, Cboe BZX Options, Cboe C2, Nasdaq GEMX, Nasdaq ISE, NOM, Nasdaq PHLX (SPY only), MIAX Emerald, MIAX Pearl, Nasdaq BX Options, MEMX	0.65
Routed, Priority Customer, Non-Penny Program, to: NYSE American, BOX, Cboe, Cboe EDGX Options, Nasdaq PHLX, Nasdaq MRX, MIAX Sapphire	0.15
Routed, Priority Customer, Non-Penny Program, to: NYSE Arca Options, Cboe BZX Options, Cboe C2, MIAX Pearl, MIAX Emerald, Nasdaq GEMX, NOM, Nasdaq BX Options, Nasdaq ISE, MEMX	1.00
Routed, Public Customer that is not a Priority Customer, Penny Program, to: NYSE American, NYSE Arca Options, Cboe BZX Options, BOX, Cboe, Cboe C2, Cboe EDGX Options, Nasdaq GEMX, Nasdaq ISE, Nasdaq MRX, MIAX Pearl, MIAX Emerald, NOM, Nasdaq PHLX, Nasdaq BX Options, MEMX, MIAX Sapphire	0.65
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: NYSE American, Cboe, Nasdaq PHLX, Cboe EDGX Options, NOM	1.00
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: Cboe C2, BOX, MIAX Sapphire	1.15
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: NYSE Arca Options, Nasdaq GEMX, Nasdaq MRX, MIAX Pearl, MIAX Emerald	1.25
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: Cboe BZX Options, Nasdaq ISE, Nasdaq BX Options, MEMX	1.40

The Exchange proposes to remove ''MEMX'' from the ''Routed, Public Customer that is not a Priority Customer, Non-Penny Program'' $1.25 fee tier and amend the ''Routed, Public Customer that is not a Priority Customer, Non-Penny Program'' $1.40 fee tier to add ''MEMX''. This change is being made as MEMX LLC (''MEMX'') recently amended its fee schedule and now assesses a transaction fee of $1.21 per contract for orders in Non-Penny classes in Professional capacities which remove liquidity from the MEMX Options Book.[5]

The purpose of the proposal is to adjust the routing fee groups for orders routed to other exchanges to better reflect the associated costs for that routed execution in Penny and Non-Penny classes as determined by the fees and rebates at the executing exchange. In determining to amend its groupings, the Exchange took into account transaction fees assessed by the away market to which the Exchange routes orders, as well as the Exchange's clearing costs, administrative, regulatory, and technical costs associated with routing orders to an away market. The Exchange uses unaffiliated routing brokers to route orders to the away markets; the costs associated with the use of these services are included in the routing fees specified in the Fee Schedule. This

[3] *See* Exchange Rule 510(c).

[4] *See* Cboe U.S. Options Fee Schedules, BZX Options, effective November 20, 2025, ''Fee Codes and Associated Fees,'' at *https://www.cboe.com/us/options/membership/fee_schedule/bzx/* (last visited November 23, 2025).

[5] *See* MEMX Options Fee Schedule (effective August 1, 2025), Transaction Fees, *available at https://info.memxtrading.com/us-options-trading-resources/us-options-fee-schedule/* (last visited November 23, 2025); *see also* Securities Exchange Act Release No. 100804 (August 22, 2024), 89 FR 68956 (August 28, 2024) (SR–MEMX–2024–32). The Exchange notes that the origin type of the order ''Public Customer that is not a Priority Customer'' in the MIAX Options Fee Schedule is substantively similar to the origin type of the order ''Professional'' in the MEMX Options Fee Schedule. The term ''Public Customer'' means a person that is not a broker or dealer in securities. The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Exchange Rule 100. The term ''Professional'' means any person or entity that (A) is not a broker or dealer in securities; and (B) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Rules of MEMX, Rule 16.1, *available at https://info.memxtrading.com/wp-content/uploads/2025/09/MEMX-Rulebook-9.16.25-Clean.pdf* (last visited November 23, 2025).

routing fee structure is not only similar to the Exchange's affiliates, MIAX Pearl, MIAX Emerald, and MIAX Sapphire, but is also comparable to the structure in place on at least one other competing options exchange, Cboe BZX Options.[6] The Exchange's routing fee structure approximates the Exchange's costs associated with routing orders to away markets. The per-contract transaction fee amount associated with each grouping closely approximates the Exchange's all-in cost (plus an additional, non-material amount) [7] to execute that corresponding contract at that corresponding exchange.

The Exchange notes that in determining whether to adjust certain groupings of options exchanges in the routing fee table, the Exchange considered the transaction fees assessed by away markets, and determined to amend the grouping of exchanges that assess transaction fees for routed orders within a similar range. This same logic and structure apply to all of the groupings in the routing fee table. By utilizing the same structure that is utilized by the Exchange's affiliates, MIAX Pearl, MIAX Emerald, and MIAX Sapphire, the Exchange's Members [8] will be assessed routing fees in a similar manner. The Exchange notes that its affiliates, MIAX Pearl, MIAX Emerald, and MIAX Sapphire, will file to make the same proposed routing fee changes contained herein.

Implementation

The proposed rule changes will become effective on December 1, 2025.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act [9] in general, and furthers the objectives of Section 6(b)(4) of the Act [10] in particular, in that it is an equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act [11] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

The Exchange believes that the proposed changes to the exchange groupings of options exchanges within the routing fee table furthers the objectives of Section 6(b)(4) of the Act and is reasonable, equitable and not unfairly discriminatory because the proposed change will continue to apply in the same manner to all Members that are subject to routing fees. The Exchange believes the proposed changes to the routing fee table exchange groupings furthers the objectives of Section 6(b)(5) of the Act and is designed to promote just and equitable principles of trade and is not unfairly discriminatory because the proposed changes seek to recoup costs that are incurred by the Exchange when routing orders for Public Customers that are not Priority Customers to away markets on behalf of Members and does so in the same manner for all Members that are subject to routing fees. The costs to the Exchange to route orders to away markets for execution primarily includes transaction fees assessed by the away markets to which the Exchange routes orders, in addition to the Exchange's clearing costs, administrative, regulatory and technical costs. The Exchange believes that the proposed re-categorization of certain exchange groupings would enable the Exchange to better reflect the costs and fees associated with routing orders to other exchanges for execution.

The Exchange places away markets in the fee tier grouping that best approximates the Exchange's costs and fees to route the orders in that segment to that away market. The per-contract transaction fee amount associated with each grouping approximates the Exchange's all-in cost (plus an additional, non-material amount) [12] to execute the corresponding contract at the corresponding exchange. The Exchange believes its tier structure represents the best approach to reflect the costs and fees associated with routing and executing orders on other exchanges. As noted above, this routing fee structure is comparable to the structure in place on at least one other competing options exchange, Cboe BZX Options.[13]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposed re-categorization of certain exchange groupings is intended to enable the Exchange to recover the costs it incurs to route orders to away markets. The costs to the Exchange to route orders to away markets for execution primarily includes the transaction fees assessed by the away markets to which the Exchange routes orders, in addition to the Exchange's clearing costs, administrative, regulatory and technical costs. The Exchange does not believe that this proposal imposes any unnecessary burden on competition because it seeks to better reflect the costs and fees incurred by the Exchange when routing orders to away markets on behalf of Members and notes that at least one other options exchange has a similar routing fee structure.[14]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[15] and Rule 19b–4(f)(2) [16] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and

[6] *See supra* note 4. The Cboe BZX Options fee schedule has exchange groupings, whereby several exchanges are grouped into the same category, dependent on the order's origin type and whether it is a Penny or Non-Penny class.

[7] This amount is to cover de minimis differences/changes to away market fees (*i.e.,* minor increases or decreases) that would not necessitate a fee filing by the Exchange to re-categorize the away exchange into a different grouping. Routing fees are not intended to be a profit center for the Exchange and the Exchange's goal regarding routing fees and expenses is to be as close as possible to net neutral.

[8] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4).

[11] 15 U.S.C. 78f(b)(5).

[12] *See supra* note 7.

[13] *See supra* notes 4 and 6.

[14] *See supra* note 4.

[15] 15 U.S.C. 78s(b)(3)(A)(ii).

[16] 17 CFR 240.19b-4(f)(2).

arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–MIAX–2025–46 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–MIAX–2025–46. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–MIAX–2025–46 and should be submitted on or before January 8, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Sherry R. Haywood,

Assistant Secretary.

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BILLING CODE 8011–01–P

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104398; File No. SR–PEARL–2025–48]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Pearl Options Exchange Fee Schedule To Regroup Options Exchanges Within the Routing Fee Table

December 15, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 1, 2025, MIAX PEARL, LLC (''MIAX Pearl'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the fee schedule (the ''Fee Schedule'') applicable to the Exchange's options trading platform MIAX Pearl Options.

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/pearl-options/rule-filings* and at MIAX Pearl's principal office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the exchange grouping of options exchanges within the routing fee table in Section 1)b) of the Fee Schedule, Fees for Customer Orders Routed to Another Options Exchange, to adjust the groupings of options exchanges.

Background

Currently, the Exchange assesses routing fees based upon (i) the origin type of the order; (ii) whether or not it is an order for standard option classes in the Penny Interval Program [3] (''Penny classes'') or an order for standard option classes which are not in the Penny Interval Program (''Non-Penny classes'') (or other explicitly identified classes); and (iii) to which away market it is being routed. This assessment practice is identical to the routing fees assessment practice currently utilized by the Exchange's affiliates, Miami International Securities Exchange, LLC (''MIAX''), MIAX Emerald, LLC (''MIAX Emerald''), and MIAX Sapphire, LLC (''MIAX Sapphire''). This is also similar to the methodology utilized by the Cboe BZX Exchange, Inc. (''Cboe BZX Options''), a competing options exchange, in assessing routing fees. Cboe BZX Options has exchange groupings in its fee schedule, similar to those of the Exchange, whereby several exchanges are grouped into the same category dependent upon the order's origin type and whether it is a Penny or Non-Penny class.[4]

As a result of conducting a periodic review of the current transaction fees charged by away markets the Exchange has determined to amend the exchange groupings of options exchanges within the routing fee table to better reflect the associated costs and fees of routing customer orders to certain away markets for execution.

Proposal

The Exchange proposes to amend the table in Section 1)b) of the Exchange's Fee Schedule, Fees for Customer Orders Routed to Another Options Exchange, to update the exchange groupings of options exchanges within the routing fee table. Under this proposed change, the Exchange will not amend the fees associated with the exchange groupings. This proposal merely seeks to amend

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 510(c).

[4] *See* Cboe U.S. Options Fee Schedules, BZX Options, effective November 20, 2025, ''Fee Codes and Associated Fees,'' at *https://www.cboe.com/us/options/membership/fee_schedule/bzx/* (last visited November 23, 2025).

the exchange groupings, which change is reflected in the routing fee table below and described in detail herein.

Description	Fees
Routed, Priority Customer, Penny Program, to: NYSE American, Cboe, Cboe EDGX Options, MIAX, Nasdaq PHLX (except SPY), Nasdaq MRX, MIAX Sapphire	$0.15
Routed, Priority Customer, Penny Program, to: BOX	0.30
Routed, Priority Customer, Penny Program, to: NYSE Arca Options, Cboe BZX Options, Cboe C2, Nasdaq GEMX, Nasdaq ISE, NOM, Nasdaq PHLX (SPY only), MIAX Emerald, Nasdaq BX Options, MEMX	0.65
Routed, Priority Customer, Non-Penny Program, to: NYSE American, BOX, Cboe, Cboe EDGX Options, MIAX, Nasdaq PHLX, Nasdaq MRX, MIAX Sapphire	0.15
Routed, Priority Customer, Non-Penny Program, to: NYSE Arca Options, Cboe BZX Options, Cboe C2, Nasdaq GEMX, NOM, MIAX Emerald, Nasdaq BX Options, Nasdaq ISE, MEMX	1.00
Routed, Public Customer that is not a Priority Customer, Penny Program, to: NYSE American, NYSE Arca Options, Cboe BZX Options, BOX, Cboe, Cboe C2, Cboe EDGX Options, Nasdaq GEMX, Nasdaq ISE, Nasdaq MRX, MIAX Emerald, MIAX, NOM, Nasdaq PHLX, Nasdaq BX Options, MEMX, MIAX Sapphire	0.65
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: NYSE American, MIAX, Cboe, Nasdaq PHLX, Cboe EDGX Options, NOM	1.00
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: Cboe C2, BOX, MIAX Sapphire	1.15
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: NYSE Arca Options, Nasdaq GEMX, Nasdaq MRX, MIAX Emerald	1.25
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: Cboe BZX Options, Nasdaq ISE, Nasdaq BX Options, MEMX	1.40

The Exchange proposes to remove ''MEMX'' from the ''Routed, Public Customer that is not a Priority Customer, Non-Penny Program'' $1.25 fee tier and amend the ''Routed, Public Customer that is not a Priority Customer, Non-Penny Program'' $1.40 fee tier to add ''MEMX''. This change is being made as MEMX LLC (''MEMX'') recently amended its fee schedule and now assesses a transaction fee of $1.21 per contract for orders in Non-Penny classes in Professional capacities which remove liquidity from the MEMX Options Book.[5]

The purpose of the proposal is to adjust the routing fee groups for orders routed to other exchanges to better reflect the associated costs for that routed execution in Penny and Non-Penny classes as determined by the fees and rebates at the executing exchange. In determining to amend its groupings, the Exchange took into account transaction fees assessed by the away market to which the Exchange routes orders, as well as the Exchange's clearing costs, administrative, regulatory, and technical costs associated with routing orders to an away market. The Exchange uses unaffiliated routing brokers to route orders to the away markets; the costs associated with the use of these services are included in the routing fees specified in the Fee Schedule. This routing fee structure is not only similar to the Exchange's affiliates, MIAX, MIAX Emerald, and MIAX Sapphire, but is also comparable to the structure in place on at least one other competing options exchange, Cboe BZX Options.[6] The Exchange's routing fee structure approximates the Exchange's costs associated with routing orders to away markets. The per-contract transaction fee amount associated with each grouping closely approximates the Exchange's all-in cost (plus an additional, non-material amount)[7] to execute that corresponding contract at that corresponding exchange.

The Exchange notes that in determining whether to adjust certain groupings of options exchanges in the routing fee table, the Exchange considered the transaction fees assessed by away markets, and determined to amend the grouping of exchanges that assess transaction fees for routed orders within a similar range. This same logic and structure apply to all of the groupings in the routing fee table. By utilizing the same structure that is utilized by the Exchange's affiliates, MIAX, MIAX Emerald, and MIAX Sapphire, the Exchange's Members[8] will be assessed routing fees in a similar manner. The Exchange notes that its affiliates, MIAX, MIAX Emerald, and MIAX Sapphire, will file to make the same proposed routing fee changes contained herein.

Implementation

The proposed rule changes will become effective on December 1, 2025.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act[9] in general, and furthers the objectives of Section 6(b)(4) of the Act[10] in particular, in that it is an equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. The Exchange also believes the proposal furthers the objectives of

[5] *See* MEMX Options Fee Schedule (effective August 1, 2025), Transaction Fees, *available at https://info.memxtrading.com/us-options-trading-resources/us-options-fee-schedule/* (last visited November 23, 2025); *see also* Securities Exchange Act Release No. 100804 (August 22, 2024), 89 FR 68956 (August 28, 2024) (SR–MEMX–2024–32). The Exchange notes that the origin type of the order ''Public Customer that is not a Priority Customer'' in the MIAX Options Fee Schedule is substantively similar to the origin type of the order ''Professional'' in the MEMX Options Fee Schedule. The term ''Public Customer'' means a person that is not a broker or dealer in securities. The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Exchange Rule 100. The term ''Professional'' means any person or entity that (A) is not a broker or dealer in securities; and (B) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Rules of MEMX, Rule 16.1, *available at https://info.memxtrading.com/wp-content/uploads/2025/09/MEMX-Rulebook-9.16.25-Clean.pdf* (last visited November 23, 2025).

[6] *See supra* note 4. The Cboe BZX Options fee schedule has exchange groupings, whereby several exchanges are grouped into the same category, dependent on the order's origin type and whether it is a Penny or Non-Penny class.

[7] This amount is to cover de minimis differences/changes to away market fees (*i.e.,* minor increases or decreases) that would not necessitate a fee filing by the Exchange to re-categorize the away exchange into a different grouping. Routing fees are not intended to be a profit center for the Exchange and the Exchange's goal regarding routing fees and expenses is to be as close as possible to net neutral.

[8] The term ''Member'' means an individual or organization that is registered with the Exchange pursuant to Chapter II of these Rules for purposes of trading on the Exchange as an ''Electronic Exchange Member'' or ''Market Maker.'' Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4).

Section 6(b)(5) of the Act [11] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

The Exchange believes that the proposed changes to the exchange groupings of options exchanges within the routing fee table furthers the objectives of Section 6(b)(4) of the Act and is reasonable, equitable and not unfairly discriminatory because the proposed change will continue to apply in the same manner to all Members that are subject to routing fees. The Exchange believes the proposed changes to the routing fee table exchange groupings furthers the objectives of Section 6(b)(5) of the Act and is designed to promote just and equitable principles of trade and is not unfairly discriminatory because the proposed changes seek to recoup costs that are incurred by the Exchange when routing orders for Public Customers that are not Priority Customers to away markets on behalf of Members and does so in the same manner for all Members that are subject to routing fees. The costs to the Exchange to route orders to away markets for execution primarily includes transaction fees assessed by the away markets to which the Exchange routes orders, in addition to the Exchange's clearing costs, administrative, regulatory and technical costs. The Exchange believes that the proposed re-categorization of certain exchange groupings would enable the Exchange to better reflect the costs and fees associated with routing orders to other exchanges for execution.

The Exchange places away markets in the fee tier grouping that best approximates the Exchange's costs and fees to route the orders in that segment to that away market. The per-contract transaction fee amount associated with each grouping approximates the Exchange's all-in cost (plus an additional, non-material amount) [12] to execute the corresponding contract at the corresponding exchange. The Exchange believes its tier structure represents the best approach to reflect the costs and fees associated with routing and executing orders on other exchanges. As noted above, this routing fee structure is comparable to the structure in place on at least one other competing options exchange, Cboe BZX Options.[13]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposed re-categorization of certain exchange groupings is intended to enable the Exchange to recover the costs it incurs to route orders to away markets. The costs to the Exchange to route orders to away markets for execution primarily includes the transaction fees assessed by the away markets to which the Exchange routes orders, in addition to the Exchange's clearing costs, administrative, regulatory and technical costs. The Exchange does not believe that this proposal imposes any unnecessary burden on competition because it seeks to better reflect the costs and fees incurred by the Exchange when routing orders to away markets on behalf of Members and notes that at least one other options exchange has a similar routing fee structure.[14]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[15] and Rule 19b–4(f)(2) [16] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–PEARL–2025–48 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–PEARL–2025–48. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–PEARL–2025–48 and should be submitted on or before January 8, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–23235 Filed 12–17–25; 8:45 am]

BILLING CODE 8011–01–P

[11] 15 U.S.C. 78f(b)(5).

[12] *See supra* note 7.

[13] *See supra* notes 4 and 6.

[14] *See supra* note 4.

[15] 15 U.S.C. 78s(b)(3)(A)(ii).

[16] 17 CFR 240.19b–4(f)(2).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104395; File No. SR–C2–2025–027]

Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt a New Methodology for Assessment and Collection of the Options Regulatory Fee (ORF)

December 15, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the

''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 2, 2025, Cboe C2 Exchange, Inc. (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fees Schedule relating to the Options Regulatory Fee (''ORF'') to adopt a new methodology for assessment and collection of ORF for transactions that occur on the Exchange (''On-Exchange ORF''), effective as of July 1, 2026. The text of the proposed rule change is available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/options/regulation/rule_filings/bzx/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its current methodology for assessment and collection of a regulatory fee to assess On-Exchange ORF only for options transactions that occur on the Exchange that would clear in the customer[3] range at The Options Clearing Corporation (''OCC''). The Exchange would no longer assess a regulatory fee for options transactions that occur on other exchanges. This proposal only proposes to amend the method of assessment and collection of the fee. A future rule filing would be filed to set the applicable On-Exchange ORF rate. If the On-Exchange ORF model were to go into effect today, the current ORF rate would increase from $0.0002 per contract to an estimated On-Exchange ORF rate of $0.01521 per contract based on 2026 estimates of regulatory revenue, regulatory costs, and customer volume.[4] The following provides more detail regarding the proposal.

Background

Today, ORF is assessed by C2 Options to each Clearing Trading Permit Holder (''CTPH'') for options transactions that are cleared by the CTPH at OCC in the Customer range, regardless of the exchange on which the transaction occurs. In other words, the Exchange imposes the ORF on all Customer-range transactions cleared by a CTPH, even if the transactions do not take place on the Exchange. The ORF is collected by OCC on behalf of the Exchange from the CTPH or non-Trading Permit Holder (''TPH'') OCC Clearing Member that ultimately clears the transaction as further described below. With respect to linkage transactions, C2 Options reimburses its routing broker providing Routing Services pursuant to C2 Options Rule 5.36 for options regulatory fees it incurs in connection with the Routing Services it provides. The current C2 Options ORF is $0.0002 per contract side.

The following scenarios reflect how the ORF is currently assessed and collected (these apply regardless of whether the transaction is executed on the Exchange or on an away exchange):

1. If a TPH is the executing clearing firm on a transaction (''Executing Clearing Firm''), the ORF is assessed to and collected from that TPH by OCC on behalf of the Exchange.

2. If a TPH is the Executing Clearing Firm and the transaction is ''given up'' to a different TPH that clears the transaction (''Clearing Give-Up''), the ORF is assessed to the Executing Clearing Firm (the ORF is the obligation of the Executing Clearing Firm). The ORF is collected from the Clearing Give-Up.

3. If the Executing Clearing Firm is a non-TPH and the Clearing Give-up is a TPH, the ORF is assessed to and collected from the Clearing Give-up.

4. If a TPH is the Executing Clearing Firm and a non-TPH is the Clearing Give-up, the ORF is assessed to the Executing Clearing Firm. The ORF is the obligation of the Executing Clearing Firm but is collected from the non-TPH Clearing Give-up (for the reasons described below).

5. No ORF is assessed if a TPH is neither the Executing Clearing Firm nor the Clearing Give-up.

The Exchange uses an OCC cleared trades file to determine the Executing Clearing Firm and the Clearing Give-up.[5]

In each of scenarios 1 through 4 above, if the transaction is transferred pursuant to a Clearing Member Trade Assignment (''CMTA'') agreement to another clearing firm who ultimately clears the transaction, the ORF is collected from the clearing firm that ultimately clears the transaction (which firm may be a non-TPH) by OCC on behalf of the Exchange. Using CMTA transfer information provided by the OCC, the Exchange subtracts the ORF charge from the monthly ORF bill of the clearing firm that transfers the position and adds the charge to the monthly ORF bill of the clearing firm that receives the CMTA transfer (*i.e.,* the ultimate clearing firm).[6] This process is performed at the end of each month on each transfer in the OCC CMTA transfer file for that month.[7]

ORF is collected by OCC on behalf of the Exchange from the CTPH or non-TPH OCC Clearing Member that ultimately clears the transaction. While

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Currently, the ORF is assessed by C2 Options and collected via OCC on executions for the account of Public Customers, including Professionals, and Broker-Dealers including Foreign Broker-Dealers. These market participants clear in the ''C'' range at OCC. ORF will continue to be assessed to executions for the account of these market participants under the proposed methodology. On the Exchange, a ''Public Customer'' means a person that is not a broker or dealer in securities and includes Professionals. A ''Professional'' is any person or entity that (a) is not a broker or dealer in securities, and (b) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). Executions for the account of an OCC clearing member firm proprietary account, joint back office account clearing in the Firm range, or account of a market maker clearing in the Market Maker range are not charged an ORF, nor would they be charged an ORF under the current proposal.

[4] The Exchange intends to file an ORF increase to $0.0003 per contract effective January 2, 2026.

[5] The Exchange notes that in the case where a non-self clearing TPH executes a transaction on the Exchange, the TPH's guaranteeing CTPH is reflected as the Executing Clearing Firm in the OCC cleared trades file and the ORF is assessed to and collected from the Executing Clearing Firm.

[6] *See* Securities Exchange Act Release No. 82163 (November 28, 2017), 82 FR 57317 (December 4, 2017) (SR–C2–2017–031).

[7] The Exchange notes that OCC provides the Exchange and other exchanges with information to assist in excluding CMTA transfers done to correct bona fide errors from the ORF calculation. Specifically, if a clearing firm gives up or CMTA transfers a position to the wrong clearing firm, the firm that caused the error will send an offsetting CMTA transfer to that firm and send a new CMTA transfer to the correct firm. The offsetting CMTA transfer is marked with a CMTA Transfer ORF Indicator which results in the original erroneous transfer being excluded from the ORF calculation.

the ORF is an obligation of the Executing Clearing Firm, the ORF is collected from the clearing firm that ultimately clears the eligible trade, even if such firm is not a TPH. The Exchange and OCC adopted this collection method in response to industry feedback that it would allow TPHs and non-TPHs to more easily pass-through the ORF to their customers. In the original ORF filing by Cboe Exchange. Inc. (''Cboe Options''), an affiliate of C2 Options,[8] Cboe Options stated that it expected TPHs to pass-through the ORF to their customers in the same manner that firms pass-through to their customers the fees charged by self-regulatory organizations (''SROs'') to help the SROs meet their obligations under Section 31 of the Exchange Act (and the Exchange understands this to be the case currently). Accordingly, in scenario 4 above, the ORF is collected from the non-TPH OCC Clearing Member that clears the transaction in order to facilitate the pass-through of the ORF to the end-customer. Likewise, collection of the ORF from the ultimate (CMTA) clearing firm facilitates the passing the fee through to the end-customer. In those cases where the ORF is collected from a non-TPH OCC Clearing Member, the Exchange (through OCC) collects the ORF as a convenience for the CTPH whose obligation it is to pay the fee to the Exchange.

ORF Revenue and Monitoring of ORF

Today, revenue generated from ORF, when combined with all of the Exchange's other regulatory fees and fines, is designed to recover a material portion of the regulatory costs to the Exchange of the supervision and regulation of TPH customer options business including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities. Regulatory costs include direct regulatory expenses and certain indirect expenses for work allocated in support of the regulatory function. The direct expenses include in-house and third-party service provider costs to support the day-to-day regulatory work such as surveillances, investigations and examinations. The indirect expenses include support to the regulatory function from such areas as human resources, legal, compliance, information technology, facilities and accounting. Today, these indirect expenses are estimated to be approximately 23% of the Exchange's total regulatory costs for 2026. Thus, direct expenses are estimated to be approximately 77% of total regulatory costs for 2026.[9] In addition, based on the Exchange's analysis of its regulatory work associated with options regulation, and considering other regulatory revenue, it is the Exchange's practice that revenue generated from ORF not exceed more than 75% of total annual regulatory costs.

Proposal for On-Exchange ORF

C2 Options appreciates the evolving changes in the market and regulatory environment and has been evaluating its current methodologies and practices for the assessment and collection of ORF while considering industry and Commission feedback. As a result of this review, the Exchange is proposing the On-Exchange ORF, which assesses a regulatory fee to only Exchange transactions that would clear in the Customer range at OCC (as is the case today).[10] The following scenarios reflect how the On-Exchange ORF will be assessed and collected:

1. If a TPH is the Executing Clearing Firm on a transaction that occurred on the Exchange, the fee would be assessed to and collected from that CTPH by OCC on behalf of the Exchange.

2. If a TPH is the Executing Clearing Firm and the transaction is ''given up'' to a Clearing Give-Up, the On-Exchange ORF is assessed to the Executing Clearing Firm (the On-Exchange ORF remains the obligation of the Executing Clearing Firm under the proposal), but the On-Exchange ORF will be collected from the Clearing Give-Up.

The Exchange expects to provide CTPHs sufficient information in connection with their invoice in order to reconcile charges associated with ORF. In addition, the proposed method for collecting On-Exchange ORF will only consider CMTAs reported to the Exchange and not those reported directly to OCC. As described above, today's ORF is the responsibility of the Executing Clearing Firm and collected from the CMTA (which may be a non-TPH) as an administrative convenience. The Exchange understands that a CMTA may be added at order entry, via post-trade edit on the Exchange, or post-trade at OCC. CMTA transfers that occur at OCC do not necessarily contain reliable information regarding the Exchange on which the original transaction occurred.[11] Without specific information as to where the original transaction occurred, the Exchange would not be able to accurately account for CMTA transfers that occur at OCC. Therefore, the Exchange will only account for CMTAs that occur on the Exchange (which may be a non-TPH) and exclude CMTAs occurring at OCC.[12]

With this proposal, the Exchange intends to collect ORF under its current methodology for assessment and collection of ORF until at least June 30, 2026. The Exchange is prepared to implement On-Exchange ORF effective July 1, 2026 if by April 1, 2026 all U.S. options exchanges charging an ORF have filed to modify their current methodologies of assessment of the fee to limit the fee to transactions occurring on their respective exchange.[13] However, if all other options exchanges have not filed to adopt a similar methodology by April 1st, the Exchange will delay implementation commensurate with the additional time required for other options exchanges to adopt a similar method for collection and assessment of ORF. The Exchange will at that time file a separate rule filing with the amount of the On-Exchange ORF in advance of assessing and collecting the fee under the proposed method. The Exchange will provide at least 30 days' notice of the applicable On-Exchange ORF rate. The Exchange believes a fee to recover [sic] costs for regulatory programs associated with TPH customer business is

[8] *See* Securities Exchange Act Release No. 58817 (October 20, 2008), 73 FR 63744 (October 27, 2008) (SR–CBOE–2008–105).

[9] These expectations are estimated and may be subject to change.

[10] *See supra* note 3.

[11] Under the current methodology for assessing ORF, the Exchange on which the transaction occurred is irrelevant.

[12] The Exchange originally planned to exclude all CMTAs whether reported to the Exchange or directly to the OCC. If CMTAs are excluded, the Exchange would only collect ORF from its TPHs and ORF would no longer be collected from non-TPHs. The Exchange continues to believe that a new ORF model should be assessed to TPHs only, but also understands the desire for a uniform approach to the assessment and collection of ORF across all options exchanges. As of filing, 6 exchanges have also filed to assess and collect ORF to transactions occurring on their respective exchanges (*see* Securities Exchange Act Releases No. 103103 (May 22, 2025), 90 FR 22797 (May 29, 2025) (SR–MRX–2025–11) as amended by No. 103618 (August 1, 2025), 90 FR 37910 (August 6, 2025) (SR–MRX–2025–15); No. 103558 (July 28, 2025), 90 FR 36080 (July 31, 2025) (SR–ISE–2025–20); No. 103559 (July 28, 2025), 90 FR 36074 (July 31, 2025) (SR–BX–2025–012); No. 103617 (August 1, 2025), 90 FR 37912 (August 6, 2025)(SR–GEMX–2025–17); No. 103619 (August 1, 2025), 90 FR 37931 (August 6, 2025) (SR–NASDAQ–2025–054); No. 103620 (August 1, 2025), 90 FR 37918 (August 8, 2025) (SR–Phlx–2025–30)). As proposed, these filings also will consider CMTAs reported to the respective exchange and not CMTAs reported directly to OCC.

[13] The Exchange estimates it will take approximately three months to implement the system changes associated with On-Exchange ORF.

reasonable; however, the Exchange would consider alternative approaches for assessment and collection of the fee in order to achieve consistency across the industry.

To demonstrate the impact of the proposed change, the Exchange estimates that, if the On-Exchange ORF went into effect today, the current ORF of $0.0002 per contract side would increase to $0.01521 per contract side using 2026 estimates for regulatory revenue, regulatory costs and customer volume.[14] As is the case today, revenue generated from On-Exchange ORF, when combined with all of the Exchange's other regulatory fees and fines, is designed to recover a material portion of the regulatory costs to the Exchange of the supervision and regulation of TPH customer options business, including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities. As discussed above, regulatory costs include direct regulatory expenses [15] and certain indirect expenses in support of the regulatory function.[16] Indirect expenses are estimated to be approximately 23% of the Exchange's total regulatory costs for 2026. Thus, direct expenses are estimated to be approximately 77% of total regulatory costs for 2026.

The Exchange will continue to monitor the amount of revenue collected from On-Exchange ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. Further, C2 Options expects to continue its current practice that revenue generated from On-Exchange ORF not exceed more than [sic] 75% of total annual regulatory costs. And as is the Exchange's practice today, revenue generated by On-Exchange ORF will not be used for non-regulatory purposes.

The Exchange will continue to monitor its regulatory costs and revenues at a minimum on a semi-annual basis. If the Exchange determines regulatory revenues exceed or are insufficient to cover a material portion of its regulatory costs in a given year, the Exchange will adjust the On-Exchange ORF by submitting a fee change filing to the Commission. The Exchange will notify TPHs of adjustments to the On-Exchange ORF via an Exchange Notice in advance of any change.[17]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[18] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[19] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its TPHs and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [20] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed change to assess and collect an On-Exchange ORF is reasonable, equitable and not unfairly discriminatory for various reasons. First, On-Exchange ORF is reasonable, equitable and not unfairly discriminatory in that it is charged to all Exchange transactions that clear in the Customer range at the OCC. Similar to ORF today, the Exchange believes On-Exchange ORF ensures fairness by assessing a specific fee to those TPHs that require more Exchange regulatory services based on the amount of customer options business they conduct. Over recent years, options trading volume has increased with a growing percentage of the volume applicable to customer transactions. Customers trading on the Exchange (through a TPH) benefit from the protections of a robust regulatory program including the maintenance of fair and orderly markets and protections against fraud and other manipulation. The Exchange believes it is equitable and not unfairly discriminatory to assess a regulatory fee to transactions that clear in the Customer range to cover regulatory costs, but not to transactions clearing in the Firm or Market Maker range because CTPHs and Market Maker TPHs (who clear in the Firm and Market Maker range), as those market participants are generally subject to other Exchange fees, fines and obligations. For example, CTPHs and Market Maker TPHs are required to pay Exchange application fees, permit fees, and connectivity fees, amongst others. In addition, all fines issued by the Exchange for regulatory infractions are assessed only to TPHs and would be applied to regulatory revenues. As with today's ORF, the Exchange expects that CTPHs from whom On-Exchange ORF is collected will pass through the fee to their customers (as the Exchange understands occurs today). In addition, Market Makers in particular are subject to various quoting and other obligations to ensure that they provide stable and liquid markets, which benefit all market participants including customers. Excluding Market Maker transactions from On-Exchange ORF will allow Market Makers to better manage their costs more effectively thus enabling them to better allocate resources toward technology, risk management, and capacity to ensure continued liquidity provision.

In addition to the overall increase in Customer-range volume generally, regulating customer trading activity is more labor intensive and requires greater expenditure of human and technical resources than regulating non-customer trading activity, which tends to be more automated and less labor-intensive. For example, there are costs associated with main office and branch office examinations (*e.g.,* staff and travel expenses), as well as investigations into customer complaints and terminations of Registered Persons. As a result, the costs associated with administering the customer component of the Exchange's overall regulatory program are materially higher than the costs associated with administering the non-customer component (*e.g.,* CTPH proprietary transactions) of its regulatory program.[21] While the Exchange notes that it has broad regulatory responsibilities with respect to its TPHs' activities, irrespective of where their transactions take place, the Exchange believes it is reasonable to assess the proposed fee to only those transactions occurring on the Exchange. The proposed change more narrowly tailors the fee to products and transactions with a direct connection to the Exchange. Today, a customer transaction may be assessed an ORF from every options exchange totaling as much as $0.0187 per transaction per

[14] Depending on the operative date for the filing, the Exchange will submit an additional filing to specify the ORF rate based on the then-current estimates for regulatory revenues, regulatory costs and Customer volume.

[15] Direct expenses include in-house and third-party service provider costs to support the day-to-day regulatory work such as surveillances, investigations, and examinations.

[16] Indirect expenses include support from areas such as human resources, legal, compliance, information technology, facilities and accounting.

[17] *See* Exchange Notice, C2025112601 ''Cboe Options Exchange Regulatory Fee Update Effective January 2, 2026.''

[18] 15 U.S.C. 78f(b).

[19] 15 U.S.C. 78f(b)(4).

[20] 15 U.S.C. 78f(b)(5).

[21] If the Exchange changes its method of funding regulation or if circumstances otherwise change in the future, the Exchange may decide to modify On-Exchange ORF or assess a separate regulatory fee on TPH proprietary transactions if the Exchange deems it advisable.

side.[22] While the Exchange's proposed ORF rate under the proposed model of $0.01521 is higher than its current ORF rate of $0.0002 under the current model, if all exchanges adopted a similar on-exchange model, ORF rates may decrease for individual transactions overall because the proposed On-Exchange ORF will avoid overlapping ORFs that would otherwise be assessed by C2 Options and other options exchanges that also assess an ORF. With this proposal, transactions that would clear in the Customer range occurring on other exchanges would no longer be subject to an ORF assessed by C2 Options.

The Exchange believes it is equitable and not unduly discriminatory to modify the method of collecting the fee such that On-Exchange ORF will not consider CMTAs reported directly to OCC as is done in today's method of ORF. CMTA transfers are considered today under the current collection methodology for ORF as a convenience to industry members in administering a pass through of the fee to their customers. Limiting the On-Exchange ORF to transactions on the Exchange poses a limitation in the use of CMTA for this purpose. The Exchange understands that a CMTA may be added at order entry, via post-trade edit on the Exchange, or post-trade at OCC. CMTA transfers that occur at OCC do not necessarily contain reliable information regarding the Exchange on which the original transaction occurred.[23] Without specific information as to where the original transaction occurred, the Exchange would not be able to accurately account for CMTA transfers that occur at OCC.

The Exchange also believes that the fact that a Consolidated Audit Trail (''CAT'') fee is in place should not preclude the Exchange from assessing On-Exchange ORF. The CAT is a repository of order, trade and customer information that is used as the basis for an audit trail of such activities. Like industry members, the exchanges, including C2 Options, also pays a CAT fee to support the operation and maintenance of CAT (in other words, it does not support regulatory work undertaken by exchanges). C2 Options does not include fees it pays for CAT in the regulatory expenses it looks to offset under ORF. Yes, the Exchange uses CAT data as part of its regulatory work, but only from an audit trail perspective. On-Exchange ORF, on the other hand, offsets the regulatory work the Exchange performs (using CAT data among other sources) such as surveillance, investigations, examinations, etc. The Exchange believes its fair and reasonable to assess an On-Exchange ORF in addition to fees associated with CAT.

The Exchange further believes that the proposed change to the method for assessment and collection of the fee is reasonable because it would help ensure that revenue collected from the On-Exchange ORF, in combination with other regulatory fees and fines, would help offset, but not exceed, the Exchange's total regulatory costs. As discussed, On-Exchange ORF is similarly designed to the current ORF, in that revenues generated from the fee would be less than or equal to 75% of the Exchange's regulatory costs, which is consistent with the practice across the options industry today and the view of the Commission that regulatory fees be used for regulatory purposes and not to support the Exchange's business side.

As noted above, the Exchange will also continue to monitor on at least a semi-annual basis the amount of revenue collected from the On-Exchange ORF, even as amended, to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. If the Exchange determines regulatory revenues would exceed its regulatory costs in a given year, the Exchange will reduce the On-Exchange ORF by submitting a fee change filing to the Commission.[24]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. This proposal does not create an unnecessary or inappropriate intra-market burden on competition because On-Exchange ORF applies to all customer activity on the Exchange, thereby raising regulatory revenue to offset regulatory expenses. It also supplements the regulatory revenue derived from non-customer activity. The Exchange notes, however, the proposed change is not designed to address any competitive issues. Indeed, this proposal does not create an unnecessary or inappropriate inter-market burden on competition because it is a regulatory fee that supports regulation in furtherance of the purposes of the Act. The Exchange is obligated to ensure that the amount of regulatory revenue collected from the On-Exchange ORF, in combination with its other regulatory fees and fines, does not exceed regulatory costs. In addition, the Exchange will not implement the On-Exchange ORF until all other options exchanges are prepared to adopt a similar model to avoid overlapping ORFs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[25] and paragraph (f) of Rule 19b–4[26] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–C2–2025–027 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–C2–2025–027. This file

[22] As of October 1, 2025.

[23] Under the current methodology for assessing ORF, the Exchange on which the transaction occurred is irrelevant.

[24] Consistent with Rule 2.2 (Regulatory Revenue), the Exchange notes that should excess ORF revenue be collected prior to any reduction in an ORF rate, such excess revenue will not be used for nonregulatory purposes.

[25] 15 U.S.C. 78s(b)(3)(A).

[26] 17 CFR 240.19b–4(f).

number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–C2–2025–027 and should be submitted on or before January 8, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–23232 Filed 12–17–25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104403; File No. SR–CboeBZX–2025–157]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt a New Methodology for Assessment and Collection of the Options Regulatory Fee (ORF)

December 15, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 2, 2025, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fees Schedule relating to the Options Regulatory Fee (''ORF'') to adopt a new methodology for assessment and collection of ORF for transactions that occur on the Exchange (''On-Exchange ORF''), effective as of July 1, 2026. The text of the proposed rule change is available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/equities/regulation/rule_filings/bzx/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its current methodology for assessment and collection of a regulatory fee to assess On-Exchange ORF only for options transactions that occur on the Exchange that would clear in the customer[3] range at The Options Clearing Corporation (''OCC''). The Exchange would no longer assess a regulatory fee for options transactions that occur on other exchanges. This proposal only proposes to amend the method of assessment and collection of the fee. A future rule filing would be filed to set the applicable On-Exchange ORF rate. If the On-Exchange ORF model were to go into effect today, the current ORF rate would increase from $0.0001 per contract to an estimated On-Exchange ORF rate of $0.00467 per contract based on 2026 estimates of regulatory revenue, regulatory costs, and customer volume.[4] The following provides more detail regarding the proposal.

Background

Today, ORF is assessed by BZX Options to each Member for options transactions that are cleared by the Member (''Clearing Member'') at OCC in the Customer range, regardless of the exchange on which the transaction occurs. In other words, the Exchange imposes the ORF on all Customer-range transactions cleared by a Member, even if the transactions do not take place on the Exchange. The ORF is collected by OCC on behalf of the Exchange from the Clearing Member or non-Member that ultimately clears the transaction as further described below. With respect to linkage transactions, BZX Options reimburses its routing broker providing Routing Services pursuant to BZX Options Rule 21.9 for options regulatory fees it incurs in connection with the Routing Services it provides. The current BZX Options ORF is $0.0001 per contract side.

The following scenarios reflect how the ORF is currently assessed and collected (these apply regardless of whether the transaction is executed on the Exchange or on an away exchange):

1. If a Member is the executing clearing firm on a transaction (''Executing Clearing Firm''), the ORF is assessed to and collected from that Member by OCC on behalf of the Exchange.

2. If a Member is the Executing Clearing Firm and the transaction is ''given up'' to a different Member that clears the transaction (''Clearing Give-Up''), the ORF is assessed to the Executing Clearing Firm (the ORF is the obligation of the Executing Clearing Firm). The ORF is collected from the Clearing Give-Up.

3. If the Executing Clearing Firm is a non-Member and the Clearing Give-up is a Member, the ORF is assessed to and collected from the Clearing Give-up.

4. If a Member is the Executing Clearing Firm and a non-Member is the Clearing Give-up, the ORF is assessed to the Executing Clearing Firm. The ORF is the obligation of the Executing Clearing Firm but is collected from the non-Member Clearing Give-up (for the reasons described below).

[27] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Currently, the ORF is assessed by BZX Options and collected via OCC on executions for the account of Public Customers, including Professionals, and Broker-Dealers including Foreign Broker-Dealers. These market participants clear in the ''C'' range at OCC. ORF will continue to be assessed to executions for the account of these market participants under the proposed methodology. On the Exchange, a ''Public Customer'' means a person that is not a broker or dealer in securities and includes Professionals. A ''Professional'' is any person or entity that (a) is not a broker or dealer in securities, and (b) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). Executions for the account of an OCC clearing member firm proprietary account, joint back office account clearing in the Firm range, or account of a market maker clearing in the Market Maker range are not charged an ORF, nor would they be charged an ORF under the current proposal.

[4] The Exchange intends to file an ORF increase to $0.0002 per contract effective January 1, 2026.

5. No ORF is assessed if neither the Executing Clearing Firm nor the Clearing Give-up are Members.

The Exchange uses an OCC cleared trades file to determine the Executing Clearing Firm and the Clearing Give-up.[5]

In each of scenarios 1 through 4 above, if the transaction is transferred pursuant to a Clearing Member Trade Assignment (''CMTA'') agreement to another clearing firm who ultimately clears the transaction, the ORF is collected from the clearing firm that ultimately clears the transaction (which firm may be a non-Member) by OCC on behalf of the Exchange. Using CMTA transfer information provided by the OCC, the Exchange subtracts the ORF charge from the monthly ORF bill of the clearing firm that transfers the position and adds the charge to the monthly ORF bill of the clearing firm that receives the CMTA transfer (*i.e.,* the ultimate clearing firm).[6] This process is performed at the end of each month on each transfer in the OCC CMTA transfer file for that month.[7]

ORF is collected by OCC on behalf of the Exchange from the Member or non-Member OCC Clearing Member that ultimately clears the transaction. While the ORF is an obligation of the Executing Clearing Firm, the ORF is collected from the clearing firm that ultimately clears the eligible trade, even if such firm is not a Member. The Exchange and OCC adopted this collection method in response to industry feedback that it would allow Members and non-Members to more easily pass-through the ORF to their customers. In the original ORF filing by Cboe Exchange. Inc. (''Cboe Options''), an affiliate of BZX Options,[8] Cboe Options stated that it expected its members to pass-through the ORF to their customers in the same manner that firms pass-through to their customers the fees charged by self-regulatory organizations (''SROs'') to help the SROs meet their obligations under Section 31 of the Exchange Act (and the Exchange understands this to be the case currently). Accordingly, in scenario 4 above, the ORF is collected from the non-Member OCC Clearing Member that clears the transaction in order to facilitate the pass-through of the ORF to the end-customer. Likewise, collection of the ORF from the ultimate (CMTA) clearing firm facilitates the passing the fee through to the end-customer. In those cases where the ORF is collected from a non-Member, the Exchange (through OCC) collects the ORF as a convenience for the Member whose obligation it is to pay the fee to the Exchange.

ORF Revenue and Monitoring of ORF

Today, revenue generated from ORF, when combined with all of the Exchange's other regulatory fees and fines, is designed to recover a material portion of the regulatory costs to the Exchange of the supervision and regulation of Member customer options business including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities. Regulatory costs include direct regulatory expenses and certain indirect expenses for work allocated in support of the regulatory function. The direct expenses include in-house and third-party service provider costs to support the day-to-day regulatory work such as surveillances, investigations and examinations. The indirect expenses include support to the regulatory function from such areas as human resources, legal, compliance, information technology, facilities and accounting. Today, these indirect expenses are estimated to be approximately 28% of the Exchange's total regulatory costs for 2026. Thus, direct expenses are estimated to be approximately 72% of total regulatory costs for 2026.[9] In addition, based on the Exchange's analysis of its regulatory work associated with options regulation, and considering other regulatory revenue, it is the Exchange's practice that revenue generated from ORF not exceed more than 75% of total annual regulatory costs.

Proposal for On-Exchange ORF

BZX Options appreciates the evolving changes in the market and regulatory environment and has been evaluating its current methodologies and practices for the assessment and collection of ORF while considering industry and Commission feedback. As a result of this review, the Exchange is proposing the On-Exchange ORF, which assesses a regulatory fee to only Exchange transactions that would clear in the Customer range at OCC (as is the case today).[10] The following scenarios reflect how the On-Exchange ORF will be assessed and collected:

1. If a Member is the Executing Clearing Firm on a transaction that occurred on the Exchange, the fee would be assessed to and collected from that Member by OCC on behalf of the Exchange.

2. If a Member is the Executing Clearing Firm and the transaction is ''given up'' to a Clearing Give-Up, the On-Exchange ORF is assessed to the Executing Clearing Firm (the On-Exchange ORF remains the obligation of the Executing Clearing Firm under the proposal), but the On-Exchange ORF will be collected from the Clearing Give-Up.

The Exchange expects to provide Members sufficient information in connection with their invoice in order to reconcile charges associated with ORF. In addition, the proposed method for collecting On-Exchange ORF will only consider CMTAs reported to the Exchange and not those reported directly to OCC. As described above, today's ORF is the responsibility of the Executing Clearing Firm and collected from the CMTA (which may be a non-Member) as an administrative convenience. The Exchange understands that a CMTA may be added at order entry, via post-trade edit on the Exchange, or post-trade at OCC. CMTA transfers that occur at OCC do not necessarily contain reliable information regarding the Exchange on which the original transaction occurred.[11] Without specific information as to where the original transaction occurred, the Exchange would not be able to accurately account for CMTA transfers that occur at OCC. Therefore, the Exchange will only account for CMTAs that occur on the Exchange (which may be a non-Member) and exclude CMTAs occurring at OCC.[12]

[5] The Exchange notes that in the case where a non-self clearing Member executes a transaction on the Exchange, the Member's guaranteeing Clearing Member is reflected as the Executing Clearing Firm in the OCC cleared trades file and the ORF is assessed to and collected from the Executing Clearing Firm.

[6] *See* Securities Exchange Act Release No. 83878 (August 17, 2018), 83 FR 42715 (August 23, 2018) (SR–CboeBZX–2018–061).

[7] The Exchange notes that OCC provides the Exchange and other exchanges with information to assist in excluding CMTA transfers done to correct bona fide errors from the ORF calculation. Specifically, if a clearing firm gives up or CMTA transfers a position to the wrong clearing firm, the firm that caused the error will send an offsetting CMTA transfer to that firm and send a new CMTA transfer to the correct firm. The offsetting CMTA transfer is marked with a CMTA Transfer ORF Indicator which results in the original erroneous transfer being excluded from the ORF calculation.

[8] *See* Securities Exchange Act Release No. 58817 (October 20, 2008), 73 FR 63744 (October 27, 2008) (SR–CBOE–2008–105).

[9] These expectations are estimated and may be subject to change.

[10] *See supra* note 3.

[11] Under the current methodology for assessing ORF, the Exchange on which the transaction occurred is irrelevant.

[12] The Exchange originally planned to exclude all CMTAs whether reported to the Exchange or directly to the OCC. If CMTAs are excluded, the Exchange would only collect ORF from its Members and ORF would no longer be collected from non-Members. The Exchange continues to believe that

With this proposal, the Exchange intends to collect ORF under its current methodology for assessment and collection of ORF until at least June 30, 2026. The Exchange is prepared to implement On-Exchange ORF effective July 1, 2026 if by April 1, 2026 all U.S. options exchanges charging an ORF have filed to modify their current methodologies of assessment of the fee to limit the fee to transactions occurring on their respective exchange.[13] However, if all other options exchanges have not filed to adopt a similar methodology by April 1st, the Exchange will delay implementation commensurate with the additional time required for other options exchanges to adopt a similar method for collection and assessment of ORF. The Exchange will at that time file a separate rule filing with the amount of the On-Exchange ORF in advance of assessing and collecting the fee under the proposed method. The Exchange will provide at least 30 days' notice of the applicable On-Exchange ORF rate. The Exchange believes a fee to recover [sic] costs for regulatory programs associated with Member customer business is reasonable; however, the Exchange would consider alternative approaches for assessment and collection of the fee in order to achieve consistency across the industry.

To demonstrate the impact of the proposed change, the Exchange estimates that, if the On-Exchange ORF went into effect today, the current ORF of $0.0001 per contract side would increase to $0.00467 per contract side using 2026 estimates for regulatory revenue, regulatory costs and customer volume.[14] As is the case today, revenue generated from On-Exchange ORF, when combined with all of the Exchange's other regulatory fees and fines, is designed to recover a material portion of the regulatory costs to the Exchange of the supervision and regulation of Member customer options business, including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities. As discussed above, regulatory costs include direct regulatory expenses[15] and certain indirect expenses in support of the regulatory function.[16] Indirect expenses are estimated to be approximately 28% of the Exchange's total regulatory costs for 2026. Thus, direct expenses are estimated to be approximately 72% of total regulatory costs for 2026.

The Exchange will continue to monitor the amount of revenue collected from On-Exchange ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. Further, BZX Options expects to continue its current practice that revenue generated from On-Exchange ORF not exceed more than [sic] 75% of total annual regulatory costs. And as is the Exchange's practice today, revenue generated by On-Exchange ORF will not be used for non-regulatory purposes.

The Exchange will continue to monitor its regulatory costs and revenues at a minimum on a semi-annual basis. If the Exchange determines regulatory revenues exceed or are insufficient to cover a material portion of its regulatory costs in a given year, the Exchange will adjust the On-Exchange ORF by submitting a fee change filing to the Commission. The Exchange will notify Members of adjustments to the On-Exchange ORF via an Exchange Notice in advance of any change.[17]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[18] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[19] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[20] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed change to assess and collect an On-Exchange ORF is reasonable, equitable and not unfairly discriminatory for various reasons. First, On-Exchange ORF is reasonable, equitable and not unfairly discriminatory in that it is charged to all Exchange transactions that clear in the Customer range at the OCC. Similar to ORF today, the Exchange believes On-Exchange ORF ensures fairness by assessing a specific fee to those Members that require more Exchange regulatory services based on the amount of customer options business they conduct. Over recent years, options trading volume has increased with a growing percentage of the volume applicable to customer transactions. Customers trading on the Exchange (through a Member) benefit from the protections of a robust regulatory program including the maintenance of fair and orderly markets and protections against fraud and other manipulation. The Exchange believes it is equitable and not unfairly discriminatory to assess a regulatory fee to transactions that clear in the Customer range to cover regulatory costs, but not to transactions clearing in the Firm or Market Maker range because Clearing Members and Market Makers (who clear in the Firm and Market Maker range), as those market participants are generally subject to other Exchange fees, fines and obligations. For example, Clearing Members and Market Makers are required to pay Exchange application fees, permit fees, and connectivity fees, amongst others. In addition, all fines issued by the Exchange for regulatory infractions are assessed only to Members and would be applied to regulatory revenues. As with today's ORF, the Exchange expects that Members from whom On-Exchange ORF is collected will pass through the fee to their customers (as the Exchange understands occurs today). In addition, Market Makers in particular are subject to various quoting and other obligations to ensure that they provide stable and

a new ORF model should be assessed to Members only, but also understands the desire for a uniform approach to the assessment and collection of ORF across all options exchanges. As of filing, 6 exchanges have also filed to assess and collect ORF to transactions occurring on their respective exchanges (*see* Securities Exchange Act Releases No. 103103 (May 22, 2025), 90 FR 22797 (May 29, 2025) (SR–MRX–2025–11) as amended by No. 103618 (August 1, 2025), 90 FR 37910 (August 6, 2025) (SR–MRX–2025–15); No. 103558 (July 28, 2025), 90 FR 36080 (July 31, 2025) (SR–ISE–2025–20); No. 103559 (July 28, 2025), 90 FR 36074 (July 31, 2025) (SR–BX–2025–012); No. 103617 (August 1, 2025), 90 FR 37912 (August 6, 2025)(SR–GEMX–2025–17); No. 103619 (August 1, 2025), 90 FR 37931 (August 6, 2025) (SR–NASDAQ–2025–054); No. 103620 (August 1, 2025), 90 FR 37918 (August 8, 2025) (SR–Phlx–2025–30)). As proposed, these filings also will consider CMTAs reported to the respective exchange and not CMTAs reported directly to OCC.

[13] The Exchange estimates it will take approximately three months to implement the system changes associated with On-Exchange ORF.

[14] Depending on the operative date for the filing, the Exchange will submit an additional filing to specify the ORF rate based on the then-current estimates for regulatory revenues, regulatory costs and Customer volume.

[15] Direct expenses include in-house and third-party service provider costs to support the day-to-day regulatory work such as surveillances, investigations, and examinations.

[16] Indirect expenses include support from areas such as human resources, legal, compliance, information technology, facilities and accounting.

[17] *See* Exchange Notice, C2025112601 ''Cboe Options Exchange Regulatory Fee Update Effective January 2, 2026.''

[18] 15 U.S.C. 78f(b).

[19] 15 U.S.C. 78f(b)(4).

[20] 15 U.S.C. 78f(b)(5).

liquid markets, which benefit all market participants including customers. Excluding Market Maker transactions from On-Exchange ORF will allow Market Makers to better manage their costs more effectively thus enabling them to better allocate resources toward technology, risk management, and capacity to ensure continued liquidity provision.

In addition to the overall increase in Customer-range volume generally, regulating customer trading activity is more labor intensive and requires greater expenditure of human and technical resources than regulating non-customer trading activity, which tends to be more automated and less labor-intensive. For example, there are costs associated with main office and branch office examinations (*e.g.,* staff and travel expenses), as well as investigations into customer complaints and terminations of Registered Persons. As a result, the costs associated with administering the customer component of the Exchange's overall regulatory program are materially higher than the costs associated with administering the non-customer component (*e.g.,* Clearing Member proprietary transactions) of its regulatory program.[21] While the Exchange notes that it has broad regulatory responsibilities with respect to its Members' activities, irrespective of where their transactions take place, the Exchange believes it is reasonable to assess the proposed fee to only those transactions occurring on the Exchange. The proposed change more narrowly tailors the fee to products and transactions with a direct connection to the Exchange. Today, a customer transaction may be assessed an ORF from every options exchange totaling as much as $0.0187 per transaction per side.[22] While the Exchange's proposed ORF rate under the proposed model of $0.00467 is higher than its current ORF rate of $0.0001 under the current model, if all exchanges adopted a similar on-exchange model, ORF rates may decrease for individual transactions overall because the proposed On-Exchange ORF will avoid overlapping ORFs that would otherwise be assessed by BZX Options and other options exchanges that also assess an ORF. With this proposal, transactions that would clear in the Customer range occurring on other exchanges would no longer be subject to an ORF assessed by BZX Options.

The Exchange believes it is equitable and not unduly discriminatory to modify the method of collecting the fee such that On-Exchange ORF will not consider CMTAs reported directly to OCC as is done in today's method of ORF. CMTA transfers are considered today under the current collection methodology for ORF as a convenience to industry members in administering a pass through of the fee to their customers. Limiting the On-Exchange ORF to transactions on the Exchange poses a limitation in the use of CMTA for this purpose. The Exchange understands that a CMTA may be added at order entry, via post-trade edit on the Exchange, or post-trade at OCC. CMTA transfers that occur at OCC do not necessarily contain reliable information regarding the Exchange on which the original transaction occurred.[23] Without specific information as to where the original transaction occurred, the Exchange would not be able to accurately account for CMTA transfers that occur at OCC.

The Exchange also believes that the fact that a Consolidated Audit Trail (''CAT'') fee is in place should not preclude the Exchange from assessing On-Exchange ORF. The CAT is a repository of order, trade and customer information that is used as the basis for an audit trail of such activities. Like industry members, the exchanges, including BZX Options, also pays a CAT fee to support the operation and maintenance of CAT (in other words, it does not support regulatory work undertaken by exchanges). BZX Options does not include fees it pays for CAT in the regulatory expenses it looks to offset under ORF. Yes, the Exchange uses CAT data as part of its regulatory work, but only from an audit trail perspective. On-Exchange ORF, on the other hand, offsets the regulatory work the Exchange performs (using CAT data among other sources) such as surveillance, investigations, examinations, etc. The Exchange believes its fair and reasonable to assess an On-Exchange ORF in addition to fees associated with CAT.

The Exchange further believes that the proposed change to the method for assessment and collection of the fee is reasonable because it would help ensure that revenue collected from the On-Exchange ORF, in combination with other regulatory fees and fines, would help offset, but not exceed, the Exchange's total regulatory costs. As discussed, On-Exchange ORF is similarly designed to the current ORF, in that revenues generated from the fee would be less than or equal to 75% of the Exchange's regulatory costs, which is consistent with the practice across the options industry today and the view of the Commission that regulatory fees be used for regulatory purposes and not to support the Exchange's business side.

As noted above, the Exchange will also continue to monitor on at least a semi-annual basis the amount of revenue collected from the On-Exchange ORF, even as amended, to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. If the Exchange determines regulatory revenues would exceed its regulatory costs in a given year, the Exchange will reduce the On-Exchange ORF by submitting a fee change filing to the Commission.[24]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. This proposal does not create an unnecessary or inappropriate intra-market burden on competition because On-Exchange ORF applies to all customer activity on the Exchange, thereby raising regulatory revenue to offset regulatory expenses. It also supplements the regulatory revenue derived from non-customer activity. The Exchange notes, however, the proposed change is not designed to address any competitive issues. Indeed, this proposal does not create an unnecessary or inappropriate inter-market burden on competition because it is a regulatory fee that supports regulation in furtherance of the purposes of the Act. The Exchange is obligated to ensure that the amount of regulatory revenue collected from the On-Exchange ORF, in combination with its other regulatory fees and fines, does not exceed regulatory costs. In addition, the Exchange will not implement the On-Exchange ORF until all other options exchanges are prepared to adopt a similar model to avoid overlapping ORFs.

[21] If the Exchange changes its method of funding regulation or if circumstances otherwise change in the future, the Exchange may decide to modify On-Exchange ORF or assess a separate regulatory fee on Member proprietary transactions if the Exchange deems it advisable.

[22] As of October 1, 2025.

[23] Under the current methodology for assessing ORF, the Exchange on which the transaction occurred is irrelevant.

[24] Consistent with Rule 15.2 (Regulatory Revenues), the Exchange notes that should excess ORF revenue be collected prior to any reduction in an ORF rate, such excess revenue will not be used for nonregulatory purposes.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [25] and paragraph (f) of Rule 19b–4 [26] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeBZX–2025–157 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeBZX–2025–157. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeBZX–2025–157 and should be submitted on or before January 8, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Sherry R. Haywood,

Assistant Secretary.

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[25] 15 U.S.C. 78s(b)(3)(A).

[26] 17 CFR 240.19b–4(f).

[27] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104408; File No. SR–ICC–2025–012]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Proposed Rule Change Relating to the ICC Risk Management Framework, ICC Risk Management Model Description, and ICC End-of-Day Price Discovery Policies and Procedures

December 15, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,[1] and Rule 19b–4,[2] notice is hereby given that on December 4, 2025, ICE Clear Credit LLC (''ICC'' or ''ICE Clear Credit'') filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been primarily prepared by ICC. 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

The principal purpose of the proposed rule change is to revise the ICC Risk Management Framework (''RMF''), ICC Risk Management Model Description (''RMMD''), and ICC End-of-Day Price Discovery Policies and Procedures (''Pricing Policy''). These revisions do not require any changes to the ICC Clearing Rules (the ''Rules'').[3]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC included statements concerning the purpose of and basis for the proposed rule change, security-based swap submission, or advance notice and discussed any comments it received on the proposed rule change, security-based swap submission, or advance notice. The text of these statements may be examined at the places specified in Item IV below. ICC 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

(a) Purpose

ICC proposes to enhance its liquidity charge methodology for credit default swap (''CDS'') index instruments by amending the RMF and RMMD. ICC also proposes additional updates to reflect current governance practices and make minor clean-up changes in the RMF, RMMD, and Pricing Policy. ICC believes that such revisions will facilitate the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts, and transactions for which it is responsible. ICC proposes to make such changes effective following Commission approval of the proposed rule change. The proposed revisions are described in detail as follows.

I. Index Liquidity Charge Enhancement

ICC proposes to update its liquidity charge methodology for CDS index instruments. The liquidity charge represents one component of the Initial Margin (''IM'') requirement that ICC calculates for each Clearing Participant (''CP'') portfolio.[4] The liquidity charge incorporates the transaction costs associated with liquidating the portfolio of a defaulting CP under stress market conditions. More specifically, ICC estimates a liquidity charge for CDS index instruments by directly considering the bid-offer width (''BOW'') values used for ICC's end-of-day price discovery process.[5] For each CDS index instrument, ICC maintains three predefined BOWs that correspond to one of three specific market regimes or levels. Level I is associated with normal market conditions, Level II is

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ICC's Rules are available on ICC's public website: *https://www.ice.com/publicdocs/clear_credit/ICE_Clear_Credit_Rules.pdf.*

[4] ICC's IM requirements consist of a set of individual components that account for credit spread and recovery rate risk, bid-offer risk, basis risk, jump-to-default risk, concentration risk, and interest rate risk. The bid-offer risk component is also referred to as the liquidity charge.

[5] ICC's end-of-day price discovery process is set out in detail in the Pricing Policy. *See* Securities Exchange Act Release No. 101970 (December 19, 2024), 89 FR 105654 (December 27, 2024) (File No. SR–ICC–2024–012).

associated with market conditions that experience some measure of volatility, and Level III is associated with more extreme market conditions. The predefined BOW for Level I is smaller than the BOW for Level II, and the predefined BOW for Level II is smaller than the BOW for Level III.

The current liquidity charge methodology for CDS index instruments assumes that short protection and long protection positions are liquidated at different BOWs. To estimate CDS index instrument liquidity charges, ICC uses Level II conditions (volatile) for long protection positions and Level III conditions (extreme) for short protection positions.[6] Under the proposed changes to the CDS index liquidity charge methodology, short protection and long protection positions would be liquidated at the same BOWs. Specifically, to estimate CDS index instrument liquidity charges, ICC would use Level III conditions for both long and short protection positions.

ICC believes that the proposed changes would enhance the CDS index liquidity charge methodology. Such changes would simplify the methodology by making the methodology consistent for both CDS index and single name instruments by using symmetric BOWs[7] that reflect stress market conditions, which would promote ease of understanding of ICC's methodology.[8] The proposed changes further promote the overall robustness of the liquidity charge methodology for CDS index instruments by using Level III conditions for long and short protection positions.

To implement the changes ICC would update the RMF and RMMD as follows. Section IV.B.2 of the RMF states that ICC's liquidity charge approach assumes, in general, that short protection and long protection positions are liquidated at different BOWs. Amended Section IV.B.2 would state that short protection and long protection positions are liquidated at the same BOWs.

ICC proposes to similarly update the RMMD to reflect this change. ICC proposes to update the Table of Mathematical Symbols and Notations in the RMMD to remove symbols for BOW exposure for bought and sold protection positions. These symbols are no longer necessary as the amended methodology assumes that short protection and long protection positions are liquidated at the same BOWs. In Section II.2, ICC proposes to remove an equation and related language which uses these symbols to distinguish between the liquidation of short protection positions at Level III conditions and long protection positions at Level II conditions. ICC would remove reference to Level II conditions, as short protection and long protection positions would be liquidated at the same BOWs, namely, Level III conditions. Additional changes would also clarify that Levels I, II, and III range from normal to extreme market conditions. ICC also proposes a similar update in an equation that provides the liquidity charge calculation for CDS index instruments whose quoting convention is in price space. Such changes remove an equation and related language which distinguishes between the liquidation of short protection positions at Level III conditions and long protection positions at Level II conditions.

II. Updates To Reflect Current Governance Practices and Minor Clean-Ups

ICC proposes additional edits to reflect current ICC governance practices and make minor clean-up changes in the documentation. Specifically, ICC proposes adding references to the recently established ICC Board Risk Committee and ICC Nominating Committee in the RMF.[9] In Section II of the RMF, ICC proposes adding the Board Risk Committee and Nominating Committee to the list of relevant ICC committees for purposes of risk governance and to a chart showing ICC's governance structure. ICC also proposes a minor edit to this chart to refer to the Risk Committee as the ''CDS'' Risk Committee to further distinguish it from the Board Risk Committee in the chart.[10] In Section II.A of the RMF, ICC would specify that there are nine committees which are integral to ICC's risk management and add descriptions of the Board Risk Committee and Nominating Committee to reflect current responsibilities, as represented in other rule-filed documents or their charters, and re-number sections accordingly.[11]

The proposed changes further specify items that are subject to Board Risk Committee review. Throughout the RMF, such items include policies and procedures, memoranda regarding CP membership applications, position or concentration limits, margin and guaranty fund levels, performance and composition of collateral, margin methodology changes, and model revisions. More specifically, certain periodic reporting would also be directed to the Board Risk Committee in place of the Board based on the committee's mandate to assist the Board in fulfilling its oversight responsibilities.[12] ICC proposes similar changes to the ''Initial Margin Methodology'' Section of the RMMD and Section 3 of the Pricing Policy to specify that the RMMD and Pricing Policy, respectively, are subject to Board Risk Committee review at least annually, in addition to review by the Risk Committee and review and approval by the Board at least annually. Additionally, with respect to the Pricing Policy, ICC proposes minor clean-up changes to correct typographical errors to properly reflect table numbering throughout the document.

(b) Statutory Basis

ICC believes that the proposed rule change is consistent with the requirements of Section 17A of the Securities Exchange Act of 1934 (the ''Act'')[13] and the regulations thereunder applicable to it, including the applicable standards under Rule 17Ad–22.[14] In particular, Section 17A(b)(3)(F) of the Act[15] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts and transactions, to assure the

[6] ICC adopted this approach to reflect that selling protection may carry more risk and incur higher cost of liquidation by exhibiting wider BOWs. The proposed changes would generally make the index liquidity charge methodology more conservative by using Level III conditions (extreme) for both long and short protection positions, instead of just for short protection positions.

[7] Symmetric BOWs apply the same Level III conditions for both long and short protection positions, whereas asymmetric BOWs apply different conditions (*i.e.,* Level II conditions for long protection positions and Level III conditions for short protection positions).

[8] The CDS single name liquidity charge methodology incorporates a price-based BOW component to provide stability of requirements and a dynamic spread-based BOW component to reflect the additional risk associated with distressed market conditions. *See* Securities Exchange Act Release No. 79220 (November 2, 2016), 81 FR 78677 (November 8, 2016) (File No. SR–ICC–2016–010).

[9] ICC previously filed proposed rule changes to establish the Board Risk Committee and Nominating Committee. *See* Securities Exchange Act Release Nos. 103161 (May 30, 2025), 90 FR 23970 (June 5, 2025) (File No. SR–ICC–2025–006) and 101820 (December 5, 2024), 89 FR 99917 (December 11, 2024) (File No. SR–ICC–2024–010).

[10] Such change is consistent with ICC Rule 501 that refers to the establishment of a CDS risk committee.

[11] *See supra* note 7.

[12] *See* Securities Exchange Act Release No. 103161 (May 30, 2025), 90 FR 23970, 23970 (June 5, 2025) (File No. SR–ICC–2025–006) (''the Board Risk Committee would oversee (i) risk management models, systems, and processes used to identify and manage systemic, market, credit, and liquidity risks at ICC and (ii) matters that could materially affect the risk profile of ICC''). The Board Risk Committee regularly reports its activities to the Board.

[13] 15 U.S.C. 78q–1.

[14] 17 CFR 240.17ad–22.

[15] 15 U.S.C. 78q–1(b)(3)(F).

safeguarding of securities and funds in the custody or control of the clearing agency or for which it is responsible, and to protect investors and the public interest.

The proposed amendments enhance ICC's liquidity charge methodology for CDS index instruments by amending the RMF and RMMD. The proposed changes simplify ICC's liquidity charge methodology by making the methodology consistent for both CDS index and single name instruments by using symmetric BOWs that reflect stress market conditions, which promotes ease of understanding of ICC's methodology. ICC also proposes making additional updates to reflect current governance practices as well as other minor clean-up changes in the documentation. Such changes ensure that the documentation remains up-to-date, clear and transparent to support the effectiveness of ICC's governance arrangements that support ICC's risk management practices. Additionally, the proposed clean-ups to table numbering promote understanding and readability of the documentation, including with respect to ICC's pricing practices. ICC believes that having policies and procedures that clearly and accurately document its risk management practices are an important component to the effectiveness of ICC's risk management system and support ICC's ability to maintain adequate financial resources, which promotes the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions, the safeguarding of securities and funds in the custody or control of ICC or for which it is responsible, and the protection of investors and the public interest. Accordingly, in ICC's view, the proposed rule change is designed to promote the prompt and accurate clearance and settlement of the contracts cleared at ICC, to assure the safeguarding of securities and funds in the custody or control of ICC or for which it is responsible, and to protect investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.[16]

Rule 17Ad–22(e)(2)(i) and (v)[17] requires each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for governance arrangements that are clear and transparent and specify clear and direct lines of responsibility. As discussed above, the proposed changes reflect current ICC governance arrangements in the RMF, RMMD, and Pricing Policy. Specifically, ICC proposes adding references to the recently established Board Risk Committee and Nominating Committee. Such changes ensure that the RMF, RMMD, and Pricing Policy are up-to-date and clearly assign and document responsibility and accountability for relevant items to the Board Risk Committee and Nominating Committee. As such, in ICC's view, the proposed rule change continues to ensure that ICC maintains policies and procedures that are reasonably designed to provide for clear and transparent governance arrangements and specify clear and direct lines of responsibility, consistent with Rule 17Ad–22(e)(2)(i) and (v).[18]

Rule 17Ad–22(e)(3)(i)[19] requires ICC to establish, implement, maintain and enforce written policies and procedures reasonably designed to maintain a sound risk management framework for comprehensively managing legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by it, which includes risk management policies, procedures, and systems designed to identify, measure, monitor, and manage the range of risks that arise in or are borne by it, that are subject to review on a specified periodic basis and approved by the Board annually. The proposed updates would ensure clarity and transparency in the RMF, RMMD, and Pricing Policy by making minor clean-up changes to the documentation. The proposed updates would further ensure clarity and transparency regarding the review of the documents composing ICC's risk management framework by the Board Risk Committee, which would promote the successful maintenance and operation of ICC's risk management framework. As such, the amendments would satisfy the requirements of Rule 17Ad–22(e)(3)(i).[20]

Rule 17Ad–22(e)(4)(ii)[21] requires ICC to establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes, including by maintaining additional financial resources at the minimum to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the two participant families that would potentially cause the largest aggregate credit exposure for ICC in extreme but plausible market conditions. The proposed changes promote the soundness of the model, including by promoting the overall robustness of the liquidity charge methodology for index instruments by using Level III conditions for long and short protection positions, which would enhance ICC's ability to manage risks and maintain appropriate financial resources. As such, the proposed amendments would strengthen ICC's ability to maintain its financial resources and withstand the pressures of defaults, consistent with the requirements of Rule 17Ad–22(e)(4)(ii).[22]

(B) Clearing Agency's Statement on Burden on Competition

ICC does not believe the proposed rule change would have any impact, or impose any burden, on competition. The proposed changes to the RMF, RMMD and Pricing Policy will apply uniformly across all market participants. ICC does not believe these amendments would affect the costs of clearing or the ability of market participants to access clearing. Therefore, ICC does not believe the proposed rule change would impose any burden on competition that is inappropriate in furtherance of the purposes of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. ICC will notify the Commission of any written comments received by ICC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing,

[16] *Id.*

[17] 17 CFR 240.17ad–22(e)(2)(i) and (v).

[18] *Id.*

[19] 17 CFR 240.17ad–22(e)(3)(i).

[20] *Id.*

[21] 17 CFR 240.17ad–22(e)(4)(ii).

[22] *Id.*

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–ICC–2025–012 on the subject line.

Paper Comments

Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to file number SR–ICC–2025–012. 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 of submission. 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 filings will be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's website at *https://www.ice.com/clear-credit/regulation.*

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–ICC–2025–012 and should be submitted on or before January 8, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–23244 Filed 12–17–25; 8:45 am]

BILLING CODE 8011–01–P

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104402; File No. SR–NASDAQ–2025–096]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 7, Section 2

December 15, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 1, 2025, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend The Nasdaq Options Market LLC (''NOM'') Rules at Options 7, Section 2, Nasdaq Options Market—Fees and Rebates.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend NOM's Pricing Schedule at Options 7, Section 2, Nasdaq Options Market—Fees and Rebates, with respect to a NOM Market Maker rebate.

Pursuant to Options 7, Section 2(1), the Exchange currently assesses NOM Market Makers a $0.35 per contract Fee to Add Liquidity in Non-Penny Symbols. This fee applies unless Participants meet the volume thresholds set forth in note 5. Note 5 currently stipulates that,

> The NOM Market Maker Fee for Adding Liquidity in Non-Penny Symbols will apply unless Participants meet the volume thresholds set forth in this note. Participants that add NOM Market Maker liquidity in Non-Penny Symbols of 0.03% to 0.07% of total industry customer equity and ETF option ADV contracts per day in a month will be assessed a $0.00 per contract Non-Penny Options Fee for Adding Liquidity in that month. Participants that add NOM Market Maker liquidity in Non-Penny Symbols of above 0.07% to 0.10% of total industry customer equity and ETF option ADV contracts per day in a month will receive a Non-Penny Rebate to Add Liquidity of $0.30 per contract for that month instead of paying the Non-Penny Fee for Adding Liquidity. Participants that add NOM Market Maker liquidity in Non-Penny Symbols of above 0.10% of total industry customer equity and ETF option ADV contracts per day in a month will receive a Non-Penny Rebate to Add Liquidity of $0.40 per contract for that month instead of paying the Non-Penny Fee for Adding Liquidity.

Accordingly, qualifying Participants are offered an opportunity to reduce the $0.35 Fee to Add Liquidity in Non-Penny Symbols or earn a rebate if they meet the volume-based requirements under note 5.

The Exchange now proposes to amend the thresholds in note 5. Specifically, the Exchange proposes to provide that Participants that add NOM Market Maker liquidity in Non-Penny Symbols of 0.025% to 0.035% of total industry customer equity and ETF option ADV contracts per day in a month will be assessed a $0.00 per contract Non-Penny Options Fee for Adding Liquidity in that month. Further, the Exchange proposes that Participants that add NOM Market Maker liquidity in Non-Penny Symbols of above 0.035% to 0.075% of total industry customer equity and ETF option ADV contracts per day in a month will receive a Non-Penny Rebate to Add Liquidity of $0.30 per contract for that month instead of paying the Non-Penny Fee for Adding Liquidity. Finally, the Exchange proposes that Participants that add NOM Market Maker liquidity in Non-Penny Symbols of above 0.075% of total industry customer equity and ETF option ADV contracts per day in a month will receive a Non-Penny Rebate to Add Liquidity of $0.40 per contract for that

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

month instead of paying the Non-Penny Fee for Adding Liquidity.

With this proposal, the Exchange is lowering the qualification requirements such that NOM Market Makers would be eligible for no Fee for Adding Liquidity in Non-Penny Symbols or a Non-Penny Rebate to Add Liquidity of $0.30 or $0.40 per contract in lieu of the Non-Penny Fee for Adding Liquidity. The Exchange believes that the note 5 incentives will encourage NOM Market Makers to add additional Non-Penny Symbol liquidity on NOM which in turn will benefit of all Participants.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[3] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[4] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [5]

Likewise, in *NetCoalition* v. *Securities and Exchange Commission* [6] (''NetCoalition'') the D.C. Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.[7] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.'' [8]

Further, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [9] Although the court and the SEC were discussing the cash equities markets, the Exchange believes that these views apply with equal force to the options markets.

The Exchange's proposal to amend the thresholds in note 5 is reasonable because the proposal lowers the qualification requirements such that NOM Market Makers would be eligible for no Fee for Adding Liquidity in Non-Penny Symbols or a Non-Penny Rebate to Add Liquidity of $0.30 or $0.40 per contract in lieu of the Non-Penny Fee for Adding Liquidity. The Exchange believes that the note 5 incentives will encourage NOM Market Makers to add additional Non-Penny Symbol liquidity on NOM which in turn will benefit of all Participants.

The Exchange's proposal to amend the thresholds in note 5 is equitable and not unfairly discriminatory because the Exchange will uniformly apply the qualifying thresholds to NOM Market Makers. All NOM Market Makers are eligible to receive the note 5 incentives for Non-Penny Symbols. The Exchange does not believe that it is unfairly discriminatory to offer the note 5 incentives to only NOM Market Makers because these market participants add value through continuous quoting and the commitment of capital.[10] Because NOM Market Makers have these obligations to the market and regulatory requirements that normally do not apply to other market participants, the Exchange believes that offering the note 5 incentives to only NOM Market Makers is equitable and not unfairly discriminatory in light of their obligations. Finally, encouraging NOM Market Makers to add greater liquidity benefits all market participants in the quality of order interaction.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Inter-Market Competition

The proposal does not impose an undue burden on inter-market competition. The Exchange believes its proposal remains competitive with other options markets and will offer market participants with another venue in which to submit orders. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

Intra-Market Competition

The Exchange's proposal to amend the thresholds in note 5 does not impose an undue burden on competition because the Exchange will uniformly apply the qualifying thresholds to all NOM Market Makers. All NOM Market Makers are eligible to receive the note 5 incentives for Non-Penny Symbols. The Exchange does not believe the proposal will impose an undue burden on competition by offering the note 5 incentives to only NOM Market Makers because these market participants add value through continuous quoting and the commitment of capital.[11] Because NOM Market Makers have these obligations to the market and regulatory requirements that normally do not apply to other market participants, the Exchange believes that offering the note 5 incentives to only NOM Market Makers does not impose an undue burden on competition in light of their obligations. Finally, encouraging NOM Market Makers to add greater liquidity benefits all market participants in the quality of order interaction.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(4) and (5).

[5] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[6] *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[7] *See* NetCoalition, at 534–535.

[8] *Id.* at 537.

[9] *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[10] *See* Options 2, Sections 4 and 5.

[11] *See* Options 2, Sections 4 and 5.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[12]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NASDAQ–2025–096 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NASDAQ–2025–096. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NASDAQ–2025–096 and should be submitted on or before January 8, 2026.

[12] 15 U.S.C. 78s(b)(3)(A)(ii).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–23239 Filed 12–17–25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104400; File No. SR–Phlx–2025–66]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Phlx Options 7, Section 4

December 15, 2025

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 1, 2025, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Monthly Market Maker Cap and Monthly Firm Fee Cap in Options 7, Section 4, Multiply Listed Options Fees (Includes options overlying equities, ETFs, ETNs and indexes which are Multiply Listed) (Excludes SPY and broad-based index options symbols listed within Options 7, Section 5.A).

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Phlx proposes to amend its Pricing Schedule at Options 7, Section 4, Multiply Listed Options Fees (Includes options overlying equities, ETFs, ETNs and indexes which are Multiply Listed) (Excludes SPY and broad-based index options symbols listed within Options 7, Section 5.A) to amend rule text related to the Monthly Market Maker Cap and the Monthly Firm Fee Cap. Each change is described below.

Monthly Market Maker Cap

Today, Lead Market Makers [3] and Market Makers [4] are subject to a ''Monthly Market Maker Cap'' of $500,000 for: (i) electronic Option Transaction Charges, excluding surcharges and excluding options overlying broad-based index options symbols listed within Options 7, Section 5.A; and (ii) Qualified Contingent Cross (''QCC'') Transaction Fees (as defined in Exchange Options 3, Section 12 and Floor QCC Orders, as defined in Options 8, Section 30(e)).[5] Currently, all dividend, merger, short stock interest, reversal and conversion, jelly roll and box spread strategy executions (as defined in this Options 7, Section 4) are excluded from the Monthly Market Maker Cap. Further, today, Lead Market Makers or Market Makers that (i) are on the contra-side of an electronically-delivered and executed Customer order, excluding responses to a PIXL auction; and (ii) have reached the Monthly Market Maker

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Lead Market Maker'' applies to transactions for the account of a Lead Market Maker (as defined in Options 2, Section 12(a)). A Lead Market Maker is an Exchange member who is registered as an options Lead Market Maker pursuant to Options 2, Section 12(a). An options Lead Market Maker includes a Remote Lead Market Maker which is defined as an options Lead Market Maker in one or more classes that does not have a physical presence on an Exchange floor and is approved by the Exchange pursuant to Options 2, Section 11. *See* Options 7, Section 1(c).

[4] The term ''Market Maker'' is defined in Options 1, Section 1(b)(28) as a member of the Exchange who is registered as an options Market Maker pursuant to Options 2, Section 12(a). A Market Maker includes SQTs and RSQTs as well as Floor Market Makers. *See* Options 7, Section 1(c).

[5] The trading activity of separate Lead Market Maker and Market Maker member organizations is aggregated in calculating the Monthly Market Maker Cap if there is Common Ownership between the member organizations.

Cap are assessed fees per contract as follows: $0.05 per contract Fee for Adding Liquidity in Penny Symbols, $0.18 per contract Fee for Removing Liquidity in Penny Symbols, $0.18 per contract in Non-Penny Symbols, and $0.18 per contract in a non-Complex electronic auction, which includes for purposes of this fee, the opening process.[6]

The Exchange proposes to amend the rule text by relocating current text and adding new text. The Exchange propose to state: Lead Market Makers and Market Makers are subject to a ''Monthly Market Maker Cap'' of $500,000 for:

Ø electronic Option Transaction Charges, excluding: (i) surcharges; (ii) options overlying broad-based index options symbols listed (as defined in Options 7, Section 5.A), (iii) dividend, merger, short stock interest, reversal and conversion, jelly roll and box spread strategy executions (as defined in this Options 7, Section 4); (iv) Crossing Order Fees (as defined in Options 7, Section 6, F); and (v) FLEX Electronic Transaction Fees (as defined in Options 7, Section 6, B); and

Ø QCC Transaction Fees (as defined in this Options 7, Section 4).

For this section of the Pricing Schedule, the Exchange is relocating rule text concerning dividend, merger, short stock interest, reversal and conversion, jelly roll and box spread strategy executions without substantive change. The Exchange proposes exclusions for Crossing Order[7] Fees and FLEX[8] Electronic Transaction Fees in the added rule text. The Exchange recently adopted new pricing to Phlx's Pricing Schedule related to its new functionality[9] that was similar to pricing on Nasdaq ISE, LLC (''ISE''). Among other changes, SR–Phlx–2025–48 adopted pricing[10] for its (1) new electronic FLEX functionality pursuant to Options 3A, (2) Facilitation Mechanism pursuant to Options 3, Section 11(b) and (c), (3) Solicited Order Mechanism pursuant to Options 3, Section 11(d) and (e), and (4) Block Order Mechanism pursuant to Options 3, Section 11(a).[11] The Exchange inadvertently did not include rule text about the new pricing for Crossing Order Fees and FLEX Electronic Transaction Fees with respect to the Monthly Market Maker Cap.[12] At this time, the Exchange proposes to note that Crossing Order Fees and FLEX Electronic Transaction Fees are excluded from the Monthly Market Maker Cap.

The Exchange also proposes to update the citations to the pricing that is being referenced in the Monthly Market Maker Cap and also conforming the format of the citations to that pricing.

Monthly Firm Fee Cap

Today, Firms[13] are subject to a $250,000 ''Monthly Firm Fee Cap.'' Firm Floor Option Transaction Charges and QCC Transaction Fees, in the aggregate, for one billing month that exceed the Monthly Firm Fee Cap per member or member organization, when such members or member organizations are trading in their own proprietary account, are subject to a reduced transaction fee of $0.02 per capped contract unless there is no fee or the fee is waived. Today, all dividend, merger, short stock interest, reversal and conversion, jelly roll, and box spread strategy executions (as defined in this Options 7, Section 4) are excluded from the Monthly Firm Fee Cap. Today, transactions in broad-based index options symbols listed within Options 7, Section 5.A. are excluded from the Monthly Firm Fee Cap. Finally, today, QCC Transaction Fees are included in the calculation of the Monthly Firm Fee Cap.

At this time, as the Monthly Firm Fee Cap currently applies to Firm Floor Options Transaction Charges, the Exchange proposes to specifically note that ''Electronic Options Transaction Charges are excluded from the Monthly Firm Fee Cap.'' The Exchange notes that this proposed text does not substantively amend the Monthly Firm Fee Cap, rather it will complete the list of excluded transaction charges. Finally, the Exchange proposes to add a citation for QCC Transaction Charges.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[14] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[15] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.''[16]

Likewise, in *NetCoalition* v. *Securities and Exchange Commission*[17] (''NetCoalition'') the D.C. Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-

[6] A Complex electronic auction includes, but is not limited to, an Exposure Complex Auction pursuant to Supplementary Material .01 to Options 3, Section 14. Also, transactions which execute against an order for which the Exchange broadcast an order exposure alert or Exposure Complex Auction in an electronic auction will be subject to this fee.

[7] The term ''Crossing Order'' shall mean an order executed in the Facilitation Mechanism pursuant to Options 3, Section 11(b) or (c) or Solicited Order Mechanism pursuant to Options 3, Section 11(d) or (e). For purposes of this Pricing Schedule, orders executed in the Block Order Mechanism pursuant to Options 3, Section 11(a) are also considered Crossing Orders. *See* Options 7, Section 1(c).

[8] FLEX Options are customized options contracts that allow investors to tailor contract terms for exchange-listed equity and index options. *See* Phlx Options 3A.

[9] *See* Securities Exchange Act Release No. 104031 (September 24, 2025), 90 FR 46682 (September 29, 2025) (SR–Phlx–2025–48) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish Pricing for New Functionality).

[10] This new functionality is being migrated to Phlx's trading platform over a five week timeframe on a symbol by symbol basis. The migration will be complete on December 8, 2025. *See https://www.nasdaqtrader.com/MicroNews.aspx?id=OTA2025-32.*

[11] The Facilitation Mechanism would permit a Phlx member to execute a transaction wherein the member seeks to facilitate a block-size order it represents as agent (''agency order''), and/or a transaction wherein the member solicited interest to execute against a block-size order it represents as agent (''Facilitation Order'') as described in Options 3, Section 11(b) and (c). This mechanism allows members the flexibility to represent a transaction where the member is facilitating only a portion of the order and has solicited interest from other parties for the other portion of the order. The Solicited Order Mechanism or ''SOM'' is a process by which a member can attempt to execute orders of 500 or more contracts it represents as agent (the ''Agency Order'') against contra orders that it solicited pursuant to Options 3, Section 11(d) and (e). Each order entered into the SOM shall be designated as all-or-none. The Block Order Mechanism provides a means for handling ''block-sized orders'' (*i.e.,* orders for fifty (50) contracts or more) pursuant to Options 3, Section 11(a).

[12] ISE does not offer a market maker cap.

[13] The term ''Firm'' applies to any transaction that is identified by a member or member organization for clearing in the Firm range at OCC. *See* Options 7, Section 1(c).

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(4) and (5).

[16] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[17] *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

based approach.[18] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.'' [19]

Further, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [20] Although the court and the SEC were discussing the cash equities markets, the Exchange believes that these views apply with equal force to the options markets.

Monthly Market Maker Cap

The Exchange's proposal to relocate and amend current rule text is reasonable, equitable and not unfairly discriminatory because the revised rule text makes clear what rule text is included and excluded in a transparent manner with citations to the rule text.

The Exchange's proposal to add new rule text to exclude Crossing Order Fees and FLEX Electronic Transaction Fees from the Monthly Market Maker Cap is reasonable. The recently adopted [21] auction pricing for Crossing Order Fees and FLEX Electronic Transaction Fees needs to be addressed for purposes of the Monthly Market Maker Cap. In terms of auction pricing, PIXL is the only other auction on Phlx and it is explicitly addressed in the rule text. The remainder of the pricing that is discussed in the Monthly Market Maker cap is order book pricing. Excluding these auctions (Crossing Order Fees and FLEX Electronic Transaction Fees) is reasonable because the pricing is new and the Phlx migration is not complete.[22] Phlx is seeking to encourage market participants to utilize this new functionality which is currently not available for all symbols until the migration is complete on December 8, 2025. Once the migration is complete, Phlx will consider whether to amend its cap to include the auctions or certain auction transactions to encourage greater activity in the auctions. Further, when Phlx adopted the pricing in SR–Phlx–2025–48 it was mirroring pricing offered on ISE. ISE does not offer a similar market maker cap.

The Exchange's proposal to add new rule text to exclude Crossing Order Fees and FLEX Electronic Transaction Fees from the Monthly Market Maker Cap is equitable and not unfairly discriminatory because the Exchange would exclude Crossing Order Fees and FLEX Electronic Transaction Fees from the Monthly Market Maker Cap in a uniform manner for all Phlx members and member organizations.

Monthly Firm Fee Cap

The Exchange's proposal to specifically note that electronic Options Transaction Charges are excluded from the Monthly Firm Fee Cap and add a citation for QCC Transaction Charges is reasonable, equitable and not unfairly discriminatory as these amendments are non-substantive technical amendments to further clarify existing rule text.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Inter-Market Competition

The proposal does not impose an undue burden on inter-market competition. The Exchange believes its proposal remains competitive with other options markets and will offer market participants with another choice of where to transact options. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

Intra-Market Competition

The Exchange's proposal to add new rule text to exclude Crossing Order Fees and FLEX Electronic Transaction Fees from the Monthly Market Maker Cap does not impose an undue burden on competition because the Exchange would exclude Crossing Order Fees and FLEX Electronic Transaction Fees from the Monthly Market Maker Cap in a uniform manner for all Phlx members and member organizations.

The Exchange's proposal to specifically note that electronic Options Transaction Charges are excluded from the Monthly Firm Fee Cap and add a citation for QCC Transaction Charges does not impose an undue burden on competition because these amendments are non-substantive technical amendments to further clarify existing rule text.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[23]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–Phlx–2025–66 on the subject line.

[18] *See NetCoalition,* at 534–535.

[19] *Id.* at 537.

[20] *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[21] *See* Securities Exchange Act Release No. 104031 (September 24, 2025), 90 FR 46682 (September 29, 2025) (SR–Phlx–2025–48) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish Pricing for New Functionality).

[22] Only a handful of symbols are trading on the migrated platform.

[23] 15 U.S.C. 78s(b)(3)(A)(ii).

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–Phlx–2025–66. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–Phlx–2025–66 and should be submitted on or before January 8, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–23237 Filed 12–17–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104407; File No. SR–NASDAQ–2025–098]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 5215 To Allow the Listing of American Depositary Receipts of Canadian Companies

December 15, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on December 3, 2025, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 5215 to allow the listing of American Depositary Receipts of Canadian companies.

The text of the proposed rule change is detailed below; proposed deletions are in brackets.

* * * * *

The NASDAQ Stock Market LLC RULES

5200. General Procedures and Prerequisites for Initial and Continued Listing on the NASDAQ Stock Market

* * * * *

5215. American Depositary Receipts

(a) Eligibility

American Depositary Receipts can be listed on Nasdaq provided they represent shares in a [non-Canadian] foreign Company.

(b) No change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Currently, the Exchange allows for the listing of American Depositary Receipts (''ADRs'') that represent shares in a foreign Company pursuant to Rule 5215 but excludes the listing of Canadian ADRs on the Exchange. More specifically, ADRs can be listed on Nasdaq provided they represent shares in a non-Canadian foreign Company. Rule 5215 applies to all three tiers of the Exchange's listing markets. Nasdaq believes that the exclusion of Canadian companies is based on historic issuer preferences, because Canadian companies have preferred to utilize the Commission's Multijurisdictional Disclosure System (''MJDS'')[3] to streamline the listing process and list their securities directly with the Exchange through ordinary shares.

While the MJDS process provides Canadian companies with a straightforward approach for listing, Nasdaq has recently been approached by advisors to Canadian companies, who indicated that certain companies would prefer to list in the format of ADRs. The Exchange does not believe there is any reason to continue to exclude Canadian companies from listing ADRs and is therefore proposing to amend Rule 5215 accordingly. More specifically, the Exchange proposes to remove the term ''non-Canadian'' from Rule 5215(a). The Exchange notes that this would align Nasdaq rules with those of other exchanges, which currently allow for the listing of Canadian ADRs.[4] Similar to all foreign issuers, all Canadian companies that issue ADRs will be required to maintain compliance with the applicable Exchange listing requirements pursuant to Rules 5300 through 5500 and the governance requirements pursuant to Nasdaq Rule 5600.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest and is not designed to permit unfair discrimination, by removing an unnecessary restriction on which foreign private issuers may utilize ADRs as a format for listing their securities.

In particular, the Exchange believes that removing the term ''non-Canadian''

[24] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In 1991, the Commission adopted an MJDS which allows for eligible Canadian issuers to register securities under the Securities Act of 1933 and to register securities and report under the Act by using documents prepared largely in accordance with Canadian requirements. See *Division of Corporation Finance Financial Reporting Manual at 348, available at https://www.sec.gov/files/cf-frm.pdf.*

[4] *See* NYSE Listed Company Manual Sections 102.01B, 103.00, and 103.04, which allow for the listing of ADRs and describe the treatment of ADRs and underlying shares for computational purposes, but do not impose any restrictions on the listing of Canadian ADRs. *See also* NYSE American Listed Company Guide Section 109 and 110(b)(i), permitting the listing of Canadian securities but imposing no restriction on the listing of Canadian ADRs.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

from Rule 5215 will place Canadian foreign private issuers on equal footing with all other foreign private issuers by providing equal eligibility to list ADRs. While the MJDS provides Canadian issuers with a path for listing ordinary shares, the Exchange believes that removing the impediment that prevents Canadian issuers from listing ADRs on the Exchange will provide such issuers with the same listing options as other foreign private issuers and the same listing options for Canadian ADRs as provided by other exchanges.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Any foreign private issuer that desires to list ADRs on the Exchange can do so on a non-discriminatory basis as long as the foreign private issuer also maintains compliance with the applicable Exchange listing and governance requirements. There is no inter-market burden on competition because the proposed amendment is aligned with the rule on other exchanges that do not exclude the listing of Canadian ADRs and the proposal does not impose any burden on the ability for other exchanges to compete.[7] Additionally, there is no burden to intra-market competition because the proposed change will apply to all Canadian issuers and will put such issuers on equal footing with other foreign private issuers.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[8] and subparagraph (f)(6) of Rule 19b–4 thereunder.[9]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NASDAQ–2025–098 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NASDAQ–2025–098. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NASDAQ–2025–098 and should be submitted on or before January 8, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Sherry R. Haywood,

Assistant Secretary.

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[7] *See* NYSE Listed Company Manual Sections 102.01B, 103.00, and 103.04.

[8] 15 U.S.C. 78s(b)(3)(A)(ii).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104401; File No. SR–EMERALD–2025–20]

Self-Regulatory Organizations; MIAX Emerald, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Emerald Options Exchange Fee Schedule To Regroup Options Exchanges Within the Routing Fee Table

December 15, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 1, 2025, MIAX Emerald, LLC (''MIAX Emerald'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the MIAX Emerald Options Exchange Fee Schedule (the ''Fee Schedule'').

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/miax-options/rule-filings,* and at the Exchange's principal office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the exchange grouping of options exchanges within the routing fee table in Section 1)b) of the Fee Schedule, Fees for Customer Orders Routed to Another Options Exchange, to adjust the groupings of options exchanges.

Background

Currently, the Exchange assesses routing fees based upon (i) the origin type of the order; (ii) whether or not it is an order for standard option classes in the Penny Interval Program [3] (''Penny classes'') or an order for standard option classes which are not in the Penny Interval Program (''Non-Penny classes'') (or other explicitly identified classes); and (iii) to which away market it is being routed. This assessment practice is identical to the routing fees assessment practice currently utilized by the Exchange's affiliates, Miami International Securities Exchange, LLC (''MIAX''), MIAX PEARL, LLC (''MIAX Pearl''), and MIAX Sapphire, LLC (''MIAX Sapphire''). This is also similar to the methodology utilized by the Cboe BZX Exchange, Inc. (''Cboe BZX Options''), a competing options exchange, in assessing routing fees. Cboe BZX Options has exchange groupings in its fee schedule, similar to those of the Exchange, whereby several exchanges are grouped into the same category dependent upon the order's origin type and whether it is a Penny or Non-Penny class.[4]

As a result of conducting a periodic review of the current transaction fees charged by away markets the Exchange has determined to amend the exchange groupings of options exchanges within the routing fee table to better reflect the associated costs and fees of routing customer orders to certain away markets for execution.

Proposal

The Exchange proposes to amend the table in Section 1)b) of the Exchange's Fee Schedule, Fees for Customer Orders Routed to Another Options Exchange, to update the exchange groupings of options exchanges within the routing fee table. Under this proposed change, the Exchange will not amend the fees associated with the exchange groupings. This proposal merely seeks to amend the exchange groupings, which change is reflected in the routing fee table below and described in detail herein.

Description	Fees
Routed, Priority Customer, Penny Program, to: NYSE American, Cboe, Cboe EDGX Options, MIAX, Nasdaq PHLX (except SPY), Nasdaq MRX, MIAX Sapphire	$0.15
Routed, Priority Customer, Penny Program, to: BOX	0.30
Routed, Priority Customer, Penny Program, to: NYSE Arca Options, Cboe BZX Options, Cboe C2, Nasdaq GEMX, Nasdaq ISE, NOM, Nasdaq PHLX (SPY only), MIAX Pearl, Nasdaq BX Options, MEMX	0.65
Routed, Priority Customer, Non-Penny Program, to: NYSE American, BOX, Cboe, Cboe EDGX Options, MIAX, Nasdaq PHLX, Nasdaq MRX, MIAX Sapphire	0.15
Routed, Priority Customer, Non-Penny Program, to: NYSE Arca Options, Cboe BZX Options, Cboe C2, MIAX Pearl, Nasdaq GEMX, NOM, Nasdaq BX Options, Nasdaq ISE, MEMX	1.00
Routed, Public Customer that is not a Priority Customer, Penny Program, to: NYSE American, NYSE Arca Options, Cboe BZX Options, BOX, Cboe, Cboe C2, Cboe EDGX Options, Nasdaq GEMX, Nasdaq ISE, Nasdaq MRX, MIAX, MIAX Pearl, NOM, Nasdaq PHLX, Nasdaq BX Options, MEMX, MIAX Sapphire	0.65
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: MIAX, NYSE American, Cboe, Nasdaq PHLX, Cboe EDGX Options, NOM	1.00
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: Cboe C2, BOX, MIAX Sapphire	1.15
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: NYSE Arca Options, Nasdaq GEMX, Nasdaq MRX, MIAX Pearl	1.25
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: Cboe BZX Options, Nasdaq ISE, Nasdaq BX Options, MEMX	1.40

The Exchange proposes to remove ''MEMX'' from the ''Routed, Public Customer that is not a Priority Customer, Non-Penny Program'' $1.25 fee tier and amend the ''Routed, Public Customer that is not a Priority Customer, Non-Penny Program'' $1.40 fee tier to add ''MEMX''. This change is being made as MEMX LLC (''MEMX'') recently amended its fee schedule and now assesses a transaction fee of $1.21 per contract for orders in Non-Penny classes in Professional capacities which remove liquidity from the MEMX Options Book.[5]

The purpose of the proposal is to adjust the routing fee groups for orders routed to other exchanges to better reflect the associated costs for that routed execution in Penny and Non-Penny classes as determined by the fees and rebates at the executing exchange. In determining to amend its groupings, the Exchange took into account transaction fees assessed by the away market to which the Exchange routes orders, as well as the Exchange's clearing costs, administrative, regulatory, and technical costs associated with routing orders to an away market. The Exchange uses unaffiliated routing brokers to route orders to the away markets; the costs associated with the use of these services are included in the routing fees specified in the Fee Schedule. This

[3] *See* Exchange Rule 510(b).

[4] *See* Cboe U.S. Options Fee Schedules, BZX Options, effective November 20, 2025, ''Fee Codes and Associated Fees,'' at *https://www.cboe.com/us/options/membership/fee_schedule/bzx/(lastvisited November23,2025).*

[5] *See* MEMX Options Fee Schedule (effective August 1, 2025), Transaction Fees, *available at https://info.memxtrading.com/us-options-trading-resources/us-options-fee-schedule/* (last visited November 23, 2025); *see also* Securities Exchange Act Release No. 100804 (August 22, 2024), 89 FR 68956 (August 28, 2024) (SR–MEMX–2024–32). The Exchange notes that the origin type of the order ''Public Customer that is not a Priority Customer'' in the MIAX Options Fee Schedule is substantively similar to the origin type of the order ''Professional'' in the MEMX Options Fee Schedule. The term ''Public Customer'' means a person that is not a broker or dealer in securities. The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Exchange Rule 100. The term ''Professional'' means any person or entity that (A) is not a broker or dealer in securities; and (B) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Rules of MEMX, Rule 16.1, *available at https://info.memxtrading.com/wp-content/uploads/2025/09/MEMX-Rulebook-9.16.25-Clean.pdf* (last visited November 23, 2025).

routing fee structure is not only similar to the Exchange's affiliates, MIAX, MIAX Pearl, and MIAX Sapphire, but is also comparable to the structure in place on at least one other competing options exchange, Cboe BZX Options.[6] The Exchange's routing fee structure approximates the Exchange's costs associated with routing orders to away markets. The per-contract transaction fee amount associated with each grouping closely approximates the Exchange's all-in cost (plus an additional, non-material amount) [7] to execute that corresponding contract at that corresponding exchange.

The Exchange notes that in determining whether to adjust certain groupings of options exchanges in the routing fee table, the Exchange considered the transaction fees assessed by away markets, and determined to amend the grouping of exchanges that assess transaction fees for routed orders within a similar range. This same logic and structure apply to all of the groupings in the routing fee table. By utilizing the same structure that is utilized by the Exchange's affiliates, MIAX, MIAX Pearl, and MIAX Sapphire, the Exchange's Members [8] will be assessed routing fees in a similar manner. The Exchange notes that its affiliates, MIAX, MIAX Pearl, and MIAX Sapphire, will file to make the same proposed routing fee changes contained herein.

Implementation

The proposed rule changes will become effective on December 1, 2025.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act [9] in general, and furthers the objectives of Section 6(b)(4) of the Act [10] in particular, in that it is an equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act [11] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

The Exchange believes that the proposed changes to the exchange groupings of options exchanges within the routing fee table furthers the objectives of Section 6(b)(4) of the Act and is reasonable, equitable and not unfairly discriminatory because the proposed change will continue to apply in the same manner to all Members that are subject to routing fees. The Exchange believes the proposed changes to the routing fee table exchange groupings furthers the objectives of Section 6(b)(5) of the Act and is designed to promote just and equitable principles of trade and is not unfairly discriminatory because the proposed changes seek to recoup costs that are incurred by the Exchange when routing orders for Public Customers that are not Priority Customers to away markets on behalf of Members and does so in the same manner for all Members that are subject to routing fees. The costs to the Exchange to route orders to away markets for execution primarily includes transaction fees assessed by the away markets to which the Exchange routes orders, in addition to the Exchange's clearing costs, administrative, regulatory and technical costs. The Exchange believes that the proposed re-categorization of certain exchange groupings would enable the Exchange to better reflect the costs and fees associated with routing orders to other exchanges for execution.

The Exchange places away markets in the fee tier grouping that best approximates the Exchange's costs and fees to route the orders in that segment to that away market. The per-contract transaction fee amount associated with each grouping approximates the Exchange's all-in cost (plus an additional, non-material amount) [12] to execute the corresponding contract at the corresponding exchange. The Exchange believes its tier structure represents the best approach to reflect the costs and fees associated with routing and executing orders on other exchanges. As noted above, this routing fee structure is comparable to the structure in place on at least one other competing options exchange, Cboe BZX Options.[13]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposed re-categorization of certain exchange groupings is intended to enable the Exchange to recover the costs it incurs to route orders to away markets. The costs to the Exchange to route orders to away markets for execution primarily includes the transaction fees assessed by the away markets to which the Exchange routes orders, in addition to the Exchange's clearing costs, administrative, regulatory and technical costs. The Exchange does not believe that this proposal imposes any unnecessary burden on competition because it seeks to better reflect the costs and fees incurred by the Exchange when routing orders to away markets on behalf of Members and notes that at least one other options exchange has a similar routing fee structure.[14]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[15] and Rule 19b–4(f)(2) [16] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and

[6] *See supra* note 4. The Cboe BZX Options fee schedule has exchange groupings, whereby several exchanges are grouped into the same category, dependent on the order's origin type and whether it is a Penny or Non-Penny class.

[7] This amount is to cover de minimis differences/changes to away market fees (*i.e.,* minor increases or decreases) that would not necessitate a fee filing by the Exchange to re-categorize the away exchange into a different grouping. Routing fees are not intended to be a profit center for the Exchange and the Exchange's goal regarding routing fees and expenses is to be as close as possible to net neutral.

[8] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4).

[11] 15 U.S.C. 78f(b)(5).

[12] *See supra* note 7.

[13] *See supra* notes 4 and 6.

[14] *See supra* note 4.

[15] 15 U.S.C. 78s(b)(3)(A)(ii).

[16] 17 CFR 240.19b–4(f)(2).

arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–EMERALD–2025–20 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–EMERALD–2025–20. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–EMERALD–2025–20 and should be submitted on or before January 8, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–23238 Filed 12–17–25; 8:45 am]

BILLING CODE 8011–01–P

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104405; File No. SR–SAPPHIRE–2025–41]

Self-Regulatory Organizations; MIAX Sapphire, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Sapphire Options Exchange Fee Schedule To Regroup Options Exchanges Within the Routing Fee Table

December 15, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 1, 2025, MIAX Sapphire, LLC (''MIAX Sapphire'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the MIAX Sapphire Options Exchange Fee Schedule (''Fee Schedule'') to amend the MIAX Sapphire Options Exchange Fee Schedule (the ''Fee Schedule'').

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/all-options-exchanges/rule-filings,* and at MIAX Sapphire's principal office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the exchange grouping of options exchanges within the routing fee table in Section 1)b) of the Fee Schedule, Fees and Rebates for Customer Orders Routed to Another Options Exchange, to adjust the groupings of options exchanges. In addition, the Exchange proposes to make a minor, non-substantive change to the heading of Section 1)b) of the Fee Schedule.

Background

Currently, the Exchange assesses routing fees based upon (i) the origin type of the order; (ii) whether or not it is an order for standard option classes in the Penny Interval Program [3] (''Penny classes'') or an order for standard option classes which are not in the Penny Interval Program (''Non-Penny classes'') (or other explicitly identified classes); and (iii) to which away market it is being routed. This assessment practice is identical to the routing fees assessment practice currently utilized by the Exchange's affiliates, Miami International Securities Exchange, LLC (''MIAX''), MIAX PEARL, LLC (''MIAX Pearl''), and MIAX Emerald, LLC (''MIAX Emerald''). This is also similar to the methodology utilized by the Cboe BZX Exchange, Inc. (''Cboe BZX Options''), a competing options exchange, in assessing routing fees. Cboe BZX Options has exchange groupings in its fee schedule, similar to those of the Exchange, whereby several exchanges are grouped into the same category dependent upon the order's origin type and whether it is a Penny or Non-Penny class.[4]

As a result of conducting a periodic review of the current transaction fees charged by away markets the Exchange has determined to amend the exchange groupings of options exchanges within the routing fee table to better reflect the associated costs and fees of routing customer orders to certain away markets for execution.

Proposal

The Exchange proposes to amend the table in Section 1)b) of the Exchange's Fee Schedule, Fees and Rebates for Customer Orders Routed to Another

[3] *See* Exchange Rule 510(c).

[4] *See* Cboe U.S. Options Fee Schedules, BZX Options, effective November 20, 2025, ''Fee Codes and Associated Fees,'' at *https://www.cboe.com/us/options/membership/fee_schedule/bzx/* (last visited November 23, 2025).

Options Exchange, to update the exchange groupings of options exchanges within the routing fee table. Under this proposed change, the Exchange will not amend the fees associated with the exchange groupings. This proposal merely seeks to amend the exchange groupings, which change is reflected in the routing fee table below and described in detail herein.

Description	Fees
Routed, Priority Customer, Penny Program, to: NYSE American, Cboe, Cboe EDGX Options, MIAX, Nasdaq PHLX (except SPY), Nasdaq MRX	$0.15
Routed, Priority Customer, Penny Program, to: BOX	0.30
Routed, Priority Customer, Penny Program, to: NYSE Arca Options, Cboe BZX Options, Cboe C2, Nasdaq GEMX, Nasdaq ISE, NOM, Nasdaq PHLX (SPY only), MIAX Pearl, MIAX Emerald, Nasdaq BX Options, MEMX	0.65
Routed, Priority Customer, Non-Penny Program, to: NYSE American, BOX, Cboe, Cboe EDGX Options, MIAX, Nasdaq PHLX, Nasdaq MRX	0.15
Routed, Priority Customer, Non-Penny Program, to: NYSE Arca Options, Cboe BZX Options, Cboe C2, Nasdaq GEMX, NOM, MIAX Pearl, MIAX Emerald, Nasdaq BX Options, Nasdaq ISE, MEMX	1.00
Routed, Public Customer that is not a Priority Customer, Penny Program, to: NYSE American, NYSE Arca Options, Cboe BZX Options, BOX, Cboe, Cboe C2, Cboe EDGX Options, Nasdaq GEMX, Nasdaq ISE, Nasdaq MRX, MIAX, MIAX Pearl, MIAX Emerald, NOM, Nasdaq PHLX, Nasdaq BX Options, MEMX	0.65
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: NYSE American, MIAX, Cboe, Nasdaq PHLX, Cboe EDGX Options, NOM	1.00
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: Cboe C2, BOX	1.15
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: NYSE Arca Options, Nasdaq GEMX, Nasdaq MRX, MIAX Pearl, MIAX Emerald	1.25
Routed, Public Customer that is not a Priority Customer, Non-Penny Program, to: Cboe BZX Options, Nasdaq ISE, Nasdaq BX Options, MEMX	1.40

The Exchange proposes to remove ''MEMX'' from the ''Routed, Public Customer that is not a Priority Customer, Non-Penny Program'' $1.25 fee tier and amend the ''Routed, Public Customer that is not a Priority Customer, Non-Penny Program'' $1.40 fee tier to add ''MEMX''. This change is being made as MEMX LLC (''MEMX'') recently amended its fee schedule and now assesses a transaction fee of $1.21 per contract for orders in Non-Penny classes in Professional capacities which remove liquidity from the MEMX Options Book.[5]

The purpose of the proposal is to adjust the routing fee groups for orders routed to other exchanges to better reflect the associated costs for that routed execution in Penny and Non-Penny classes as determined by the fees and rebates at the executing exchange. In determining to amend its groupings, the Exchange took into account transaction fees assessed by the away market to which the Exchange routes orders, as well as the Exchange's clearing costs, administrative, regulatory, and technical costs associated with routing orders to an away market. The Exchange uses unaffiliated routing brokers to route orders to the away markets; the costs associated with the use of these services are included in the routing fees specified in the Fee Schedule. This routing fee structure is not only similar to the Exchange's affiliates, MIAX, MIAX Pearl, and MIAX Emerald, but is also comparable to the structure in place on at least one other competing options exchange, Cboe BZX Options.[6] The Exchange's routing fee structure approximates the Exchange's costs associated with routing orders to away markets. The per-contract transaction fee amount associated with each grouping closely approximates the Exchange's all-in cost (plus an additional, non-material amount)[7] to execute that corresponding contract at that corresponding exchange.

The Exchange notes that in determining whether to adjust certain groupings of options exchanges in the routing fee table, the Exchange considered the transaction fees assessed by away markets, and determined to amend the grouping of exchanges that assess transaction fees for routed orders within a similar range. This same logic and structure apply to all of the groupings in the routing fee table. By utilizing the same structure that is utilized by the Exchange's affiliates, MIAX, MIAX Pearl, and MIAX Emerald, the Exchange's Members[8] will be assessed routing fees in a similar manner. The Exchange notes that its affiliates, MIAX, MIAX Pearl, and MIAX Emerald, will file to make the same proposed routing fee changes contained herein.

In addition, the Exchange proposes to make a minor, non-substantive change to the heading of Section 1)b) of the Fee Schedule. Specifically, the Exchange proposes to amend the heading of Section 1)b) of the Fee Schedule from ''Fees and Rebates for Customer Orders Routed to Another Options Exchange'' to ''Fees for Customer Orders Routed to Another Options Exchange''. The proposed change is intended to align the heading information of the Exchange's Fee Schedule with the heading

[5] *See* MEMX Options Fee Schedule (effective August 1, 2025), Transaction Fees, *available at https://info.memxtrading.com/us-options-trading-resources/us-options-fee-schedule/* (last visited November 23, 2025); *see also* Securities Exchange Act Release No. 100804 (August 22, 2024), 89 FR 68956 (August 28, 2024) (SR–MEMX–2024–32). The Exchange notes that the origin type of the order ''Public Customer that is not a Priority Customer'' in the MIAX Options Fee Schedule is substantively similar to the origin type of the order ''Professional'' in the MEMX Options Fee Schedule. The term ''Public Customer'' means a person that is not a broker or dealer in securities. The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Exchange Rule 100. The term ''Professional'' means any person or entity that (A) is not a broker or dealer in securities; and (B) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Rules of MEMX, Rule 16.1, *available at https://info.memxtrading.com/wp-content/uploads/2025/09/MEMX-Rulebook-9.16.25-Clean.pdf* (last visited November 23, 2025).

[6] *See supra* note 4. The Cboe BZX Options fee schedule has exchange groupings, whereby several exchanges are grouped into the same category, dependent on the order's origin type and whether it is a Penny or Non-Penny class.

[7] This amount is to cover de minimis differences/changes to away market fees (*i.e.,* minor increases or decreases) that would not necessitate a fee filing by the Exchange to re-categorize the away exchange into a different grouping. Routing fees are not intended to be a profit center for the Exchange and the Exchange's goal regarding routing fees and expenses is to be as close as possible to net neutral.

[8] The term ''Member'' means an individual or organization that is registered with the Exchange pursuant to Chapter II of these Rules for purposes of trading on the Exchange as an ''Electronic Exchange Member'' or ''Market Maker.'' Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

conventions used for the fee schedules of the Exchange's affiliates, MIAX, MIAX Pearl, and MIAX Emerald. The proposed rule change is to promote consistency across the Exchange's and its affiliates' fee schedules.

Implementation

The proposed rule changes will become effective on December 1, 2025.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act [9] in general, and furthers the objectives of Section 6(b)(4) of the Act [10] in particular, in that it is an equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act [11] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

The Exchange believes that the proposed changes to the exchange groupings of options exchanges within the routing fee table furthers the objectives of Section 6(b)(4) of the Act and is reasonable, equitable and not unfairly discriminatory because the proposed change will continue to apply in the same manner to all Members that are subject to routing fees. The Exchange believes the proposed changes to the routing fee table exchange groupings furthers the objectives of Section 6(b)(5) of the Act and is designed to promote just and equitable principles of trade and is not unfairly discriminatory because the proposed changes seek to recoup costs that are incurred by the Exchange when routing orders for Public Customers that are not Priority Customers to away markets on behalf of Members and does so in the same manner for all Members that are subject to routing fees. The costs to the Exchange to route orders to away markets for execution primarily includes transaction fees assessed by the away markets to which the Exchange routes orders, in addition to the Exchange's clearing costs, administrative, regulatory and technical costs. The Exchange believes that the proposed re-categorization of certain exchange groupings would enable the Exchange to better reflect the costs and fees associated with routing orders to other exchanges for execution.

The Exchange places away markets in the fee tier grouping that best approximates the Exchange's costs and fees to route the orders in that segment to that away market. The per-contract transaction fee amount associated with each grouping approximates the Exchange's all-in cost (plus an additional, non-material amount) [12] to execute the corresponding contract at the corresponding exchange. The Exchange believes its tier structure represents the best approach to reflect the costs and fees associated with routing and executing orders on other exchanges. As noted above, this routing fee structure is comparable to the structure in place on at least one other competing options exchange, Cboe BZX Options.[13]

The Exchange believes the proposed change to the heading of Section 1)b) of the Fee Schedule furthers the objectives of Section 6(b)(5) of the Act and is designed to promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors and the public interest because the proposed rule change will provide greater clarity to Members and the public regarding the Exchange's Fee Schedule by aligning the heading information of the Exchange's Fee Schedule with the heading conventions used for the fee schedules of the Exchange's affiliates. It is in the public interest for the Exchange's Fee Schedule to be accurate and consistent.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed re-categorization of certain exchange groupings will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposed re-categorization of certain exchange groupings is intended to enable the Exchange to recover the costs it incurs to route orders to away markets. The costs to the Exchange to route orders to away markets for execution primarily includes the transaction fees assessed by the away markets to which the Exchange routes orders, in addition to the Exchange's clearing costs, administrative, regulatory and technical costs. The Exchange does not believe that this proposal imposes any unnecessary burden on competition because it seeks to better reflect the costs and fees incurred by the Exchange when routing orders to away markets on behalf of Members and notes that at least one other options exchange has a similar routing fee structure.[14]

The Exchange does not believe that the proposed change to the heading of Section 1)b) of the Fee Schedule will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is not intended to address competitive issues but rather is concerned solely with aligning the heading information of the Exchange's Fee Schedule with the heading conventions used for the fee schedules of the Exchange's affiliates. This is to promote consistency across the Exchange's and its affiliates' fee schedules.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[15] and Rule 19b–4(f)(2) [16] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4).

[11] 15 U.S.C. 78f(b)(5).

[12] *See supra* note 7.

[13] *See supra* notes 4 and 6.

[14] *See supra* note 4.

[15] 15 U.S.C. 78s(b)(3)(A)(ii).

[16] 17 CFR 240.19b–4(f)(2).

Electronic Comments

• Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or

• Send an email to *rule-comments@sec.gov.* Please include file number SR–SAPPHIRE–2025–41 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–SAPPHIRE–2025–41. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–SAPPHIRE–2025–41 and should be submitted on or before January 8, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–23242 Filed 12–17–25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104391; File No. SR–IEX–2025–34]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend IEX's Fee Schedule To Modify a Displayed Liquidity Adding Rebate Tier

December 15, 2025.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on December 5, 2025, the Investors Exchange LLC (''IEX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) under the Act,[4] and Rule 19b–4 thereunder,[5] the Exchange is filing with the Commission a proposed rule change to amend the Exchange's fee schedule applicable to Members[6] (the ''Fee Schedule''[7]) pursuant to IEX Rule 15.110(a) and (c) to modify the required criteria for one of its Displayed Liquidity Adding Rebate Tiers for executions priced at or above $1.00 per share. Changes to the Fee Schedule pursuant to this proposal are effective upon filing,[8] and will be operative on December 1, 2025.

The text of the proposed rule change is available at the Exchange's website at *https://www.iexexchange.io/resources/regulation/rule-filings* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to modify its Fee Schedule, pursuant to IEX Rule 15.110(a) and (c), to modify the required criteria for one of its Displayed Liquidity Adding Rebate Tiers for executions priced at or above $1.00 to introduce an alternative means of qualifying for the rebate tier. IEX is not proposing to change the amounts of any rebates or fees.

Displayed Liquidity Adding Rebate Tiers

As reflected in the Transaction Fees section of the Fee Schedule, IEX currently offers Members the following seven Displayed Liquidity Adding Rebate tiers:

• *Tier 1:* provides Member the Exchange's base fee of FREE for all displayed liquidity adding executions priced at or above $1.00 per share (''Added Displayed Liquidity'')[9] if the Member adds less than 3,000,000 ADV[10] of displayed liquidity in that month.

• *Tier 2:* provides Member a rebate of $0.0010 per share for all Added Displayed Liquidity if the Member trades at least 5,000,000 non-displayed ADV and less than 10,000,000 non-displayed ADV.

• *Tier 3:* provides Member a rebate of $0.0014 per share for all Added Displayed Liquidity if the Member: (1) adds at least 3,000,000 ADV of displayed liquidity and less than 10,000,000 ADV of displayed liquidity; or (2) trades at least 10,000,000 non-displayed ADV; or (3) has an NBBO Time of at least 50% in at least 250 ETPs.

• *Tier 4:* provides Member a rebate of $0.0016 per share for all Added Displayed Liquidity if the Member: (1) adds at least 10,000,000 ADV of displayed liquidity and less than 15,000,000 ADV of displayed liquidity; or (2) has an NBBO Time of at least 50% in at least 750 ETPs.

• *Tier 5:* provides Member a rebate of $0.0018 per share for all Added Displayed Liquidity if the Member: (1) adds at least 15,000,000 ADV of displayed liquidity and less than 20,000,000 ADV of displayed liquidity; or (2) trades at least 15,000,000 non-displayed ADV.

• *Tier 6:* provides Member a rebate of $0.0020 per share for all Added Displayed Liquidity if the Member: (1) adds at least 20,000,000 ADV of

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78s(b)(1).

[5] 17 CFR 240.19b–4.

[6] *See* IEX Rule 1.160(s).

[7] *See* Investors Exchange Fee Schedule, available at *https://www.iexexchange.io/resources/trading/fee-schedule.*

[8] 15 U.S.C. 78s(b)(3)(A)(ii).

[9] Nothing in this rule filing affects trades below $1.00 per share (''subdollar trades''). Any subdollar trade that adds displayed liquidity does not impact the rebate tier calculations and receives a rebate of 0.15% of the total dollar value of the execution. *See* Securities Exchange Act Release No. 102086 (January 2, 2025), 90 FR 1586 (January 8, 2025) (SR–IEX–2024–30).

[10] The Fee Schedule defines ''ADV'' as average daily volume calculated as the number of shares added or removed (as applicable) that execute at or above $1.00 per share, per day. ADV is calculated on a monthly basis.

displayed liquidity and less than 30,000,000 ADV of displayed liquidity; or (2) trades at least 20,000,000 non-displayed ADV.

• *Tier 7:* provides Member a rebate of $0.0022 per share for all Added Displayed Liquidity if the Member adds at least 30,000,000 ADV of displayed liquidity.

IEX is proposing to modify the required criteria for qualifying for Displayed Liquidity Adding Rebate Tier 7 (''Tier 7'') so that Members will have two ways in which they could qualify for Tier 7: (1) the current method, in which a Member qualifies for the rebate tier by adding at least 30,000,000 ADV of displayed liquidity; or (2) the proposed new method, in which a Member would qualify for the rebate tier by adding at least 25,000,000 ADV of displayed liquidity and trading at least 30,000,000 non-displayed ADV. This proposed additional means of qualifying for Tier 7 requires a Member to both add a minimum amount of displayed liquidity and trade a minimum amount of non-displayed liquidity. Thus, the proposed change provides more opportunities for Members to qualify for Tier 7.

Accordingly, IEX proposes to update its Fee Schedule to make two revisions to reflect the proposed changes to Tier 7. First, the Exchange proposes to amend the Fee Schedule's Base Rates table to update the description and fees associated with Base Fee Code ML (''Add displayed liquidity''). As amended, the Base Rates table will continue to list seven base rates for Fee Code ML, but the description of the base rate paid for a Member that adds at least 30,000,000 ADV of displayed liquidity will state that a Member also can qualify for that base rate by adding at least 25,000,000 ADV of displayed liquidity and trading at least 30,000,000 non-displayed ADV. Similarly, IEX proposes to update the description of Tier 7 in Footnote 4 to the Transaction Fees section. As proposed, Footnote 4 will be amended to reflect that a Member can qualify for Tier 7 either by adding at least 30,000,000 ADV of displayed liquidity, or by adding at least 25,000,000 ADV of displayed liquidity and trading at least 30,000,000 non-displayed ADV.

The proposed change to Tier 7 is designed to encourage Members that provide liquidity on the Exchange to maintain or increase their order flow, thereby contributing to a deeper and more liquid market to the benefit of all market participants and enhancing the attractiveness of the Exchange as a trading venue. IEX notes that this model of offering volume-based rebates is consistent with the rebates offered by competitor exchanges.[11] The Exchange also notes that the $0.0022 rebate for Tier 7, is well within the range of rebates offered by competing exchanges.[12]

2. Statutory Basis

IEX believes that the proposed rule change is consistent with the provisions of Section 6(b) [13] of the Act in general, and furthers the objectives of Sections 6(b)(4) [14] of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange believes that the proposed fee change is reasonable, fair and equitable, and not designed to permit unfair discrimination. As discussed in the Purpose section, the Exchange has designed Tier 7 to allow Members an additional way to qualify for the Tier 7 incentive rebate. The Exchange notes that the proposed rebate is voluntary and not designed to permit unfair discrimination because it will be applied uniformly to all Members who satisfy the specified criteria.

The Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. IEX has concluded that, in the context of current regulatory requirements governing access fees and rebates, it is able to more effectively compete with other exchanges for order flow by offering Members an additional means of qualifying for higher rebate incentives. Based upon informal discussions with market participants, IEX believes that Members and other market participants may be more willing to send displayed orders to IEX if the proposed fee change is adopted. Accordingly, IEX has designed the proposed change to Tier 7 to allow Members an additional way to qualify for that particular incentive rebate tier.

As discussed in the Purpose section, the Exchange believes that the proposed addition of new eligibility criteria for Tier 7 is reasonable and consistent with the Act because it is designed to incentivize Members to send additional displayed order flow to IEX as well as order flow seeking to trade with such displayed orders. Moreover, increases in displayed liquidity would contribute to the public price discovery process which would benefit all market participants and protect investors and the public interest. As noted in the Purpose section, other exchanges offer rebate tiers,[15] and thus the Exchange does not believe that this aspect of the proposal raises any new or novel issues not already considered by the Commission.

As discussed above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. Within that context, the proposed additional criteria for qualifying for Tier 7 are designed to keep IEX's displayed trading prices competitive with those of other exchanges. The proposed additional criteria for qualifying for Tier 7 are comparable to the criteria applied by competing exchanges, and thus IEX does not believe that the proposal raises any new or novel issues not already considered by the Commission in the context of other exchanges' fees.[16]

Finally, to the extent this proposed fee change is successful in incentivizing the entry and execution of displayed orders on IEX, such greater liquidity will benefit all market participants by increasing price discovery and price formation as well as market quality and execution opportunities. And, as discussed above, IEX does not believe that any aspect of this proposal raises new or novel issues not already considered by the Commission.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in

[11] *See, e.g.,* Cboe BZX Inc. Fee Schedule (Effective November 19, 2025), available at *https://www.cboe.com/us/equities/membership/fee_schedule/bzx/;* MEMX Equities Fee Schedule (Effective October 1, 2025), available at *https://info.memxtrading.com/equities-trading-resources/us-equities-fee-schedule/;* Nasdaq Equity VII (as of November 24, 2025), available at *https://www.nasdaqtrader.com/Trader.aspx?id=PriceListTrading2#rebates;* New York Stock Exchange Price List 2025 (as of October 1, 2025), available at *https://www.nyse.com/publicdocs/nyse/markets/nyse/NYSE_Price_List.pdf.*

[12] *See, e.g.,* MEMX Equities Fee Schedule, *supra* note 11 (maximum rebate of $0.0037); MIAX Pearl Equities Fee Schedule (Effective October 1, 2025), available at *https://www.miaxglobal.com/sites/default/files/fee_schedule-files/MIAX_Pearl_Equities_Fee_Schedule_10012025.pdf* (maximum rebate of $0.0037); NYSE Price List 2025, *supra* note 11 (maximum rebate of $0.0032).

[13] 15 U.S.C. 78f.

[14] 15 U.S.C. 78f(b)(4).

[15] *See supra* note 11.

[16] *See supra* note 11.

furtherance of the purposes of the Act. The Exchange operates in a highly competitive market in which market participants can readily favor competing venues if fee schedules at other venues are viewed as more favorable. Consequently, the Exchange believes that the degree to which IEX fees could impose any burden on competition is extremely limited and does not believe that such fees would burden competition between Members or competing venues. Moreover, as noted in the Statutory Basis section, the Exchange does not believe that the proposed changes raise any new or novel issues not already considered by the Commission.

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because, while different rebates are assessed on Members, these rebate tiers are not based on the type of Member entering the orders that match, but rather on the Member's own trading activity. Further, the proposed fee changes continue to be intended to encourage market participants to bring increased order flow to the Exchange, which benefits all market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) [17] of the Act.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [18] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–IEX–2025–34 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–IEX–2025–34. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–IEX–2025–34 and should be submitted on or before January 8, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–23231 Filed 12–17–25; 8:45 am]

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[17] 15 U.S.C. 78s(b)(3)(A)(ii).

[18] 15 U.S.C. 78s(b)(2)(B).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104397; File No. SR–FICC–2025–024]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Make Amendments to the GSD Rules and the MBSD Rules To Modify Certain Fees

December 15, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 8, 2025, Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. FICC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(2) thereunder.[4] 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

The proposed rule change consists of modifications to FICC's Government Securities Division (''GSD'') Rulebook (''GSD Rules'') and Mortgage-Backed Securities Division (''MBSD'') Clearing Rules (''MBSD Rules'') (''MBSD Rules'' and together with the GSD Rules, the ''Rules'') [5] in order to (1) modify the Clearing Fund Maintenance Fee (''Maintenance Fee'') of GSD and MBSD; (2) remove the Sponsored GC Pre-Payment Assessment from the GSD Rules, and (3) adopt new pass-through fees in the GSD Rules that reflect fees charged by the Clearing Agent Bank. In addition, FICC is proposing changes to the GSD Rules to assist Members to better understand the pass-through fees.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

FICC is proposing to amend the GSD Rules and the MBSD Rules in order to (1) modify the Maintenance Fee of GSD

[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)(2).

[5] Capitalized terms not defined herein are defined in the GSD Rules and the MBSD Rules, as applicable, available at *www.dtcc.com/legal/rules-and-procedures.*

and MBSD, (2) remove the Sponsored GC Pre-Payment Assessment from the GSD Rules, and (3) adopt new pass-through fees in the GSD Rules that reflect fees charged by the Clearing Agent Bank in connection with the GSD global collateral services. In addition, FICC is proposing to revise the description of Clearing Agent Bank pass-through fees in the GSD Fee Structure of the GSD Rules.

Proposed Modification of the Clearing Fund Maintenance Fee

The Maintenance Fee is designed to (i) diversify FICC's revenue sources and mitigate its dependence on revenues driven by trading volumes, and (ii) add a stable revenue source that would contribute to FICC's operating margin by offsetting increasing costs and expenses. The Maintenance Fee was implemented in 2016 [6] and subsequently amended in 2024.[7] Currently, the Maintenance Fee is calculated monthly, in arrears, as the product of (A) 0.085% and (B) the average of each Member's Required Fund Deposit as of the end of each day, for the month, multiplied by the number of days in that month and divided by 360.

FICC operates a cost-plus pricing model. Accordingly, FICC's fees are cost-based plus a markup. As part of FICC's annual pricing review process and budgeting for 2026, FICC identified opportunities to better align fees and costs for FICC. Specifically, FICC is proposing a reduction in the Maintenance Fee percentage from 0.085% to 0.075% for both GSD and MBSD.

To effectuate the proposed fee change described above at GSD, FICC is proposing to change the Maintenance Fee percentage from ''0.085%'' to ''0.075%'' in Section XIII (Clearing Fund Maintenance Fee) of the Fee Structure in the GSD Rules. Similarly, for MBSD, FICC is proposing to change the percentage referenced under the Clearing Fund Maintenance Fee from ''0.085%'' to ''0.075%'' in Section I (Fees) of the Schedule of Charges Broker Account Group and Schedule of Charges Dealer Account Group, respectively, in the MBSD Rules.

In addition, FICC is proposing changes to enhance the clarity of the Rules. Specifically, in Section XIII (Clearing Fund Maintenance Fee) of the Fee Structure in the GSD Rules as well as under the Clearing Fund Maintenance Fee in Section I (Fees) of the Schedule of Charges Broker Account Group and Schedule of Charges Dealer Account Group, respectively, in the MBSD Rules, FICC is proposing to remove the extraneous reference to ''in the Clearing Fund'' and replace ''for'' with ''in'' when referencing the number of days in a month.

Proposed Removal of the Sponsored GC Pre-Payment Assessment

FICC is proposing to eliminate the Sponsored GC Pre-Payment Assessment from the GSD Rules. The Sponsored GC Pre-Payment Assessment is a $250,000 assessment that FICC collects from a Sponsoring Member at the time the Sponsoring Member onboards into the Sponsored GC Service.[8] Pursuant to the GSD Rules, FICC credits that amount back to the Sponsoring Member against its fees for use of the Sponsored GC Service until the earlier of (i) the assessment being completely depleted and (ii) thirty-six (36) months after the Sponsoring Member onboards into the Sponsored GC Service.[9]

The Sponsored GC Pre-Payment Assessment was adopted in 2020, when FICC was developing the Sponsored GC Service, to ensure Sponsoring Members' support of and readiness to participate in the Sponsored GC Service and justify FICC's investment in building the new technology infrastructure that was necessary to implement the Sponsored GC Service.[10] Since that time, the Sponsored GC Service has been consistently used by Sponsoring Members, and FICC has recently proposed expansions to the Sponsored GC Service.[11] Therefore, FICC no longer believes the Sponsored GC Pre-Payment Assessment is necessary and is proposing to eliminate the assessment from the GSD Rules to further encourage the use of the expanded Sponsored GC service by Sponsoring Members.

The proposed change would remove the definition of the Sponsored GC Pre-Payment Assessment from Rule 1 and would remove the description of the Sponsored GC Pre-Payment Assessment from Section VII of the GSD Fee Structure, which describes the responsibilities of Sponsoring Members to pay fees in connection with the Sponsored Service.

Proposed Adoption of Clearing Agent Bank Pass-Through Fees

FICC is proposing to include in the GSD Fee Structure new pass-through fees that would be charged by Bank of New York (''BNY''), as a Clearing Agent Bank, and passed to Members by FICC.

The additional pass-through fees would include a new fee to be referred to as a ''Core Services Fee'' of 0.15 basis points calculated on the settlement amount of the Start Leg of all Sponsored GC Trades (including trades that would be cleared through the proposed CIL Service, to be referred to as Sponsored GC CIL Trades) [12] and triparty trades that would be cleared through the Agent Clearing Service, to be referred to as ''ACS Triparty Trades.'' [13] The additional pass-through fees would also include a fee to be referred to as the ''Enhanced Services Fee'' of 0.35 basis points calculated on the settlement amount of the Start Leg of all Sponsored GC CIL Trades. The Enhanced Services Fee would be charged on Sponsored GC CIL Trades in addition to the Core Services Fee. Both of the new pass-through fees would be assessed to the Repo Party to the transactions.

The GSD Fee Structure currently identifies fees that are charged by BNY in connection with existing global collateral services and are passed through to Members of FICC. These fees are collected in connection with clearing GCF Repo Transactions and CCLF Transactions. In connection with adding the new BNY pass-through fees to the GSD Fee Structure, the proposed changes would also include these existing pass-through fees with the Core Services Fees and would simplify the description of the calculation and assessment of these fees. The proposed changes are designed to help Members better understand the fees that FICC currently passes from BNY in connection with their use of these global collateral services.

Therefore, the proposed changes would amend Section IV (Other Charges) of the GSD Fee Structure, where ''Clearance Charges,'' including those that are passed through from Clearing Agent Banks, are described. The proposed changes would create a new subsection B.4.(c) to identify fees

[6] Securities Exchange Act Release No. 78529 (Aug. 10, 2016), 81 FR 54626 (Aug. 16, 2016) (SR–FICC–2016–004).

[7] Securities Exchange Act Release No. 101947 (Dec. 17, 2024), 89 FR 104595 (Dec. 23, 2024) (SR–FICC–2024–012).

[8] *See* GSD Rule 1 (definition of ''Sponsored GC Pre-Payment Assessment'') and GSD Fee Structure, Section VII, *supra* note 5.

[9] *Id.*

[10] Securities Exchange Act Release No. 90386 (Nov. 10, 2020), 85 FR 73329 (Nov. 17, 2020) (SR–FICC–2020–013).

[11] Securities Exchange Act Release No. 104085 (Sept. 26, 2025), 90 FR 46981 (Sept. 30, 2025) (SR–FICC–2025–019) (''CIL Filing'') (proposing a new offering within the Sponsored GC Service, to be referred to as the Collateral-in-Lieu, or ''CIL,'' Service and to permit the clearing of done-away Sponsored GC Trades, executed between the Sponsored Member and other permitted counterparty).

[12] *Id.*

[13] Securities Exchange Act Release No. 104084 (Sept. 26, 2025), 90 FR 47045 (Sept. 30, 2025) (SR–FICC–2025–021) (''ACS Triparty Filing'') (proposing to expand the Agent Clearing Service to permit clearing of triparty trades).

that may be charged by any Clearing Agent Bank on the global collateral services offered by FICC. This proposed change would allow FICC to identify any fees that may be charged by another Clearing Agent Bank in the future and would similarly be passed through to Members by FICC in this proposed new subsection.

A new subsection B.4.(c)(i) would then specifically identify the fees that are currently, and would be, charged by BNY. These fees would be identified as either ''Core Services Fees'' or ''Enhanced Services Fees,'' as described above.

The proposed changes would not change the existing pass-through fees that are charged by BNY on GCF Repo Transactions and CCIT Transactions. The existing description of these fees (currently described in subsection B.4.(c) of the GSD Fee Schedule) would be replaced with clearer, simplified descriptions in the new subsection B.4.(c)(i) and would identify these fees as Bank of New York Core Services Fees.

Expected Member Impact of Proposed Rule Changes

FICC projects that all Members would see an approximately 12% fee reduction as a result of the proposed change to the Maintenance Fee. The proposed removal of the Sponsored GC Pre-Payment Assessment would not have an impact on Sponsoring Members who use the Sponsored GC Service because the current application of this fee results in the return of the full amount to those Members through a credit against its fees for use of the Sponsored GC Service, as described above. FICC is not able to assess the potential impact of the proposed new pass-through fees, which would be assessed by BNY as a Clearing Agent Bank, based on participants' use of the existing and proposed global collateral services.

Member Outreach Regarding Proposed Rule Changes

FICC has conducted ongoing outreach to Members to provide them with notice of the proposed change to the Maintenance Fee and the anticipated impact for the Member. FICC has not conducted outreach regarding the elimination of the Sponsored GC Pre-Payment Assessment. FICC has also not conducted outreach regarding the pass-through fees that would be charged by the Clearing Agent Bank, as such outreach would be conducted by BNY. As of the date of this filing, no written comments relating to the proposed changes have been received in response to this outreach. The Commission will be notified of any written comments received.

Implementation Timeframe

FICC would implement the proposed changes to modify the Maintenance Fee on January 1, 2026. As proposed, a legend would be added to the Rules stating the change to the Maintenance Fee would become effective upon filing with the Commission but has not yet been implemented. The proposed legend would also include the date on which such change would be implemented and the file number of this proposal, and state that, once that change is implemented, the legend would automatically be removed.

FICC would implement the proposed change to remove the Sponsored GC Pre-Payment Assessment upon filing, pursuant to paragraph A of Section 19(b)(3) of the Act[14] and Sponsoring Members who elect to use the Sponsored GC Service on and after that date would not be required to make a Sponsored GC Pre-Payment Assessment. Sponsoring Members that have already been assessed a Sponsored GC Pre-Payment Assessment prior to that date would continue to receive a credit against fees for their use of the Sponsored GC Service until such time currently set forth in the GSD Rules. As proposed, a footnote would be added to the GSD Rules stating that a Sponsored GC Pre-Payment Assessment would no longer be collected from Sponsoring Members who elect to use the Sponsored GC Service and that the related Rules would only apply to Sponsoring Members who have already made a Sponsored GC Pre-Payment Assessment. The footnote and the Rules related to the Sponsored GC Pre-Payment Assessment would automatically be removed from the GSD Rules when all such assessments have been completely depleted or thirty-six (36) months after the last Sponsoring Member who made a Sponsored GC Pre-Payment Assessment onboarded to the Sponsored GC Service, whichever is earlier.

FICC would implement the proposed change to adopt changes to the GSD Fee Schedule to assist Members to better understand the pass-through fees upon filing, pursuant to paragraph A of Section 19(b)(3) of the Act.[15] As proposed, footnotes would be added to the GSD Rules to reflect that the fees that would be applicable to Sponsored GC Trades would become effective on January 1, 2026, fees that would be applicable to Sponsored GC CIL Trades would become effective on the date FICC implements the changes to the GSD Rules that are proposed by the CIL Filing, and the fees that would be applied to ACS Triparty Trades would become effective on the date FICC implements the changes that are proposed by the ACS Triparty Filing.

2. Statutory Basis

FICC believes this proposal is consistent with the requirements of the Act, and the rules and regulations thereunder applicable to a registered clearing agency. Specifically, FICC believes the proposed changes are consistent with Section 17A(b)(3)(D) of the Act[16] and Rule 17ad–22(e)(23)(ii)[17] thereunder, for the reasons described below.

Section 17A(b)(3)(D) of the Act requires that the rules of a clearing agency, such as FICC, provide for the equitable allocation of reasonable dues, fees, and other charges among its participants.[18] FICC believes that the proposed changes are consistent with this provision of the Act for the reasons described below.

FICC believes the Maintenance Fee would continue to be equitably allocated. More specifically, as described above, the Maintenance Fee would be charged to all Members in proportion to the Members' Required Fund Deposits. As such, and as is currently the case, Members that present greater risk to FICC would generally be subject to a larger Maintenance Fee because such Member would typically be required to maintain a higher Required Fund Deposit pursuant to the respective GSD Rules and MBSD Rules.[19] Conversely, Members that present less risk to FICC would generally be subject to a smaller Maintenance Fee because such Members would typically be required to maintain a smaller Required Fund Deposit pursuant to the respective GSD Rules and MBSD Rules.[20] For this reason, FICC believes the Maintenance Fee would continue to be equitably allocated among Members.

The proposal to remove the Sponsored GC Pre-Payment Assessment would revise the fee structure of the Sponsored GC Service by removing a requirement to pre-pay a certain amount, which is then credited against fees for the use of the service. Following the proposed change, FICC would

[14] 15 U.S.C 78s(b)(3)(A).

[15] *Id.*

[16] 15 U.S.C. 78q–1(b)(3)(D).

[17] 17 CFR.17ad–22(e)(23)(ii).

[18] 15 U.S.C. 78q–1(b)(3)(D).

[19] *See* Rule 4 and Margin Component Schedule in GSD Rules and Rule 4 in MBSD Rules, *supra* note 5.

[20] *Id.*

instead only charge Sponsoring Members fees for their use of the service at the time of such use. This proposed change would continue to apply the fee structure for the Sponsored GC Service to all Sponsoring Members equally and would provide for an equitable allocation of reasonable fees that align to use of the associated service.

Finally, the proposal to pass through the fees charged by the Clearing Agent Bank on the use of FICC's global collateral services would apply the same basis point charge on the settlement amount of the Start Leg of trades cleared through such services to all Members who use such services. FICC would pass through these fees to its Members at the same rate that would be charged to it by BNY, as the Clearing Agent Bank. As such, these pass-through fees would be allocated equitably to Members.

Rule 17ad–22(e)(23)(ii) under the Act requires FICC to establish, implement, maintain and enforce written policies and procedures reasonably designed to provide sufficient information to enable participants to identify and evaluate the risks, fees, and other material costs they incur by participating in the covered clearing agency. The proposed changes, if approved, would be clearly and transparently published in Section XIII (Clearing Fund Maintenance Fee) of the Fee Structure in the GSD Rules and Section I (Fees) of the Schedule of Charges Broker Account Group as well as Schedule of Charges Dealer Account Group in the MBSD Rules, all of which are available on a public website,[21] thereby enabling Members to identify the fees and costs associated with participating in FICC. As such, FICC believes the proposed rule changes are consistent with Rule 17ad–22(e)(23)(ii) under the Act.[22]

(B) Clearing Agency's Statement on Burden on Competition

FICC believes that, although Members may experience some impact from the proposed rule change to modify the GSD and MBSD Maintenance Fees and adopt new pass-through fees from BNY, the proposed rule change would not impose a burden on competition among its Members that is not necessary or appropriate in furtherance of the purposes of the Act.[23] As described above, the Maintenance Fee is charged ratably based on the risk that each Member brings to FICC, as reflected in Members' Required Fund Deposits. Thus, the Maintenance Fee is designed to be reflective of each Member's individual activity submitted for clearing and settlement at FICC and the associated risk exposure to FICC. Likewise, the proposal to adopt additional pass-through fees that would be charged by the Clearing Agent Bank would be applied equally to all Members who use FICC's global collateral services.

FICC does not believe the proposal to remove the Sponsored GC Pre-Payment Assessment would have any impact on competition as it would revise the cost structure for the use of the Sponsored GC Service for all Sponsoring Members who elect to use the service.

FICC also does not believe the proposed clarifying change to the Rules would have any impact on competition. These proposed changes would enhance the Rules by providing additional clarity. The proposed clarifying changes would not advantage or disadvantage any particular Member at GSD and MBSD or unfairly inhibit access to FICC's services. FICC therefore does not believe the proposed clarifying changes would have any impact, or impose any burden, on competition.[24]

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

FICC has not received or solicited any written comments relating to this proposal. If any written comments are received, they will be publicly filed as an Exhibit 2 to this filing, as required by Form 19b–4 and the General Instructions thereto.

Persons submitting comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b–4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on how to submit comments, *available at www.sec.gov/regulatory-actions/how-submit-comments.* General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the Commission's Division of Trading and Markets at *tradingandmarkets@sec.gov* or 202–551–5777.

FICC reserves the right not to respond to any comments 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)[25] of the Act and paragraph (f) of Rule 19b–4 thereunder.[26] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FICC–2025–024 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–FICC–2025–024. 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 the filing will be available for inspection and copying at the principal office of FICC and on DTCC's website (*www.dtcc.com/legal/sec-rule-filings*). 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

[21] *See supra* note 5.

[22] 17 CFR 240.17ad–22(e)(23)(ii).

[23] 15 U.S.C. 78q–1(b)(3)(I).

[24] *Id.*

[25] 15 U.S.C. 78s(b)(3)(A).

[26] 17 CFR 240.19b–4(f).

copyright protection. All submissions should refer to File Number SR–FICC–2025–024 and should be submitted on or before January 8, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–23234 Filed 12–17–25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104396; File No. SR–ICC–2025–013]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Proposed Rule Change Relating to the ICC Stress Testing Framework and the ICC Liquidity Risk Management Framework

December 15, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 [1] and Rule 19b–4,[2] notice is hereby given that on December 1, 2025, ICE Clear Credit LLC (''ICC'' or ''ICE Clear Credit'') filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been primarily prepared by ICC. 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

The principal purpose of the proposed rule change is to revise the ICC Stress Testing Framework (''STF'') and ICC Liquidity Risk Management Framework (''LRMF''). These revisions do not require any changes to the ICC Clearing Rules.[3]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC included statements concerning the purpose of and basis for the proposed rule change, security-based swap submission, or advance notice and discussed any comments it received on the proposed rule change, security-based swap submission, or advance notice. The text of these statements may be examined at the places specified in Item IV below. ICC 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

(a) Purpose

ICC proposes revising its STF and LRMF to introduce new stress scenarios that reflect a period of recent market turmoil related to the enactment of new U.S. tariffs (the ''U.S. Tariffs Crisis Scenarios''). ICC also proposes additional updates to reflect current governance practices and make minor clean-up changes in the STF and LRMF. ICC believes that such revisions will facilitate the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts, and transactions for which it is responsible. ICC proposes to move forward with implementation of such changes following Commission approval of the proposed rule change. The proposed revisions are described in detail as follows.

I. Stress Scenario Changes

ICC proposes to introduce the U.S. Tariffs Crisis Scenarios in the STF. The STF sets out ICC's stress test methodology, including the stress scenarios used in ICC's risk management process. The ICC Risk Department maintains predefined stress scenarios which are divided into the following four categories: (1) Historically Observed Extreme but Plausible Market Scenarios,[4] (2) Historically Observed Extreme but Plausible Market Scenarios: Severity of Losses in Response to Baseline Market Events,[5] (3) Hypothetically Constructed (Forward Looking) Extreme but Plausible Market Scenarios,[6] and (4) Extreme Model Response Tests.[7]

ICC proposes to amend Section 5.1 of the STF, which lists the Historically Observed Extreme but Plausible Market Scenarios, to add the proposed U.S. Tariffs Crisis Scenarios. As described in amended Section 5.1, the proposed scenarios consist of widening and tightening scenarios and are based on observed relative spread increases and decreases during the second quarter of 2025. Additional description is proposed to explain how the scenarios are constructed in terms of spread changes and end-of-day spread levels.

ICC proposes changes to Section 5.3 of the STF, which sets out the Hypothetically Constructed (Forward Looking) Extreme but Plausible Market Scenarios to incorporate the proposed U.S. Tariffs Crisis Scenarios. The Hypothetically Constructed (Forward Looking) Extreme but Plausible Market Scenarios are based on Historically Observed Extreme but Plausible Market Scenarios augmented with adverse credit events and an additional loss scenario, as set out in the STF. ICC proposes to include the U.S. Tariffs Crisis Scenarios augmented with adverse credit events and an additional loss scenario in the bulleted list of Hypothetically Constructed (Forward Looking) Extreme but Plausible Market Scenarios.

ICC proposes additional changes to Section 5.4 of the STF, which sets out the Extreme Model Response Test Scenarios. Such scenarios are derived from Historically Observed Extreme but Plausible Market Scenarios by increasing the magnitudes for the widening and tightening spread scenarios. ICC proposes to include the U.S. Tariffs Crisis Scenarios in the bulleted list of Extreme Model Response Test Scenarios.

ICC proposes a conforming change to add the U.S. Tariffs Crisis Scenarios to a list of Historically Observed and Hypothetically Constructed Extreme but Plausible Scenarios in Section 14 of the STF. Such list describes ICC's reporting obligations.

The proposed amendments to the LRMF incorporate the U.S. Tariffs Crisis Scenarios to ensure unification of the LRMF and STF as ICC operates stress testing and liquidity stress testing on a unified set of stress testing scenarios.

Section 3.3.2 of the LRMF sets out the four abovementioned categories of predefined scenarios that are maintained by the ICC Risk Department. ICC proposes to incorporate descriptions of the U.S. Tariffs Crisis Scenarios in Section 3.3.2(a), which contains the Historically Observed Extreme but Plausible Market Scenarios. Like the changes discussed above, the proposed scenarios consist of widening and tightening scenarios and are based on observed relative spread increases

[27] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ICC's Rules are available on ICC's public website: *https://www.ice.com/publicdocs/clear_credit/ICE_Clear_Credit_Rules.pdf.*

[4] Scenarios believed to be potential market outcomes as historically observed, but with a very low probability of occurrence.

[5] Scenarios that replicate observed instrument price realizations during extreme market events related to the default of a large market participant, global pandemic problem, and regional or global economic crisis.

[6] Scenarios believed to be potential market outcomes created by enhancing the Historically Observed Extreme but Plausible Market Scenarios with additional adverse market events.

[7] Scenarios designed to test the performance of the ICC risk methodology under extreme conditions and are not expected to be realized as market outcomes.

and decreases during the second quarter of 2025. Additional language is proposed to explain how the scenarios are constructed in terms of spread changes, analogues, and end-of-day spread levels.

ICC proposes updates to memorialize the proposed scenarios as part of its liquidity stress testing and reporting obligations. Specifically, ICC proposes to include the proposed scenarios in Table 1 of Section 3.3.3 of the LRMF, which sets out ICC's liquidity stress testing scenarios. ICC also proposes to add the U.S. Tariffs Crisis Scenarios to a list of Historically Observed and Hypothetically Constructed Extreme but Plausible Scenarios in Section 3.3.4 of the LRMF. Such list describes ICC's reporting obligations.

II. Governance Updates and Clean-Ups

ICC proposes changes to the documentation to add reference to the recently established Board Risk Committee to reflect current governance practices and make other minor clean-up changes.[8] Namely, ICC proposes edits to Sections 14 and 15 of the STF to incorporate references to the Board Risk Committee. In Section 14, the proposed changes note the items that are discussed with the Board Risk Committee (*e.g.,* risk methodology enhancements and development) as well as the level of reporting and communication that is provided to the Board Risk Committee with respect to stress test results and stress test deficiencies. In Section 15, the proposed changes specify a timely process for communicating stress test results and associated recommendations to the Board Risk Committee and discuss the necessity of obtaining recommendations (for example, related to retiring or modifying outdated scenarios or portfolios or adding new scenarios or portfolios) from the Board Risk Committee. Section 15 would also specify that the STF is subject to Board Risk Committee review at least annually, in addition to review by the Risk Committee and review and approval by the Board at least annually. A conforming change is also proposed to Section 4.3 of the LRMF to memorialize the document's review at least annually by the Board Risk Committee.

ICC proposes additional changes to update governance practices in the LRMF. Amended Section 1.3 of the LRMF states that the Board Risk Committee is involved in the governance process for the reporting of liquidity adequacy analysis results, along with ICC senior management, the Risk Committee, and the Board. ICC proposes minor clean-up changes to move Figure 1, which contains an overview of the LRMF, to follow a narrative description of the LRMF in Section 1.4 to promote understanding and readability of key LRMF elements, namely, liquidity risk management model, measurement and monitoring, and governance. No changes are proposed to Figure 1. In Sections 3.3.4, 4.2, and 4.3 of the LRMF, the proposed changes note the items that are discussed with the Board Risk Committee (*e.g.,* liquidity risk management methodology and model enhancements and development) as well as the level of reporting and communication with respect to stress test results, liquidity stress test deficiency, and liquidity adequacy analysis that is provided to the Board Risk Committee.

(b) Statutory Basis

ICC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act[9] and the regulations thereunder applicable to it, including the applicable standards under Rule 17Ad–22.[10] In particular, Section 17A(b)(3)(F) of the Act[11] requires that the rule change be designed to promote the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts and transactions cleared by ICC, to assure the safeguarding of securities and funds in the custody or control of ICC or for which it is responsible, and to protect investors and the public interest.

As discussed herein, the proposed rule change would revise the STF and LRMF to introduce the U.S. Tariffs Crisis Scenarios. ICC also proposes additional updates to reflect current governance practices and make minor clean-up changes in the documentation. The proposed revisions strengthen the STF and LRMF through the introduction of the U.S. Tariffs Crisis Scenarios, which would complement the current scenarios and add additional insight into potential weaknesses in the ICC risk management methodology. ICC also proposes making additional minor updates to reflect current governance practices in the STF and LRMF. Such changes ensure that the documentation remains up-to-date, clear and transparent to support the effectiveness of ICC's governance arrangements that support ICC's stress testing and liquidity risk management practices. Such changes, as well as the proposed clean-ups moving Figure 1, promote understanding and readability of the LRMF, including with respect to ICC's stress testing and liquidity risk management practices. ICC believes that having policies and procedures that clearly and accurately document its stress testing and liquidity risk management practices are an important component to the effectiveness of ICC's risk management system and support ICC's ability to maintain adequate financial resources, which promotes the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions, the safeguarding of securities and funds in the custody or control of ICC or for which it is responsible, and the protection of investors and the public interest. Accordingly, in ICC's view, the proposed rule change is designed to promote the prompt and accurate clearance and settlement of the contracts cleared at ICC, to assure the safeguarding of securities and funds in the custody or control of ICC or for which it is responsible, and to protect investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.[12]

The amendments would also satisfy relevant requirements of Rule 17Ad–22.[13] Rule 17Ad–22(e)(2)(i) and (v)[14] requires each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for governance arrangements that are clear and transparent and specify clear and direct lines of responsibility. As discussed above, the proposed changes reflect current ICC governance arrangements in the STF and LRMF. Specifically, ICC proposes adding references to the recently established Board Risk Committee. Such changes ensure that the STF and LRMF are up-to-date and clearly assign and document responsibility and accountability for relevant items to the Board Risk Committee. As such, in ICC's view, the proposed rule change continues to ensure that ICC maintains policies and procedures that are reasonably designed to provide for clear and transparent governance arrangements and specify clear and direct lines of responsibility,

[8] ICC previously filed a proposed rule change to establish the Board Risk Committee. *See* Securities Exchange Act Release No. 103161 (May 30, 2025), 90 FR 23970 (June 5, 2025) (File No. SR–ICC–2025–006).

[9] 15 U.S.C. 78q–1.

[10] 17 CFR 240.17Ad–22.

[11] 15 U.S.C. 78q–1(b)(3)(F).

[12] *Id.*

[13] 17 CFR 240.17Ad–22.

[14] 17 CFR 240.17ad–22(e)(2)(i) and (v).

consistent with Rule 17Ad–22(e)(2)(i) and (v).[15]

Rule 17Ad–22(e)(3)(i)[16] requires ICC to establish, implement, maintain and enforce written policies and procedures reasonably designed to maintain a sound risk management framework for comprehensively managing legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by it, which includes risk management policies, procedures, and systems designed to identify, measure, monitor, and manage the range of risks that arise in or are borne by it, that are subject to review on a specified periodic basis and approved by the Board annually. The proposed updates would ensure further clarity and transparency in the STF and LRMF by making minor clean-up changes to the documentation and regarding the review of the documents composing ICC's risk management framework (including the STF and LRMF) by the Board Risk Committee, which would promote the successful maintenance and operation of ICC's risk management framework. As such, the amendments would satisfy the requirements of Rule 17Ad–22(e)(3)(i).[17]

Rule 17Ad–22(e)(4)(ii)[18] requires ICC to establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes, including by maintaining additional financial resources at the minimum to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the two participant families that would potentially cause the largest aggregate credit exposure for ICC in extreme but plausible market conditions. The introduction of the proposed U.S. Tariffs Crisis Scenarios would complement the current scenarios in the documentation and add additional insight into potential weaknesses in the ICC risk management methodology, thereby supporting ICC's ability to manage its financial resources. Additional revisions memorialize current governance arrangements in the STF, which provides further clarity and transparency regarding ICC's stress testing practices, thereby strengthening the documentation related to ICC' stress testing methodology. As such, the proposed amendments would strengthen ICC's ability to maintain its financial resources and withstand the pressures of defaults, consistent with the requirements of Rule 17Ad–22(e)(4)(ii).[19]

Rule 17Ad–22(e)(7)(i)[20] requires each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively measure, monitor, and manage the liquidity risk that arises in or is borne by the covered clearing agency, including measuring, monitoring, and managing its settlement and funding flows on an ongoing and timely basis, and its use of intraday liquidity by maintaining sufficient liquid resources at the minimum in all relevant currencies to effect same-day and, where appropriate, intraday and multiday settlement of payment obligations with a high degree of confidence under a wide range of foreseeable stress scenarios that includes, but is not limited to, the default of the participant family that would generate the largest aggregate payment obligation for the covered clearing agency in extreme but plausible market conditions. As noted above, the introduction of the proposed U.S. Tariffs Crisis Scenarios would complement the current scenarios in the documentation and add additional insight into potential weaknesses in the ICC liquidity risk management methodology, thereby supporting ICC's ability to ensure that it maintains sufficient liquidity resources. Additional revisions to the LRMF provide further clarity and transparency regarding ICC's liquidity stress testing practices to strengthen the documentation surrounding ICC's liquidity stress testing methodology, including by memorializing current governance arrangements and ensuring uniformity with the STF. As such, the proposed amendments would promote ICC's ability to ensure that it maintains sufficient liquid resources in accordance with the requirements of Rule 17Ad–22(e)(7)(i).[21]

(B) Clearing Agency's Statement on Burden on Competition

ICC does not believe the proposed rule change would have any impact, or impose any burden, on competition. The proposed changes to ICC's STF and LRMF will apply uniformly across all market participants. ICC does not believe these amendments would affect the costs of clearing or the ability of market participants to access clearing. Therefore, ICC does not believe the proposed rule change imposes any burden on competition that is inappropriate in furtherance of the purposes of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. ICC will notify the Commission of any written comments received by ICC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–ICC–2025–013 on the subject line.

Paper Comments

Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to file number SR–ICC–2025–013. 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 of submission. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules-regulations/self-regulatory-organization-*

[15] *Id.*

[16] 17 CFR 240.17ad–22(e)(3)(i).

[17] *Id.*

[18] 17 CFR 240.17ad–22(e)(4)(ii).

[19] *Id.*

[20] 17 CFR 240.17Ad–22(e)(7)(i).

[21] *Id.*

rulemaking). Copies of such filings will be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's website at *https://www.ice.com/clear-credit/regulation*.

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–ICC–2025–013 and should be submitted on or before January 8, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–23233 Filed 12–17–25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104404; File No. SR–CboeEDGX–2025–084]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt a New Methodology for Assessment and Collection of the Options Regulatory Fee (ORF)

December 15, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 2, 2025, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fees Schedule relating to the Options Regulatory Fee (''ORF'') to adopt a new methodology for assessment and collection of ORF for transactions that occur on the Exchange (''On-Exchange ORF''), effective as of July 1, 2026.

The text of the proposed rule change is available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/equities/regulation/rule_filings/bzx/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its current methodology for assessment and collection of a regulatory fee to assess On-Exchange ORF only for options transactions that occur on the Exchange that would clear in the customer[3] range at The Options Clearing Corporation (''OCC''). The Exchange would no longer assess a regulatory fee for options transactions that occur on other exchanges. This proposal only proposes to amend the method of assessment and collection of the fee. A future rule filing would be filed to set the applicable On-Exchange ORF rate. If the On-Exchange ORF model were to go into effect today, the current ORF rate would increase from $0.0001 per contract to an estimated On-Exchange ORF rate of $0.00274 per contract based on 2026 estimates of regulatory revenue, regulatory costs, and customer volume.[4] The following provides more detail regarding the proposal.

Background

Today, ORF is assessed by EDGX Options to each Member for options transactions that are cleared by the Member (''Clearing Member'') at OCC in the Customer range, regardless of the exchange on which the transaction occurs. In other words, the Exchange imposes the ORF on all Customer-range transactions cleared by a Member, even if the transactions do not take place on the Exchange. The ORF is collected by OCC on behalf of the Exchange from the Clearing Member or non-Member that ultimately clears the transaction as further described below. With respect to linkage transactions, EDGX Options reimburses its routing broker providing Routing Services pursuant to EDGX Options Rule 21.9 for options regulatory fees it incurs in connection with the Routing Services it provides. The current EDGX Options ORF is $0.0001 per contract side.

The following scenarios reflect how the ORF is currently assessed and collected (these apply regardless of whether the transaction is executed on the Exchange or on an away exchange):

1. If a Member is the executing clearing firm on a transaction (''Executing Clearing Firm''), the ORF is assessed to and collected from that Member by OCC on behalf of the Exchange.

2. If a Member is the Executing Clearing Firm and the transaction is ''given up'' to a different Member that clears the transaction (''Clearing Give-Up''), the ORF is assessed to the Executing Clearing Firm (the ORF is the obligation of the Executing Clearing Firm). The ORF is collected from the Clearing Give-Up.

3. If the Executing Clearing Firm is a non-Member and the Clearing Give-up is a Member, the ORF is assessed to and collected from the Clearing Give-up.

4. If a Member is the Executing Clearing Firm and a non-Member is the Clearing Give-up, the ORF is assessed to the Executing Clearing Firm. The ORF is the obligation of the Executing Clearing Firm but is collected from the non-Member Clearing Give-up (for the reasons described below).

5. No ORF is assessed if neither the Executing Clearing Firm nor the Clearing Give-up are Members.

[22] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Currently, the ORF is assessed by EDGX Options and collected via OCC on executions for the account of Public Customers, including Professionals, and Broker-Dealers including Foreign Broker-Dealers. These market participants clear in the ''C'' range at OCC. ORF will continue to be assessed to executions for the account of these market participants under the proposed methodology. On the Exchange, a ''Public Customer'' means a person that is not a broker or dealer in securities and includes both Priority Customers and Professionals. A ''Priority Customer'' means a person or entity that is a Public Customer and is not a Professional. A ''Professional'' is any person or entity that (a) is not a broker or dealer in securities, and (b) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). Executions for the account of an OCC clearing member firm proprietary account, joint back office account clearing in the Firm range, or account of a market maker clearing in the Market Maker range are not charged an ORF, nor would they be charged an ORF under the current proposal.

[4] The Exchange intends to file an ORF increase to $0.0002 per contract effective January 1, 2026.

The Exchange uses an OCC cleared trades file to determine the Executing Clearing Firm and the Clearing Give-up.[5]

In each of scenarios 1 through 4 above, if the transaction is transferred pursuant to a Clearing Member Trade Assignment (''CMTA'') agreement to another clearing firm who ultimately clears the transaction, the ORF is collected from the clearing firm that ultimately clears the transaction (which firm may be a non-Member) by OCC on behalf of the Exchange. Using CMTA transfer information provided by the OCC, the Exchange subtracts the ORF charge from the monthly ORF bill of the clearing firm that transfers the position and adds the charge to the monthly ORF bill of the clearing firm that receives the CMTA transfer (*i.e.,* the ultimate clearing firm).[6] This process is performed at the end of each month on each transfer in the OCC CMTA transfer file for that month.[7]

ORF is collected by OCC on behalf of the Exchange from the Member or non-Member OCC Clearing Member that ultimately clears the transaction. While the ORF is an obligation of the Executing Clearing Firm, the ORF is collected from the clearing firm that ultimately clears the eligible trade, even if such firm is not a Member. The Exchange and OCC adopted this collection method in response to industry feedback that it would allow Members and non-Members to more easily pass-through the ORF to their customers. In the original ORF filing by Cboe Exchange. Inc. (''Cboe Options''), an affiliate of EDGX Options,[8] Cboe Options stated that it expected its members to pass-through the ORF to their customers in the same manner that firms pass-through to their customers the fees charged by self-regulatory organizations (''SROs'') to help the SROs meet their obligations under Section 31 of the Exchange Act (and the Exchange understands this to be the case currently). Accordingly, in scenario 4 above, the ORF is collected from the non-Member OCC Clearing Member that clears the transaction in order to facilitate the pass-through of the ORF to the end-customer. Likewise, collection of the ORF from the ultimate (CMTA) clearing firm facilitates the passing the fee through to the end-customer. In those cases where the ORF is collected from a non-Member, the Exchange (through OCC) collects the ORF as a convenience for the Member whose obligation it is to pay the fee to the Exchange.

ORF Revenue and Monitoring of ORF

Today, revenue generated from ORF, when combined with all of the Exchange's other regulatory fees and fines, is designed to recover a material portion of the regulatory costs to the Exchange of the supervision and regulation of Member customer options business including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities. Regulatory costs include direct regulatory expenses and certain indirect expenses for work allocated in support of the regulatory function. The direct expenses include in-house and third-party service provider costs to support the day-to-day regulatory work such as surveillances, investigations and examinations. The indirect expenses include support to the regulatory function from such areas as human resources, legal, compliance, information technology, facilities and accounting. Today, these indirect expenses are estimated to be approximately 34% of the Exchange's total regulatory costs for 2026. Thus, direct expenses are estimated to be approximately 66% of total regulatory costs for 2026.[9] In addition, based on the Exchange's analysis of its regulatory work associated with options regulation, and considering other regulatory revenue, it is the Exchange's practice that revenue generated from ORF not exceed more than 75% of total annual regulatory costs.

Proposal for On-Exchange ORF

EDGX Options appreciates the evolving changes in the market and regulatory environment and has been evaluating its current methodologies and practices for the assessment and collection of ORF while considering industry and Commission feedback. As a result of this review, the Exchange is proposing the On-Exchange ORF, which assesses a regulatory fee to only Exchange transactions that would clear in the Customer range at OCC (as is the case today).[10] The following scenarios reflect how the On-Exchange ORF will be assessed and collected:

1. If a Member is the Executing Clearing Firm on a transaction that occurred on the Exchange, the fee would be assessed to and collected from that Member by OCC on behalf of the Exchange.

2. If a Member is the Executing Clearing Firm and the transaction is ''given up'' to a Clearing Give-Up, the On-Exchange ORF is assessed to the Executing Clearing Firm (the On-Exchange ORF remains the obligation of the Executing Clearing Firm under the proposal), but the On-Exchange ORF will be collected from the Clearing Give-Up.

The Exchange expects to provide Members sufficient information in connection with their invoice in order to reconcile charges associated with ORF. In addition, the proposed method for collecting On-Exchange ORF will only consider CMTAs reported to the Exchange and not those reported directly to OCC. As described above, today's ORF is the responsibility of the Executing Clearing Firm and collected from the CMTA (which may be a non-Member) as an administrative convenience. The Exchange understands that a CMTA may be added at order entry, via post-trade edit on the Exchange, or post-trade at OCC. CMTA transfers that occur at OCC do not necessarily contain reliable information regarding the Exchange on which the original transaction occurred.[11] Without specific information as to where the original transaction occurred, the Exchange would not be able to accurately account for CMTA transfers that occur at OCC. Therefore, the Exchange will only account for CMTAs that occur on the Exchange (which may be a non-Member) and exclude CMTAs occurring at OCC.[12]

[5] The Exchange notes that in the case where a non-self clearing Member executes a transaction on the Exchange, the Member's guaranteeing Clearing Member is reflected as the Executing Clearing Firm in the OCC cleared trades file and the ORF is assessed to and collected from the Executing Clearing Firm.

[6] *See* Securities Exchange Act Release No. 83880 (August 17, 2018), 83 FR 42719 (August 23, 2018) (SR–CboeEDGX–2018–033).

[7] The Exchange notes that OCC provides the Exchange and other exchanges with information to assist in excluding CMTA transfers done to correct bona fide errors from the ORF calculation. Specifically, if a clearing firm gives up or CMTA transfers a position to the wrong clearing firm, the firm that caused the error will send an offsetting CMTA transfer to that firm and send a new CMTA transfer to the correct firm. The offsetting CMTA transfer is marked with a CMTA Transfer ORF Indicator which results in the original erroneous transfer being excluded from the ORF calculation.

[8] *See* Securities Exchange Act Release No. 58817 (October 20, 2008), 73 FR 63744 (October 27, 2008) (SR–CBOE–2008–105).

[9] These expectations are estimated and may be subject to change.

[10] *See supra* note 3.

[11] Under the current methodology for assessing ORF, the Exchange on which the transaction occurred is irrelevant.

[12] The Exchange originally planned to exclude all CMTAs whether reported to the Exchange or directly to the OCC. If CMTAs are excluded, the Exchange would only collect ORF from its Members and ORF would no longer be collected from non-Members. The Exchange continues to believe that a new ORF model should be assessed to Members only, but also understands the desire for a uniform approach to the assessment and collection of ORF across all options exchanges. As of filing, 6

With this proposal, the Exchange intends to collect ORF under its current methodology for assessment and collection of ORF until at least June 30, 2026. The Exchange is prepared to implement On-Exchange ORF effective July 1, 2026 if by April 1, 2026 all U.S. options exchanges charging an ORF have filed to modify their current methodologies of assessment of the fee to limit the fee to transactions occurring on their respective exchange.[13] However, if all other options exchanges have not filed to adopt a similar methodology by April 1st, the Exchange will delay implementation commensurate with the additional time required for other options exchanges to adopt a similar method for collection and assessment of ORF. The Exchange will at that time file a separate rule filing with the amount of the On-Exchange ORF in advance of assessing and collecting the fee under the proposed method. The Exchange will provide at least 30 days' notice of the applicable On-Exchange ORF rate. The Exchange believes a fee to recover [sic] costs for regulatory programs associated with Member customer business is reasonable; however, the Exchange would consider alternative approaches for assessment and collection of the fee in order to achieve consistency across the industry.

To demonstrate the impact of the proposed change, the Exchange estimates that, if the On-Exchange ORF went into effect today, the current ORF of $0.0001 per contract side would increase to $0.00274 per contract side using 2026 estimates for regulatory revenue, regulatory costs and customer volume.[14] As is the case today, revenue generated from On-Exchange ORF, when combined with all of the Exchange's other regulatory fees and fines, is designed to recover a material portion of the regulatory costs to the Exchange of the supervision and regulation of Member customer options business, including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities. As discussed above, regulatory costs include direct regulatory expenses[15] and certain indirect expenses in support of the regulatory function.[16] Indirect expenses are estimated to be approximately 34% of the Exchange's total regulatory costs for 2026. Thus, direct expenses are estimated to be approximately 66% of total regulatory costs for 2026.

The Exchange will continue to monitor the amount of revenue collected from On-Exchange ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. Further, EDGX Options expects to continue its current practice that revenue generated from On-Exchange ORF not exceed more than [sic] 75% of total annual regulatory costs. And as is the Exchange's practice today, revenue generated by On-Exchange ORF will not be used for non-regulatory purposes.

The Exchange will continue to monitor its regulatory costs and revenues at a minimum on a semi-annual basis. If the Exchange determines regulatory revenues exceed or are insufficient to cover a material portion of its regulatory costs in a given year, the Exchange will adjust the On-Exchange ORF by submitting a fee change filing to the Commission. The Exchange will notify Members of adjustments to the On-Exchange ORF via an Exchange Notice in advance of any change.[17]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[18] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[19] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[20] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed change to assess and collect an On-Exchange ORF is reasonable, equitable and not unfairly discriminatory for various reasons. First, On-Exchange ORF is reasonable, equitable and not unfairly discriminatory in that it is charged to all Exchange transactions that clear in the Customer range at the OCC. Similar to ORF today, the Exchange believes On-Exchange ORF ensures fairness by assessing a specific fee to those Members that require more Exchange regulatory services based on the amount of customer options business they conduct. Over recent years, options trading volume has increased with a growing percentage of the volume applicable to customer transactions. Customers trading on the Exchange (through a Member) benefit from the protections of a robust regulatory program including the maintenance of fair and orderly markets and protections against fraud and other manipulation. The Exchange believes it is equitable and not unfairly discriminatory to assess a regulatory fee to transactions that clear in the Customer range to cover regulatory costs, but not to transactions clearing in the Firm or Market Maker range because Clearing Members and Market Makers (who clear in the Firm and Market Maker range), as those market participants are generally subject to other Exchange fees, fines and obligations. For example, Clearing Members and Market Makers are required to pay Exchange application fees, permit fees, and connectivity fees, amongst others. In addition, all fines issued by the Exchange for regulatory infractions are assessed only to Members and would be applied to regulatory revenues. As with today's ORF, the Exchange expects that Members from whom On-Exchange ORF is collected will pass through the fee to their customers (as the Exchange understands occurs today). In addition, Market Makers in particular are subject to various quoting and other obligations to ensure that they provide stable and liquid markets, which benefit all market participants including customers. Excluding Market Maker transactions

exchanges have also filed to assess and collect ORF to transactions occurring on their respective exchanges (*see* Securities Exchange Act Releases No. 103103 (May 22, 2025), 90 FR 22797 (May 29, 2025) (SR–MRX–2025–11) as amended by No. 103618 (August 1, 2025), 90 FR 37910 (August 6, 2025) (SR–MRX–2025–15); No. 103558 (July 28, 2025), 90 FR 36080 (July 31, 2025) (SR–ISE–2025–20); No. 103559 (July 28, 2025), 90 FR 36074 (July 31, 2025) (SR–BX–2025–012); No. 103617 (August 1, 2025), 90 FR 37912 (August 6, 2025)(SR–GEMX–2025–17); No. 103619 (August 1, 2025), 90 FR 37931 (August 6, 2025) (SR–NASDAQ–2025–054); No. 103620 (August 1, 2025), 90 FR 37918 (August 8, 2025) (SR–Phlx–2025–30)). As proposed, these filings also will consider CMTAs reported to the respective exchange and not CMTAs reported directly to OCC.

[13] The Exchange estimates it will take approximately three months to implement the system changes associated with On-Exchange ORF.

[14] Depending on the operative date for the filing, the Exchange will submit an additional filing to specify the ORF rate based on the then-current estimates for regulatory revenues, regulatory costs and Customer volume.

[15] Direct expenses include in-house and third-party service provider costs to support the day-to-day regulatory work such as surveillances, investigations, and examinations.

[16] Indirect expenses include support from areas such as human resources, legal, compliance, information technology, facilities and accounting.

[17] *See* Exchange Notice, C2025112601 ''Cboe Options Exchange Regulatory Fee Update Effective January 2, 2026.''

[18] 15 U.S.C. 78f(b).

[19] 15 U.S.C. 78f(b)(4).

[20] 15 U.S.C. 78f(b)(5).

from On-Exchange ORF will allow Market Makers to better manage their costs more effectively thus enabling them to better allocate resources toward technology, risk management, and capacity to ensure continued liquidity provision.

In addition to the overall increase in Customer-range volume generally, regulating customer trading activity is more labor intensive and requires greater expenditure of human and technical resources than regulating non-customer trading activity, which tends to be more automated and less labor-intensive. For example, there are costs associated with main office and branch office examinations (*e.g.,* staff and travel expenses), as well as investigations into customer complaints and terminations of Registered Persons. As a result, the costs associated with administering the customer component of the Exchange's overall regulatory program are materially higher than the costs associated with administering the non-customer component (*e.g.,* Clearing Member proprietary transactions) of its regulatory program.[21] While the Exchange notes that it has broad regulatory responsibilities with respect to its Members' activities, irrespective of where their transactions take place, the Exchange believes it is reasonable to assess the proposed fee to only those transactions occurring on the Exchange. The proposed change more narrowly tailors the fee to products and transactions with a direct connection to the Exchange. Today, a customer transaction may be assessed an ORF from every options exchange totaling as much as $0.0187 per transaction per side.[22] While the Exchange's proposed ORF rate under the proposed model of $0.00274 is higher than its current ORF rate of $0.0001 under the current model, if all exchanges adopted a similar on-exchange model, ORF rates may decrease for individual transactions overall because the proposed On-Exchange ORF will avoid overlapping ORFs that would otherwise be assessed by EDGX Options and other options exchanges that also assess an ORF. With this proposal, transactions that would clear in the Customer range occurring on other exchanges would no longer be subject to an ORF assessed by EDGX Options.

The Exchange believes it is equitable and not unduly discriminatory to modify the method of collecting the fee such that On-Exchange ORF will not consider CMTAs reported directly to OCC as is done in today's method of ORF. CMTA transfers are considered today under the current collection methodology for ORF as a convenience to industry members in administering a pass through of the fee to their customers. Limiting the On-Exchange ORF to transactions on the Exchange poses a limitation in the use of CMTA for this purpose. The Exchange understands that a CMTA may be added at order entry, via post-trade edit on the Exchange, or post-trade at OCC. CMTA transfers that occur at OCC do not necessarily contain reliable information regarding the Exchange on which the original transaction occurred.[23] Without specific information as to where the original transaction occurred, the Exchange would not be able to accurately account for CMTA transfers that occur at OCC.

The Exchange also believes that the fact that a Consolidated Audit Trail (''CAT'') fee is in place should not preclude the Exchange from assessing On-Exchange ORF. The CAT is a repository of order, trade and customer information that is used as the basis for an audit trail of such activities. Like industry members, the exchanges, including EDGX Options, also pays a CAT fee to support the operation and maintenance of CAT (in other words, it does not support regulatory work undertaken by exchanges). EDGX Options does not include fees it pays for CAT in the regulatory expenses it looks to offset under ORF. Yes, the Exchange uses CAT data as part of its regulatory work, but only from an audit trail perspective. On-Exchange ORF, on the other hand, offsets the regulatory work the Exchange performs (using CAT data among other sources) such as surveillance, investigations, examinations, etc. The Exchange believes its fair and reasonable to assess an On-Exchange ORF in addition to fees associated with CAT.

The Exchange further believes that the proposed change to the method for assessment and collection of the fee is reasonable because it would help ensure that revenue collected from the On-Exchange ORF, in combination with other regulatory fees and fines, would help offset, but not exceed, the Exchange's total regulatory costs. As discussed, On-Exchange ORF is similarly designed to the current ORF, in that revenues generated from the fee would be less than or equal to 75% of the Exchange's regulatory costs, which is consistent with the practice across the options industry today and the view of the Commission that regulatory fees be used for regulatory purposes and not to support the Exchange's business side.

As noted above, the Exchange will also continue to monitor on at least a semi-annual basis the amount of revenue collected from the On-Exchange ORF, even as amended, to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. If the Exchange determines regulatory revenues would exceed its regulatory costs in a given year, the Exchange will reduce the On-Exchange ORF by submitting a fee change filing to the Commission.[24]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. This proposal does not create an unnecessary or inappropriate intra-market burden on competition because On-Exchange ORF applies to all customer activity on the Exchange, thereby raising regulatory revenue to offset regulatory expenses. It also supplements the regulatory revenue derived from non-customer activity. The Exchange notes, however, the proposed change is not designed to address any competitive issues. Indeed, this proposal does not create an unnecessary or inappropriate inter-market burden on competition because it is a regulatory fee that supports regulation in furtherance of the purposes of the Act. The Exchange is obligated to ensure that the amount of regulatory revenue collected from the On-Exchange ORF, in combination with its other regulatory fees and fines, does not exceed regulatory costs. In addition, the Exchange will not implement the On-Exchange ORF until all other options exchanges are prepared to adopt a similar model to avoid overlapping ORFs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

[21] If the Exchange changes its method of funding regulation or if circumstances otherwise change in the future, the Exchange may decide to modify On-Exchange ORF or assess a separate regulatory fee on Member proprietary transactions if the Exchange deems it advisable.

[22] As of October 1, 2025.

[23] Under the current methodology for assessing ORF, the Exchange on which the transaction occurred is irrelevant.

[24] Consistent with Rule 15.2 (Regulatory Revenues), the Exchange notes that should excess ORF revenue be collected prior to any reduction in an ORF rate, such excess revenue will not be used for nonregulatory purposes.

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 [25] and paragraph (f) of Rule 19b–4 [26] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeEDGX–2025–084 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeEDGX–2025–084. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeEDGX–2025–084 and should be submitted on or before January 8, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–23241 Filed 12–17–25; 8:45 am]

BILLING CODE 8011–01–P

[25] 15 U.S.C. 78s(b)(3)(A).

[26] 17 CFR 240.19b–4(f).

[27] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[License No. 40002207]

AE Ventures Fund III LP; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that AE Ventures Fund III LP, 6700 Broken Sound Parkway NW, Boca Raton, FL, 33487, Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with financings of a small business, has sought an exemption under Section 312 of the Act and 13 CFR 107.730, *Financings which Constitute Conflicts of Interest* of the Code of Federal Regulations. AE Ventures Fund III LP proposes to provide financing to All.Space Networks Limited, Unit 2–6. 64 Portman Road Reading, Berkshire RG30 1EA United Kingdom to support the company's growth in the United States.

The financing is brought within the purview of 13 CFR 107.730(a) of the regulations because AE Industrial HorizonX Venture Fund I, LP, AE Industrial HorizonX Co-Investment Fund I, LP and AE Industrial Partners Structured Solutions I, LP (''AE Industrial Partners''), Associates of AE Ventures Fund III LP, own more than ten percent of the All.Space Networks Limited. AE Ventures Fund III LP and AE Industrial Partners are Associates by virtue of Common Control, as those terms are defined in 13 CFR 107.50; therefore, this transaction is considered a financing which constitutes a conflict of interest.

Notice is hereby given that any interested person may submit written comments on the transaction, within fifteen days of the date of this publication, to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416.

Paul Salgado,

Director, Investment Portfolio Management, Office of Investment and Innovation.

[FR Doc. 2025–23302 Filed 12–17–25; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[License No. 06060345]

Diamond State Ventures III, LP; Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under Section 309 of the Small Business Investment Act of 1958, as amended, and 13 CFR 107.1900 of the Code of Federal Regulations to function as a small business investment company under the Small Business Investment Company license number 06060345 issued to Diamond State Ventures III, LP said license is hereby declared null and void.

Paul Salgado,

Director, Investment Portfolio Management, Office of Investment and Innovation.

[FR Doc. 2025–23304 Filed 12–17–25; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[License No. 07/07–0120]

AAVIN Mezzanine Fund, LP; Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under Section 309 of the Small Business Investment Act of 1958, as amended, and 13 CFR 107.1900 of the Code of Federal Regulations to function as a small business investment company under the Small Business Investment Company license number 07/07–0120 issued to *AAVIN Mezzanine Fund, LP,* said license is hereby declared null and void.

Paul Salgado,

Director, Investment Portfolio Management.

[FR Doc. 2025–23313 Filed 12–17–25; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21336 and #21337; ALASKA Disaster Number AK–20016]

Presidential Declaration Amendment of a Major Disaster for the State of Alaska

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Alaska (FEMA–4893–DR), dated October 22, 2025.

Incident: Severe Storms, Flooding, and Remnants of Typhoon Halong.

Incident Period: October 8, 2025 through October 13, 2025.

DATES: Issued on December 15, 2025.

Physical Loan Application Deadline Date: February 20, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: July 22, 2026.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of ALASKA, dated October 22, 2025, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to February 20, 2026.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery and Resilience.

[FR Doc. 2025–23276 Filed 12–17–25; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice: 12882]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: "Gainsborough: The Fashion of Portraiture" Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Gainsborough: The Fashion of Portraiture'' at The Frick Collection, New York, New York, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stefanie E. Williams,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2025–23256 Filed 12–17–25; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 12883]

Notice of Determinations; Culturally Significant Object Being Imported for Exhibition—Determinations: "Caravaggio's 'Boy With a Basket of Fruit' in Focus" Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that a certain object being imported from abroad pursuant to an agreement with its foreign owner or custodian for temporary display in the exhibition ''Caravaggio's 'Boy with a Basket of Fruit' in Focus'' at The Morgan Library & Museum, New York, New York, and at possible additional exhibitions or venues yet to be determined, is of cultural significance, and, further, that its temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stefanie E. Williams,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2025–23257 Filed 12–17–25; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 290 (Sub-No. 5) (2026–1)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Surface Transportation Board.

ACTION: Approval of rail cost adjustment factor.

SUMMARY: The Surface Transportation Board has adopted the first quarter 2026 Rail Cost Adjustment Factor and cost index filed by the Association of American Railroads.

DATES: *Applicability Date:* January 1, 2026.

FOR FURTHER INFORMATION CONTACT: Pedro Ramirez, (202) 915–0862. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245–0245.

SUPPLEMENTARY INFORMATION: The rail cost adjustment factor (RCAF) is an index formulated to represent changes in railroad costs incurred by the nation's largest railroads over a specified period of time. The Surface Transportation Board (Board) is required by law to publish the RCAF on at least a quarterly basis. Each quarter, the Association of

American Railroads computes three types of RCAF figures and submits those figures to the Board for approval. The Board has reviewed the submission and adopts the RCAF figures for the first quarter of 2026. The first quarter 2026 RCAF (Unadjusted) is 1.015. The first quarter 2026 RCAF (Adjusted) is 0.389. The first quarter 2026 RCAF–5 is 0.369. Additional information is contained in the Board's decision, which is available at *www.stb.gov.*

By the Board, Board Members Fuchs, Hedlund, and Schultz.

Decided: December 12, 2025.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2025–23175 Filed 12–17–25; 8:45 am]

BILLING CODE 4915–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

DEPARTMENT OF COMMERCE

International Trade Administration

Implementing Certain Tariff-Related Elements of the Framework for a United States—Switzerland—Liechtenstein Agreement on Fair, Balanced, and Reciprocal Trade

AGENCY: International Trade Administration, U.S. Department of Commerce, and the Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: On September 5, 2025, President Trump issued Executive Order 14346 (Modifying the Scope of Reciprocal Tariffs and Establishing Procedures for Implementing Trade and Security Agreements). Executive Order 14346 directed and authorized the Secretary of Commerce and the United States Trade Representative to take the necessary and appropriate steps to implement any current or forthcoming trade and security framework agreements between a foreign trading partner and the United States. On November 14, 2025, the United States, Switzerland, and Liechtenstein announced a Framework to negotiate an Agreement on Fair, Balanced, and Reciprocal Trade, and have agreed to modification of certain tariff rates. This notice amends the Harmonized Tariff Schedule of the United States to implement the elements of the Framework to apply the higher of either the U.S. most-favored-nation tariff rate or a tariff rate of 15 percent, comprised of the most-favored-nation tariff and a reciprocal tariff, on products of Switzerland or Liechtenstein, and to adjust tariffs on certain articles that are products of Switzerland or Liechtenstein, including certain agricultural goods, unavailable natural resources, aircraft and aircraft parts, and generic pharmaceuticals and their ingredients and chemical precursors. The United States has agreed to modify these tariff rates with the understanding and expectation that the Agreement on Fair, Balanced, and Reciprocal Trade will be successfully negotiated by the first quarter of 2026. If the Agreement is not successfully negotiated by March 31, 2026, the United States will review and reconsider these modifications, as appropriate.

DATES: This notice is effective December 18, 2025. The Harmonized Tariff Schedule of the United States modifications set out in Annex II to this notice are effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern time on November 14, 2025.

FOR FURTHER INFORMATION CONTACT: Emily Davis, Director for Public Affairs, International Trade Administration, U.S. Department of Commerce, 202–482–3809, *Emily.Davis@trade.gov;* Matthew Siordia, Deputy Assistant U.S. Trade Representative for the UK and Europe, Office of the U.S. Trade Representative, 202–395–9527, *Matthew.T.Siordia@ustr.eop.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In Executive Order 14346 of September 5, 2025 (Modifying the Scope of Reciprocal Tariffs and Establishing Procedures for Implementing Trade and Security Agreements), President Trump determined, among other things, that it is necessary and appropriate to take steps contemplated in certain current and forthcoming trade and security agreements between a foreign trading partner and the United States and that any modification of tariffs required to implement such agreements is necessary and appropriate to deal with the national emergency declared in Executive Order 14257 of April 2, 2025 (Regulating Imports with a Reciprocal Tariff to Rectify Trade Practices that Contribute to Large and Persistent Annual United States Goods Trade Deficits).

Executive Order 14346 also directed and authorized the Secretary of Commerce (Secretary) and the United States Trade Representative (Trade Representative) to determine whether the United States must take any action to implement a final agreement, and to take such actions as necessary and appropriate. It also directed and authorized the Secretary, the Secretary of Homeland Security, and the Trade Representative to take all necessary action to implement and effectuate that order and any actions taken under section 3 or section 4 of that order, and to employ all powers granted to the President as may be necessary to do so. That Executive Order also directs the Secretary and the Trade Representative, in consultation with the Commissioner of U.S. Customs and Border Protection (CBP) and the Chair of the United States International Trade Commission (USITC), to determine whether modifications to the Harmonized Tariff Schedule of the United States (HTSUS) are necessary to effectuate that order and actions taken under that order and authorizes them to direct such modifications through notice in the **Federal Register**.

On November 14, 2025, the United States, Switzerland, and Liechtenstein announced a Framework to negotiate an Agreement on Fair, Balanced, and Reciprocal Trade (Agreement). The Framework provides, among other things, that the United States intends to apply the higher of either the U.S. most-favored-nation (MFN) tariff rate or a tariff rate of 15 percent, comprised of the MFN tariff and a reciprocal tariff, on products of Switzerland or Liechtenstein, and that with respect to certain products of Switzerland and certain products of Liechtenstein, the United States shall not apply the additional *ad valorem* rate of duty applicable to those goods as provided for in Executive Order 14257, as amended.

Consistent with Executive Order 14346, the Secretary and the Trade Representative have determined that the additional *ad valorem* rate of duty applicable to any article the product of Switzerland or Liechtenstein shall be determined by the article's current *ad valorem* (or *ad valorem* equivalent) rate of duty under column 1 (General) of the HTSUS (''Column 1 Duty Rate''). For an article the product of Switzerland or Liechtenstein with a Column 1 Duty Rate that is less than 15 percent, the sum of its Column 1 Duty Rate and the additional *ad valorem* rate of duty pursuant to this notice shall be 15 percent *ad valorem.* For an article the product of Switzerland or Liechtenstein with a Column 1 Duty Rate that is at least 15 percent, the additional *ad valorem* rate of duty pursuant to this notice shall be zero.

Additionally, in order to implement certain tariff-related elements of the Framework, the Secretary and the Trade Representative have determined that

certain products of Switzerland and certain products of Liechtenstein contained in the Potential Tariff Adjustments for Aligned Partners (PTAAP) Annex and provided in Annex I to this notice shall be exempted from the reciprocal tariff imposed by Executive Order 14257, as amended. Accordingly, the HTSUS is modified as provided for in Annex II to this notice with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern time on November 14, 2025. To the extent that implementation of this notice requires a refund of duties collected, refunds shall be processed pursuant to applicable law and the standard procedures of CBP for such refunds. The United States has agreed to modify these tariff rates with the understanding and expectation that the Agreement will be successfully negotiated by the first quarter of 2026. If the Agreement is not successfully negotiated by March 31, 2026, the United States will review and reconsider these modifications, as appropriate.

Executive Order 14346 provides that the Secretary and the Trade Representative, in consultation with other officials, are to continue to monitor the conditions underlying the national emergency declared in Executive Order 14257, update the President on the status of these conditions, inform the President of any circumstance that, in their opinion, might indicate the need for further action, and recommend additional action that, in their opinion, will more effectively deal with that emergency. Accordingly, the annexes to this notice may be amended.

William Kimmitt,

Under Secretary for International Trade, United States Department of Commerce.

Jennifer Thornton,

General Counsel, Office of the United States Trade Representative.

Annex I

Note: All products of Switzerland or Liechtenstein that are properly classified in the provisions of the Harmonized Tariff Schedule of the United States (HTSUS) and adhere to the identified scope limitations that are listed in this Annex are exempted from the duties imposed by Executive Order 14257, as amended. The product descriptions that are contained in this Annex are provided for informational purposes only, do not supersede the text of the HTSUS, and are not intended to delimit in any way the scope of the action, except as specified below. Only items that are properly classified in the listed provisions of the HTSUS and adhere to the identified scope limitations are eligible to be exempted from the tariff action imposed by Executive Order 14257, as amended. Any questions regarding the scope of particular HTSUS provisions should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.

Notes on certain HTSUS provisions for which only a portion of the provision is covered in this Annex, as provided in the ''Scope Limitations'' column:

- A subheading marked with ''Aircraft'' includes only articles of civil aircraft (all aircraft other than military aircraft); their engines, parts, and components; their other parts, components, and subassemblies; and ground flight simulators and their parts and components, that otherwise meet the criteria of General Note 6 of HTSUS, regardless of whether a product is entered under a provision for which the rate of duty ''Free (C)'' appears in the ''Special'' sub-column.
- A subheading marked with ''Pharma'' includes only non-patented articles for use in pharmaceutical applications.

HTSUS	Description	Scope limitations
0106.14.00	Live rabbits and hares.	
0106.19.30	Live foxes.	
0106.19.91	Live mammals, nesoi.	
0106.20.00	Live reptiles (including snakes and turtles).	
0106.31.00	Live birds of prey.	
0106.39.01	Live birds, other than poultry, birds of prey or psittaciformes birds.	
0106.90.01	Live animals other than mammals, reptiles, insects, and birds.	
0208.50.00	Meat and edible meat offal of reptiles, fresh, chilled or frozen.	
0208.90.25	Frog legs, fresh, chilled or frozen.	
0410.10.00	Edible insects.	
0501.00.00	Human hair, unworked, whether or not washed or scoured; waste of human hair.	
0510.00.40	Cantharides; bile; glands and other animal products nesoi used in pharmaceutical products.	
0601.10.15	Tulip bulbs, dormant.	
0601.10.30	Hyacinth bulbs, dormant.	
0601.10.45	Lily bulbs, dormant.	
0601.10.60	Narcissus bulbs, dormant.	
0601.10.75	Crocus corms, dormant.	
0601.10.90	Bulbs, tubers, tuberous roots, corms, crowns and rhizomes, nesoi, dormant.	
0601.20.90	Bulbs nesoi, tubers, tuberous roots, corms, crowns and rhizomes, in growth or in flower; chicory plants and roots.	
0602.10.00	Unrooted cuttings and slips of live plants.	
0602.40.00	Roses, grafted or not.	
0602.90.30	Live herbaceous perennials, other than orchid plants, with soil attached to roots.	
0602.90.60	Other live plants nesoi, with soil attached to roots.	
0603.11.00	Sweetheart, spray and other roses, fresh cut.	
0603.12.30	Miniature (spray) carnations, fresh cut.	
0603.12.70	Other Carnations, fresh cut.	
0603.14.00	Chrysanthemums, fresh cut.	
0603.15.00	Fresh cut lilies (Lillium spp.).	
0603.19.01	Fresh cut, anthuriums, alstroemeria, gypsophilia, lilies, snapdragons and other flowers nesoi.	
0603.90.00	Cut flowers and flower buds, suitable for bouquets or ornamental purposes, dried, dyed, bleached, impregnated or otherwise prepared.	
0604.20.00	Fresh foliage, branches, and other parts of plants, without flowers or buds, suitable for bouquets or ornamental purposes.	
0604.90.10	Mosses and lichens suitable for bouquets or ornamental purposes.	
0604.90.30	Dried or bleached foliage, branches, and other parts of plants for bouquets or ornamental purposes, except mosses and lichens.	
0604.90.60	Other than fresh, bleached or dried: Foliage, branches, parts of plants and grasses, suitable for bouquets or ornamental purposes, except mosses and lichen.	

HTSUS	Description	Scope limitations
1212.94.00	Chicory roots.	
1302.19.21	Poppy straw extract.	
1302.31.00	Agar-agar.	
1302.32.00	Mucilages and thickeners, whether or not modified, derived from locust beans, locust bean seeds or guar seeds.	
1404.90.30	Istle of a kind used primarily in brooms or brushes.	
1404.90.40	Piassava, couch-grass and other vegetable materials nesoi, of a kind used primarily in brooms or brushes.	
1515.30.00	Castor oil and its fractions, whether or not refined, but not chemically modified.	
1515.90.21	Nut oils, whether or not refined, not chemically modified.	
2101.30.00	Roasted chicory and other roasted coffee substitutes and extracts, essences and concentrates thereof.	
2102.20.60	Single-cell micro-organisms, dead, excluding yeasts (but not including vaccines of heading 3002).	
2504.10.10	Natural graphite, crystalline flake (not including flake dust).	
2504.10.50	Natural graphite in powder or flakes other than crystalline flake.	
2504.90.00	Natural graphite, other than in powder or in flakes.	
2511.10.10	Natural barium sulfate (barytes), ground.	
2511.10.50	Natural barium sulfate (barytes), not ground.	
2519.10.00	Natural magnesium carbonate (magnesite).	
2519.90.10	Fused magnesia; dead-burned (sintered) magnesia, whether or not containing small quantities of other oxides added before sintering.	
2519.90.20	Caustic calcined magnesite.	
2524.90.00	Asbestos other than crocidolite.	
2529.21.00	Fluorspar, containing by weight 97 percent or less of calcium fluoride.	
2529.22.00	Fluorspar, containing by weight more than 97 percent of calcium fluoride.	
2530.20.10	Kieserite.	
2530.20.20	Epsom salts (natural magnesium sulfates).	
2530.90.10	Natural cryolite; natural chiolite.	
2530.90.20	Natural micaceous iron oxides.	
2530.90.80	Other mineral substances, nesoi.	
2602.00.00	Manganese ores and concentrates including ferruginous manganese ores and concentrates with manganese content over 20 percent calculated on the dry weight.	
2604.00.00	Nickel ores and concentrates.	
2605.00.00	Cobalt ores and concentrates.	
2606.00.00	Aluminum ores and concentrates.	
2608.00.00	Zinc ores and concentrates.	
2609.00.00	Tin ores and concentrates.	
2610.00.00	Chromium ores and concentrates.	
2611.00.30	Tungsten ores.	
2611.00.60	Tungsten concentrates.	
2612.20.00	Thorium ores and concentrates.	
2613.90.00	Molybdenum ores and concentrates, not roasted.	
2614.00.30	Synthetic rutile.	
2614.00.60	Titanium ores and concentrates, other than synthetic rutile.	
2615.90.30	Synthetic tantalum-niobium concentrates.	
2615.90.60	Niobium, tantalum or vanadium ores and concentrates, nesoi.	
2616.10.00	Silver ores and concentrates.	
2617.10.00	Antimony ores and concentrates.	
2620.99.50	Slag (other than from the manufacture of iron or steel) containing over 40 percent titanium, and which if containing over 2 percent by weight of copper, lead, or zinc is not to be treated for the recovery thereof.	
2801.20.00	Iodine.	
2804.10.00	Hydrogen	Pharma.
2804.29.00	Rare gases, other than argon	Pharma.
2804.30.00	Nitrogen	Pharma.
2804.50.00	Boron; tellurium	Pharma.
2804.80.00	Arsenic.	
2804.90.00	Selenium.	
2805.19.10	Strontium.	
2805.19.20	Barium	Pharma.
2805.19.90	Alkali metals, other than strontium and barium.	
2805.30.00	Rare-earth metals, scandium and yttrium, whether or not intermixed or interalloyed.	
2806.10.00	Hydrogen chloride (Hydrochloric acid)	Pharma.
2807.00.00	Sulfuric acid; oleum	Pharma.
2809.20.00	Phosphoric acid and polyphosphoric acids	Pharma.
2811.11.00	Hydrogen fluoride (Hydrofluoric acid).	
2811.12.00	Hydrogen cyanide	Pharma.
2811.19.10	Arsenic acid.	
2811.22.50	Silicon dioxide, other than synthetic silica gel	Pharma.
2811.29.10	Arsenic trioxide.	
2811.29.20	Selenium dioxide.	
2812.12.00	Phosphorus oxychloride	Pharma.
2812.19.00	Other chlorides and chloride oxides	Pharma.
2813.90.10	Arsenic sulfides.	
2814.10.00	Anhydrous ammonia	Pharma.

HTSUS	Description	Scope limitations
2814.20.00	Ammonia in aqueous solution	Pharma.
2815.11.00	Sodium hydroxide (Caustic soda), solid	Pharma.
2815.12.00	Sodium hydroxide (Caustic soda), in aqueous solution (Soda lye or liquid soda)	Pharma.
2815.20.00	Potassium hydroxide (Caustic potash)	Pharma.
2815.30.00	Peroxides of sodium or potassium	Pharma.
2816.10.00	Hydroxide and peroxide of magnesium.	
2816.40.10	Oxides, hydroxides and peroxides of strontium.	
2816.40.20	Oxides, hydroxides and peroxides of barium.	
2817.00.00	Zinc oxide; zinc peroxide.	
2818.10.10	Artificial corundum, crude.	
2818.10.20	Artificial corundum, in grains, or ground, pulverized or refined.	
2818.20.00	Aluminum oxide, other than artificial corundum.	
2820.10.00	Manganese dioxide.	
2821.10.00	Iron oxides and hydroxides.	
2821.20.00	Earth colors containing 70 percent or more by weight of combined iron evaluated as Fe2O3.	
2822.00.00	Cobalt oxides and hydroxides; commercial cobalt oxides.	
2823.00.00	Titanium oxides.	
2825.10.00	Hydrazine and hydroxylamine and their inorganic salts	Pharma.
2825.20.00	Lithium oxide and hydroxide	Pharma.
2825.40.00	Nickel oxides and hydroxides.	
2825.60.00	Germanium oxides and zirconium dioxide.	
2825.80.00	Antimony oxides.	
2825.90.15	Niobium oxide.	
2825.90.30	Tungsten oxides.	
2825.90.90	Other inorganic bases; other metal oxides, hydroxides and peroxides, nesoi.	
2826.12.00	Fluorides of aluminum.	
2826.30.00	Sodium hexafluoroaluminate (Synthetic cryolite).	
2826.90.90	Other complex fluorine salts, nesoi.	
2827.31.00	Magnesium chloride.	
2827.39.45	Barium chloride.	
2827.39.60	Cobalt chlorides.	
2827.39.65	Zinc chloride	Pharma.
2827.39.90	Chlorides, nesoi	Pharma.
2827.59.51	Other bromides and bromide oxides, other than ammonium, calcium or zinc.	
2827.60.20	Iodide and iodide oxide of potassium	Pharma.
2827.60.51	Iodides and iodide oxides, other than of calcium, copper or potassium	Pharma.
2832.10.00	Sodium sulfites	Pharma.
2832.30.10	Sodium thiosulfate	Pharma.
2833.11.50	Disodium sulfate, other than salt cake	Pharma.
2833.19.00	Sodium sulfates, other than disodium sulfate	Pharma.
2833.21.00	Magnesium sulfate	Pharma.
2833.22.00	Aluminum sulfate	Pharma.
2833.24.00	Nickel sulfate.	
2833.27.00	Barium sulfate.	
2833.29.10	Cobalt sulfate.	
2833.29.45	Zinc sulfate.	
2833.29.51	Other sulfates nesoi.	
2834.10.10	Sodium nitrite	Pharma.
2834.21.00	Potassium nitrate.	
2834.29.20	Strontium nitrate.	
2834.29.51	Nitrates, nesoi.	
2835.22.00	Mono- or disodium phosphates	Pharma.
2835.24.00	Potassium phosphate	Pharma.
2836.20.00	Disodium carbonate	Pharma.
2836.30.00	Sodium hydrogencarbonate (Sodium bicarbonate)	Pharma.
2836.40.20	Potassium hydrogencarbonate (Potassium bicarbonate)	Pharma.
2836.60.00	Barium carbonate.	
2836.91.00	Lithium carbonates.	
2836.92.00	Strontium carbonate.	
2836.99.10	Cobalt carbonates.	
2836.99.50	Carbonates nesoi, and peroxocarbonates (percarbonates).	
2837.20.51	Complex cyanides, excluding potassium ferricyanide	Pharma.
2841.80.00	Tungstates (wolframates).	
2841.90.20	Ammonium perrhenate.	
2841.90.40	Aluminates	Pharma.
2842.10.00	Double or complex silicates	Pharma.
2842.90.90	Salts of inorganic acids or peroxoacids nesoi, excluding azides	Pharma.
2843.29.01	Silver compounds, other than silver nitrate	Pharma.
2843.30.00	Gold compounds	Pharma.
2843.90.00	Inorganic or organic compounds of precious metals, excluding those of silver and gold; amalgams of precious metals.	Pharma.
2844.41.00	Tritium and its compounds, alloys, dispersions, ceramic products and mixtures thereof	Pharma.
2844.42.00	Actinium, californium, curium, einsteinium, gadolinium, polonium, radium, uranium and their compounds, alloys, dispersions, ceramic products and mixtures.	Pharma.

HTSUS	Description	Scope limitations
2844.43.00	Other radioactive elements, isotopes, compounds, nesoi; alloys, dispersions, ceramic products and mixtures thereof.	Pharma.
2844.44.00	Radioactive residues	Pharma.
2845.20.00	Boron enriched in boron-10 and its compounds	Pharma.
2845.30.00	Lithium enriched in lithium-6 and its compounds	Pharma.
2845.90.01	Isotopes not in heading 2844 and their compounds other than boron, lithium and helium	Pharma.
2846.10.00	Cerium compounds.	
2846.90.20	Mixtures of rare-earth oxides or of rare-earth chlorides	Pharma.
2846.90.40	Yttrium bearing materials and compounds containing by weight more than 19 percent but less than 85 percent yttrium oxide equivalent.	Pharma.
2846.90.80	Compounds, inorganic or organic, of rare-earth metals, of yttrium or of scandium, or of mixtures of these metals, nesoi.	
2847.00.00	Hydrogen peroxide, whether or not solidified with urea	Pharma.
2849.20.10	Silicon carbide, crude.	
2849.20.20	Silicon carbide, in grains, or ground, pulverized or refined.	
2849.90.30	Tungsten carbide.	
2850.00.50	Hydrides, nitrides, azides, silicides and borides other than of calcium, titanium, tungsten or vanadium ...	Pharma.
2853.10.00	Cyanogen chloride (Chlorocyan)	Pharma.
2853.90.10	Phosphor copper containing more than 15 percent by weight of phosphorus, excluding ferrosphosphorus.	Pharma.
2853.90.50	Phosphides, whether or not chemically defined, excluding ferrophosphorus, of other metals or of non-metals.	Pharma.
2853.90.90	Other phosphides, excluding ferrophosphorous, nesoi	Pharma.
2901.10.40	Saturated acyclic hydrocarbon (not ethane, butane, n-pentane or isopentane), derived in whole or in part from petroleum, shale oil or natural gas.	Pharma.
2902.19.00	Cyclanic hydrocarbons (except cyclohexane), cyclenic hydrocarbons and cycloterpenes nesoi	Pharma.
2902.90.30	Alkylbenzenes and polyalkylbenzenes	Pharma.
2903.12.00	Dichloromethane (Methylene chloride)	Pharma.
2903.13.00	Chloroform (Trichloromethane)	Pharma.
2903.22.00	Trichloroethylene	Pharma.
2903.41.10	Trifluoromethane (HFC-23)	Pharma.
2903.42.10	Difluoromethane (HFC-32)	Pharma.
2903.43.10	Fluoromethane (HFC-41), 1,2-difluoroethane (HFC-152) and 1,1-difluoroethane (HFC-152-a)	Pharma.
2903.44.10	Pentafluoroethane (HFC-125), 1,1,1-trifluoroethane (HFC-143a) and 1,1,2-trifluoroethane (HFC-143)	Pharma.
2903.45.10	1,1,1,2-Tetrafluoroethane (HFC-134a) and 1,1,2,2-tetrafluoroethane (HFC-134)	Pharma.
2903.46.10	1,1,1,2,3,3,3-Heptafluoropropane (HFC-227ea),1,1,1,2,2,3-hexafluoropropane (HFC-236cb),1,1,1,2,3,3-hexafluoropropane (HFC-236ea) and 1,1,1,3,3,3-hexafluoropropane (HFC-236fa).	Pharma.
2903.47.10	1,1,1,3,3-Pentafluoropropane (HFC-245fa) and 1,1,2,2,3-pentafluoropropane (HFC-245ca)	Pharma.
2903.48.00	1,1,1,3,3-Pentafluorobutane (HFC-365mfc) and 1,1,1,2,2,3,4,5,5,5-decafluoropentane (HFC-4310mee) ..	Pharma.
2903.49.00	Other saturated fluorinated derivatives of acyclic hydrocarbons, nesoi	Pharma.
2903.51.10	2,3,3,3-Tetrafluoropropene (HFO-1234yf), 1,3,3,3-tetrafluoropropene (HFO-1234ze) and (Z)-1,1,1,4,4,4-hexafluoro-2-butene (HFO-1336mzz).	Pharma.
2903.59.10	1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-prop-1-ene	Pharma.
2903.59.90	Other unsaturated fluorinated derivatives of acyclic hydrocarbons	Pharma.
2903.69.10	Acetylene tetrabromide; alkyl bromides, other than methyl bromide (bromomethane); methylene dibromide; and vinyl bromide.	Pharma.
2903.69.90	Other brominated or iodinated derivatives of acyclic hydrocarbons	Pharma.
2903.71.01	Chlorodifluoromethane (HCFC-22)	Pharma.
2903.77.00	Other acyclic hydrocarbon derivatives, perhalogenated only with fluorine and chlorine	Pharma.
2903.78.00	Other perhalogenated acyclic hydrocarbon derivatives, nesoi	Pharma.
2903.79.90	Other halogenated derivatives of acyclic hydrocarbons containing two or more different halogens, nesoi	Pharma.
2903.81.00	1,2,3,4,5,6-Hexachlorocyclohexane (HCH (ISO)), including lindane (ISO, INN)	Pharma.
2903.89.15	Halogenated products derived in whole or in part from benzene or other aromatic hydrocarbons, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2903.89.20	Halogenated derivatives derived in whole or in part from benzene or other aromatic hydrocarbons, nesoi.	Pharma.
2903.89.70	Other halogenated derivatives of cyclanic, cyclenic or cycloterpenic hydrocarbons not derived from benzene or other aromatic hydrocarbons.	Pharma.
2903.92.00	Hexachlorobenzene (ISO) and DDT (clofenotane (INN), (1,1,1-trichloro-2,2-bis(p-chlorophenyl)ethane) ..	Pharma.
2903.93.00	Halogenated derivatives of aromatic hydrocarbons, pentachlorobenzene	Pharma.
2903.94.00	Halogenated derivatives of aromatic hydrocarbons, hexabromobiphenyls	Pharma.
2903.99.20	Benzyl chloride (α-Chlorotoluene); Benzotrichloride (α, α, α-Trichlorotoluene)	Pharma.
2903.99.80	Other halogenated derivatives of aromatic hydrocarbons, nesoi	Pharma.
2904.10.32	Aromatic derivatives of hydrocarbons containing only sulfo groups, their salts and ethyl esters, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2904.10.50	Nonaromatic derivatives of hydrocarbons containing only sulfo groups, their salts and ethyl esters, nesoi.	Pharma.
2904.20.10	p-Nitrotoluene	Pharma.
2904.20.15	p-Nitro-o-xylene	Pharma.
2904.20.20	Trinitrotoluene	Pharma.
2904.20.30	5-tert-Butyl-2,4,6-trinitro-m-xylene (Musk xylol) and other artificial musks	Pharma.
2904.20.35	Nitrated benzene, nitrated toluene (except p-nitrotoluene) or nitrated naphthalene	Pharma.
2904.20.40	Aromatic derivatives of hydrocarbons containing only nitro or only nitroso groups, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.

HTSUS	Description	Scope limitations
2904.20.45	Aromatic derivatives of hydrocarbons containing only nitro or only nitroso groups, nesoi	Pharma.
2904.20.50	Nonaromatic derivatives of hydrocarbons containing only nitro or only nitroso groups, nesoi	Pharma.
2904.99.04	Monochloromononitrobenzenes; o-nitrochlorobenzene; p-nitrochlorobenzene	Pharma.
2904.99.08	Monochloromononitrobenzenes nesoi	Pharma.
2904.99.15	4-Chloro-3-nitro-α-α-α-trifluorotoluene; 2-Chloro-5-nitro-α-α-α-trifluorotoluene; and 4-Chloro-3,5-dinitro-α-α-α-trifluorotoluene.	Pharma.
2904.99.20	Nitrotoluenesulfonic acids	Pharma.
2904.99.30	1-Bromo-2-nitrobenzene; 1,2-Dichloro-4-nitrobenzene and o-Fluoronitrobenzene	Pharma.
2904.99.35	4,4′-Dinitrostilbene-2,2′-disulfonic acid	Pharma.
2904.99.40	Sulfonated, nitrated or nitrosated derivatives of aromatic products described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2904.99.47	Other sulfonated, nitrated or nitrosated derivatives of aromatic hydrocarbons excluding aromatic products described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2904.99.50	Nonaromatic sulfonated, nitrated or nitrosated derivatives of hydrocarbons, nesoi	Pharma.
2905.11.20	Methanol (Methyl alcohol), other than imported only for use in producing synthetic natural gas (SNG) or for direct use as fuel.	Pharma.
2905.12.00	Propan-1-ol (Propyl alcohol) and Propan-2-ol (isopropyl alcohol)	Pharma.
2905.13.00	Butan-1-ol (n-Butyl alcohol)	Pharma.
2905.19.10	Pentanol (Amyl alcohol) and isomers thereof	Pharma.
2905.19.90	Saturated monohydric alcohols, nesoi	Pharma.
2905.22.10	Geraniol	Pharma.
2905.22.20	Isophytol	Pharma.
2905.22.50	Acyclic terpene alcohols, other than geraniol and isophytol	Pharma.
2905.29.90	Unsaturated monohydric alcohols, other than allyl alcohol or acyclic terpene alcohols	Pharma.
2905.31.00	Ethylene glycol (Ethanediol)	Pharma.
2905.32.00	Propylene glycol (Propane-1,2-diol)	Pharma.
2905.39.90	Dihydric alcohols (diols), nesoi	Pharma.
2905.49.20	Esters of glycerol formed with the acids of heading 2904	Pharma.
2905.49.50	Polyhydric alcohols, nesoi	Pharma.
2905.51.00	Ethchlorvynol (INN)	Pharma.
2905.59.10	Halogenated, sulfonated, nitrated or nitrosated derivatives of monohydric alcohols	Pharma.
2905.59.90	Halogenated, sulfonated, nitrated or nitrosated derivatives of acyclic alcohols, nesoi	Pharma.
2906.11.00	Menthol	Pharma.
2906.19.50	Other cyclanic, cyclenic or cycloterpenic alcohols and their halogenated, sulfonated, nitrated or nitrosated derivatives.	Pharma.
2906.29.60	Other aromatic alcohols and their halogenated, sulfonated, nitrated or nitrosated derivatives	Pharma.
2907.11.00	Phenol (Hydroxybenzene) and its salts	Pharma.
2907.19.10	Alkylcresols	Pharma.
2907.19.20	Alkylphenols	Pharma.
2907.19.40	Thymol	Pharma.
2907.19.80	Other monophenols	Pharma.
2907.29.90	Other polyphenols, nesoi	Pharma.
2908.19.10	6-Chloro-m-cresol [OH=1]; m-chlorophenol; and chlorothymol	Pharma.
2908.19.35	Derivatives of phenols or phenol-alcohols containing only halogen substituents and their salts described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2908.19.60	Other halogenated, sulfonated, nitrated or nitrosated derivatives of phenol or phenol-alcohols	Pharma.
2908.99.12	Derivatives nesoi, of phenols or phenol-alcohols containing only sulfo groups, their salts and esters, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2908.99.15	Derivatives of phenol or phenol-alcohols containing only sulfo groups, their salts and esters, nesoi	Pharma.
2908.99.25	Nitrophenols, except p-nitrophenol	Pharma.
2909.11.00	Diethyl ether	Pharma.
2909.19.18	Ethers of acyclic monohydric alcohols and their derivatives, nesoi	Pharma.
2909.19.60	Ethers of polyhydric alcohols and their halogenated, sulfonated, nitrated or nitrosated derivatives, nesoi	Pharma.
2909.20.00	Cyclanic, cyclenic or cycloterpenic ethers and their halogenated, sulfonated, nitrated or nitrosated derivatives.	Pharma.
2909.30.40	Aromatic ethers and their halogenated, sulfonated, nitrated or nitrosated derivatives, nesoi, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2909.30.60	Other aromatic ethers and their halogenated, sulfonated, nitrated, or nitrosated derivatives, nesoi	Pharma.
2909.49.05	Guaifenesin	Pharma.
2909.49.10	Other aromatic ether-alcohols, their halogenated, sulfonated, nitrated or nitrosated derivatives described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2909.49.15	Aromatic ether-alcohols and their halogenated, sulfonated, nitrated or nitrosated derivatives, nesoi	Pharma.
2909.49.20	Nonaromatic glycerol ethers	Pharma.
2909.49.60	Other non-aromatic ether-alcohols and their halogenated, sulfonated, nitrated or nitrosated derivatives	Pharma.
2909.50.20	Guaiacol and its derivatives	Pharma.
2909.50.40	Odoriferous or flavoring compounds of ether-phenols, ether-alcohol-phenols and their halogenated, sulfonated, nitrated or nitrosated derivatives.	Pharma.
2909.50.45	Ether-phenols, ether-alcohol-phenols and their halogenated, sulfonated, nitrated or nitrosated derivatives nesoi, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2909.50.50	Ether-phenols, ether-alcohol-phenols and their halogenated, sulfonated, nitrated or nitrosated derivatives, nesoi.	Pharma.
2910.10.00	Oxirane (Ethylene oxide)	Pharma.
2910.30.00	1-Chloro-2,3-epoxypropane (Epichlorohydrin)	Pharma.
2910.40.00	Dieldrin (ISO, INN)	Pharma.

HTSUS	Description	Scope limitations
2910.50.00	Endrin	Pharma.
2910.90.10	Butylene oxide	Pharma.
2910.90.20	Aromatic epoxides, epoxyalcohols, epoxyphenols and epoxyethers, with a three-membered ring, and their derivatives, nesoi.	Pharma.
2910.90.91	Other nonaromatic epoxides, epoxyalcohols and epoxyethers, with a three-membered ring, and their halogenated, sulfonated, nitrated or nitrosated derivatives.	Pharma.
2911.00.10	1,1-Bis(1-methylethoxy)cyclohexane	Pharma.
2911.00.50	Acetals and hemiacetals, whether or not with other oxygen function, and their halogenated, sulfonated, nitrated or nitrosated derivatives.	Pharma.
2912.19.50	Acyclic aldehydes without other oxygen function, nesoi	Pharma.
2912.29.60	Other cyclic aldehydes without other oxygen function	Pharma.
2912.49.26	Other aromatic aldehyde-alcohols, aldehyde-ethers, aldehyde-phenols and aldehydes with other oxygen function.	Pharma.
2912.60.00	Paraformaldehyde	Pharma.
2914.11.10	Acetone, derived in whole or in part from cumene	Pharma.
2914.19.00	Acyclic ketones without other oxygen function, nesoi	Pharma.
2914.29.30	Natural camphor	Pharma.
2914.29.50	Cyclanic, cyclenic or cycloterpenic ketones without other oxygen function, nesoi	Pharma.
2914.39.90	Aromatic ketones without other oxygen function, nesoi	Pharma.
2914.40.40	Aromatic ketone-alcohols and ketone-aldehydes, nesoi	Pharma.
2914.40.90	Nonaromatic ketone-alcohols and ketone-aldehydes, nesoi	Pharma.
2914.50.10	5-Benzoyl-4-hydroxy-2-methoxybenzene-sulfonic acid	Pharma.
2914.50.30	Aromatic ketone-phenols and ketones with other oxygen function	Pharma.
2914.50.50	Nonaromatic ketone-phenols and ketones with other oxygen function	Pharma.
2914.62.00	Coenzyme Q10 (ubidecarenone (INN)	Pharma.
2914.69.21	Quinone drugs	Pharma.
2914.69.90	Quinones, nesoi	Pharma.
2914.71.00	Halogenated, sulfonated, nitrated or nitrosated derivatives: chlordecone (ISO)	Pharma.
2914.79.10	2,3-dichloro-1,4-naphthoquinone and other artificial musks	Pharma.
2914.79.40	Other halogenated, sulfonated, nitrated or nitrosated derivatives of aromatic ketones and quinones whether or not with other oxygen function.	Pharma.
2914.79.60	1-Chloro-5-hexanone	Pharma.
2914.79.90	Other halogenated, sulfonated, nitrated or nitrosated derivatives of nonaromatic ketones and quinones whether or not with other oxygen function.	Pharma.
2915.21.00	Acetic acid	Pharma.
2915.24.00	Acetic anhydride	Pharma.
2915.29.30	Cobalt acetates	Pharma.
2915.29.50	Other salts of acetic acid	Pharma.
2915.32.00	Vinyl acetate	Pharma.
2915.36.00	Dinoseb (ISO) acetate	Pharma.
2915.39.10	Benzyl acetate	Pharma.
2915.39.31	Aromatic esters of acetic acid, described in additional U.S. note 3 to section VI of the HTSUS	Pharma.
2915.39.35	Aromatic esters of acetic acid, nesoi	Pharma.
2915.39.40	Linalyl acetate	Pharma.
2915.39.45	Odoriferous or flavoring compounds of nonaromatic esters of acetic acid, nesoi	Pharma.
2915.39.47	Acetates of polyhydric alcohols or of polyhydric alcohol ethers	Pharma.
2915.39.70	Isobutyl acetate	Pharma.
2915.39.90	Other non-aromatic esters of acetic acid	Pharma.
2915.40.10	Chloroacetic acids	Pharma.
2915.40.20	Aromatic salts and esters of chlorocetic acids, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2915.40.30	Aromatic salts and esters of chlorocetic acids, nesoi	Pharma.
2915.40.50	Nonaromatic salts and esters of chlorocetic acids, nesoi	Pharma.
2915.50.20	Aromatic salts and esters of propionic acid	Pharma.
2915.90.10	Fatty acids of animal or vegetable origin, nesoi	Pharma.
2915.90.14	Valproic acid	Pharma.
2915.90.18	Saturated acyclic monocarboxylic acids, nesoi	Pharma.
2915.90.20	Aromatic anhydrides, halides, peroxides and peroxyacids, of saturated acyclic monocarboxylic acids, and their derivatives, nesoi.	Pharma.
2915.90.50	Nonaromatic anhydrides, halides, peroxides and peroxyacids, of saturated acyclic monocarboxylic acids, and their derivatives, nesoi.	Pharma.
2916.16.00	Binapacryl (ISO)	Pharma.
2916.19.30	Unsaturated acyclic monocarboxylic acids, nesoi	Pharma.
2916.19.50	Unsaturated acyclic monocarboxylic acid anhydrides, halides, peroxides, peroxyacids and their derivatives, nesoi.	Pharma.
2916.20.50	Cyclanic, cyclenic or cycloterpenic monocarboxylic acids, their anhydrides, halides, peroxides, peroxyacids and their derivatives, nesoi.	Pharma.
2916.31.30	Benzoic acid esters, except odoriferous or flavoring compounds, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2916.31.50	Benzoic acid esters, nesoi	Pharma.
2916.39.15	Ibuprofen	Pharma.
2916.39.17	2,2-Dichlorophenylacetic acid, ethyl ester and m-Toluic acid	Pharma.
2916.39.46	Aromatic monocarboxylic acids, their anhydrides, halides, peroxides, peroxyacids and their derivatives, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.

HTSUS	Description	Scope limitations
2916.39.79	Other aromatic monocarboxylic acids, their anhydrides, halides, peroxides, peroxyacids and their derivatives.	Pharma.
2917.13.00	Azelaic acid, sebacic acid, their salts and esters	Pharma.
2917.19.10	Ferrous fumarate	Pharma.
2917.19.15	Fumaric acid, derived in whole or in part from aromatic hydrocarbons	Pharma.
2917.19.17	Fumaric acid except derived in whole or in part from aromatic hydrocarbons	Pharma.
2917.19.20	Specified acyclic polycarboxylic acids and their derivatives, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2917.19.23	Maleic acid	Pharma.
2917.19.27	Succinic acid, glutaric acid, and their derivatives, and derivatives of adipic, fumeric and maleic acids, nesoi.	Pharma.
2917.19.30	Ethylene brassylate	Pharma.
2917.19.35	Malonic acid	Pharma.
2917.19.40	Acyclic polycarboxylic acids, derived from aromatic hydrocarbons, and their derivatives, nesoi	Pharma.
2917.19.70	Acyclic polycarboxylic acids and their derivatives (excluding plasticizers)	Pharma.
2917.20.00	Cyclanic, cyclenic or cycloterpenic polycarboxylic acids, their anhydrides, halides, peroxides, peroxyacids and their derivatives.	Pharma.
2917.34.01	Esters of orthophthalic acid, nesoi	Pharma.
2917.37.00	Dimethyl terephthalate	Pharma.
2917.39.30	Aromatic polycarboxylic acids, their anhydrides, halides, peroxides, peroxyacids and their derivatives nesoi, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2918.11.51	Salts and esters of lactic acid	Pharma.
2918.12.00	Tartaric acid	Pharma.
2918.13.50	Salts and esters of tartaric acid, nesoi	Pharma.
2918.14.00	Citric acid	Pharma.
2918.16.50	Salts and esters of gluconic acid, nesoi	Pharma.
2918.18.00	Chlorobenzilate (ISO)	Pharma.
2918.19.15	Other Phenylglycolic (Mandelic) acid salts and esters	Pharma.
2918.19.20	Aromatic carboxylic acids with alcohol function, without other oxygen functions, and their derivatives, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2918.19.31	Aromatic carboxylic acids with alcohol function, without other oxygen functions, and their derivatives, nesoi.	Pharma.
2918.19.60	Malic acid	Pharma.
2918.19.90	Nonaromatic carboxylic acids with alcohol function, without other oxygen function, and their derivatives, nesoi.	Pharma.
2918.21.10	Salicylic acid and its salts, suitable for medicinal use	Pharma.
2918.22.10	O-Acetylsalicylic acid (Aspirin)	Pharma.
2918.22.50	Salts and esters of O-acetylsalicylic acid	Pharma.
2918.23.10	Salol (Phenyl salicylate) suitable for medicinal use	Pharma.
2918.23.30	Esters of salicylic acid and their salts, described in additional U.S. note 3 to section VI of the HTSUS	Pharma.
2918.23.50	Esters of salicylic acid and their salts, nesoi	Pharma.
2918.29.20	Gentisic acid; and Hydroxycinnamic acid and its salts	Pharma.
2918.29.22	p-Hydroxybenzoic acid	Pharma.
2918.29.65	Carboxylic acids with phenol function but without other oxygen function, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2918.29.75	Other carboxylic acids with phenol function but without other oxygen function and their derivatives (excluding goods of additional U.S. note 3 to section VI of the HTSUS).	Pharma.
2918.30.10	1-Formylphenylacetic acid, methyl ester	Pharma.
2918.30.15	2-Chloro-4,5-difluoro-beta -oxobenzenepropanoic acid, ethyl ester; and Ethyl 2-keto-4-phenylbutanoate	Pharma.
2918.30.25	Aromatic carboxylic acids with aldehyde or ketone function but without other oxygen function and their derivatives described in additional U.S. note 3 to section VI of the HTSUS, nesoi.	Pharma.
2918.30.30	Aromatic carboxylic acids with aldehyde or ketone function but without other oxygen function, and their derivatives, nesoi.	Pharma.
2918.30.70	Dimethyl acetyl succinate; Oxalacetic acid diethyl ester, sodium salt; 4,4,4-Trifluoro-3-oxobutanoic acid, both ethyl and methyl ester versions.	Pharma.
2918.30.90	Non-aromatic carboxylic acids with aldehyde or ketone function but without other oxygen function, their anhydrides, halides, peroxides, peroxyacids and their derivatives.	Pharma.
2918.99.05	p-Anisic acid; clofibrate and 3-phenoxybenzoic acid	Pharma.
2918.99.30	Aromatic drugs derived from carboxylic acids with out additional oxygen function, and their derivatives, nesoi.	Pharma.
2918.99.43	Aromatic carboxylic acids with out additional oxygen function and their anhydrides, halides, peroxides, peroxyacids and their derivatives, described in additional U.S. note 3 to section VI of the HTSUS, nesoi.	Pharma.
2918.99.47	Other aromatic carboxylic acids without additional oxygen function and their anhydrides, halides, peroxides, peroxyacids and their derivatives (excluding goods described in additional U.S. note 3 to section VI of the HTSUS).	Pharma.
2918.99.50	Nonaromatic carboxylic acids without additional oxygen function, and their derivatives, nesoi	Pharma.
2919.10.00	Tris(2,3-dibromopropyl phosphate)	Pharma.
2919.90.30	Aromatic phosphoric esters and their salts, including lactophosphates, and their derivatives, not used as plasticizers.	Pharma.
2919.90.50	Nonaromatic phosphoric esters and their salts, including lactophosphates, and their derivatives	Pharma.
2920.19.40	Other aromatic thiophosphoric esters (phosphorothioates), their salts and their halogenated, sulfonated, nitrated or nitrosated derivatives.	Pharma.

HTSUS	Description	Scope limitations
2920.19.50	Nonaromatic phosphorothioates, their salts and their halogenated, sulfonated, nitrated or nitrosated derivatives, nesoi.	Pharma.
2920.21.00	Dimethyl phosphite	Pharma.
2920.22.00	Diethyl phosphite	Pharma.
2920.23.00	Trimethyl phosphite	Pharma.
2920.24.00	Triethyl phosphite	Pharma.
2920.29.00	Other phosphite esters, their salts and their halogenated, sulfonated, nitrated or nitrosated derivatives	Pharma.
2920.30.00	Endosulfan (ISO)	Pharma.
2920.90.20	Aromatic esters of other inorganic acids (excluding hydrogen halides), their salts and their derivatives, nesoi.	Pharma.
2920.90.51	Nonaromatic esters of inorganic acids of nonmetals, their salts and derivatives, excluding esters of hydrogen halides, nesoi.	Pharma.
2921.11.00	Methylamine, di- or trimethylamine, and their salts	Pharma.
2921.14.00	2-(N,N,-Diisopropylamino)ethyl chloride hydrochloride	Pharma.
2921.19.11	Mono- and triethylamines; mono-, di-, and tri(propyl- and butyl-) monoamines; salts of any of the foregoing.	Pharma.
2921.19.61	N,N-Dialkyl (methyl, ethyl, n-Propyl or Isopropyl)-2-Chloroethylamines and their protonated salts; Acyclic monoamines and their derivatives, nesoi.	Pharma.
2921.29.00	Acyclic polyamines, their derivatives and salts, other than ethylenediamine or hexamethylenediamine and their salts.	Pharma.
2921.30.10	Cyclanic, cyclenic or cycloterpenic mono- or polyamines, derivatives and salts, from any aromatic compound described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2921.30.30	Cyclanic, cyclenic, cycloterpenic mono- or polyamines and their derivatives and salts, derived from any aromatic compound (excluding goods described in additional U.S. note 3 to section VI of the HTSUS).	Pharma.
2921.30.50	Cyclanic, cyclenic or cycloterpenic mono- or polyamines, and their derivatives and salts, derived from any nonaromatic compounds.	Pharma.
2921.41.10	Aniline	Pharma.
2921.41.20	Aniline salts	Pharma.
2921.42.65	Aniline derivatives and their salts thereof, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2921.42.90	Other aniline derivatives and their salts	Pharma.
2921.43.40	Toluidines and their derivatives and salts thereof, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2921.45.60	Aromatic monoamines and their derivatives and salts thereof, described in additional U.S. note 3 to section VI of the HTSUS, nesoi.	Pharma.
2921.45.90	Aromatic monoamines and their derivatives and salts thereof nesoi	Pharma.
2921.46.00	Amfetamine (INN), benzfetamine (INN), dexamfetamine (INN), etilamfetamine (INN), and other specified INNs; salts thereof.	Pharma.
2921.49.38	Aromatic monoamine antidepressants, tranquilizers and other psychotherapeutic agents,	Pharma.
2921.49.43	Aromatic monoamine drugs, nesoi	Pharma.
2921.49.45	Aromatic monoamines and their derivatives and salts thereof nesoi, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2921.49.50	Aromatic monoamines and their derivatives and salts thereof, nesoi	Pharma.
2921.59.40	Aromatic polyamines and their derivatives and salts thereof, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2921.59.80	Aromatic polyamines and their derivatives and salts thereof nesoi	Pharma.
2922.11.00	Monoethanolamine and its salts	Pharma.
2922.12.00	Diethanolamine and its salts	Pharma.
2922.14.00	Dextropropoxyphene (INN) and its salts	Pharma.
2922.15.00	Triethanolamine	Pharma.
2922.16.00	Diethylammonium perfluorooctane sulfonate	Pharma.
2922.17.00	Methyldiethanolamine and ethyldiethanolamine	Pharma.
2922.18.00	2-(N,N-Diisopropylamino)ethanol	Pharma.
2922.19.09	Aromatic amino-alcohols drugs, their ethers and esters, other than those containing more than one kind of oxygen function, and their salts thereof; nesoi.	Pharma.
2922.19.20	4,4′-Bis(dimethylamino)benzhydrol (Michler's hydrol) and other specified aromatic amino-alcohols, their ethers and esters, and salts thereof.	Pharma.
2922.19.33	N1-(2-Hydroxyethyl-2-nitro-1,4-phenylendiamine; N1,N4,N4-tris(2-hydroxyethyl)-2-nitro-1,4-phenylenediamine; and other specified chemicals.	Pharma.
2922.19.60	Aromatic amino-alcohols, their ethers and esters, other than those containing more than one oxygen function, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2922.19.70	Other aromatic amino-alcohols, their ethers and esters, other than those containing more than one oxygen function (excluding goods described in additional U.S. note 3 to section VI of the HTSUS).	Pharma.
2922.19.90	Salts of triethanolamine	Pharma.
2922.19.96	Amino-alcohols, other than those containing more than one kind of oxygen function, their ethers and esters and salts thereof, nesoi.	Pharma.
2922.21.10	1-Amino-8-hydroxy-3,6-naphthalenedisulfonic acid; and other specified aminohydroxynaphthalenesulfonic acids and their salts.	Pharma.
2922.21.25	1-Amino-8-hydroxy-4,6-naphthalenedisulfonic acid, monosodium salts	Pharma.
2922.21.40	Aminohydroxynaphthalene sulfonic acids and their salts, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2922.21.50	Aminohydroxynaphthalene sulfonic acids and their salts, nesoi	Pharma.
2922.29.03	o-Anisidine; p-anisidine; and p-phenetidine	Pharma.
2922.29.06	m-Nitro-p-anisidine and m-nitro-o-anisidine as fast color bases	Pharma.

HTSUS	Description	Scope limitations
2922.29.08	m-Nitro-p-anisidine and m-nitro-o-anisidine, nesoi	Pharma.
2922.29.10	2-Amino-6-chloro-4-nitrophenol and other specified amino-naphthols and amino-phenols, their ethers and esters; salts thereof.	Pharma.
2922.29.13	o-Aminophenol; and 2,2-bis-[4-(4-aminophenoxy)phenyl]propane	Pharma.
2922.29.15	m-Diethylaminophenol; m-dimethylaminophenol; 3-ethylamino-p-cresol; and 5-methoxy-m-phenylenediamine.	Pharma.
2922.29.20	4-Chloro-2,5-dimethoxyaniline; and 2,4-dimethoxyaniline	Pharma.
2922.29.26	Amino-naphthols and other amino-phenols and their derivatives used as fast color bases	Pharma.
2922.29.27	Drugs of amino-naphthols and -phenols, their ethers and esters, except those containing more than one oxygen function, and salts thereof, nesoi.	Pharma.
2922.29.29	Photographic chemicals of amino-naphthols and -phenols, their ethers and esters, except those containing more than one oxygen function, and salts thereof, nesoi.	Pharma.
2922.29.61	Amino-naphthols and other amino-phenols and their derivatives, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2922.29.81	Amino-naphthols and other amino-phenols, their ethers and esters (not containing more than one oxygen function), and salts thereof, nesoi.	Pharma.
2922.31.00	Amfepramone (INN), methadone (INN) and normethadone (INN), and salts thereof	Pharma.
2922.39.05	1-Amino-2,4-dibromoanthraquinone and 2-Amino-5-chlorobenzophenone	Pharma.
2922.39.10	2′-Amino aceto phenone and other specified aromatic amino-aldehydes, -ketones and -quinones, other than those with more than one oxygen function.	Pharma.
2922.39.14	2-Aminoanthraquinone	Pharma.
2922.39.17	1-Aminoanthraquinone	Pharma.
2922.39.25	Aromatic amino-aldehydes, -ketones and -quinones, other than those with more than one oxygen function, and salts thereof, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2922.39.45	Aromatic amino-aldehydes, -ketones and -quinones, other than those with more than one oxygen function, and salts thereof, nesoi.	Pharma.
2922.39.50	Nonaromatic amino-aldehydes, -ketones and -quinones, other than those with more than one kind of oxygen function, and salts thereof, nesoi.	Pharma.
2922.41.00	Lysine and its esters and salts thereof	Pharma.
2922.42.10	Monosodium glutamate	Pharma.
2922.42.50	Glutamic acid and its salts, other than monosodium glutamate	Pharma.
2922.43.10	Anthranilic acid and its salts, described in additional U.S. note 3 to section VI of the HTSUS	Pharma.
2922.43.50	Anthranilic acid and its salts, nesoi	Pharma.
2922.44.00	Tildine (INN) and its salts	Pharma.
2922.49.05	(R)-α-Aminobenzeneacetic acid; and 2-amino-3-chlorobenzoic acid, methyl ester	Pharma.
2922.49.10	m-Aminobenzoic acid, technical; and other specified aromatic amino-acids and their esters, except those with more than one oxygen function.	Pharma.
2922.49.26	Aromatic amino-acids drugs and their esters, not containing more than one kind of oxygen function, nesoi.	Pharma.
2922.49.30	Aromatic amino-acids and their esters, excluding those with more than one oxygen function, and their salts, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2922.49.37	Aromatic amino-acids and their esters, not containing more than one oxygen function (excluding goods described in additional U.S. note 3 to section VI of the HTSUS), nesoi.	Pharma.
2922.49.43	Glycine (aminoacetic acid)	Pharma.
2922.49.49	Nonaromatic amino-acids, other than those containing more than one oxygen function, other than glycine.	Pharma.
2922.49.60	3-Aminocrotonic acid, methyl ester; and (R)-α-amino-1,4-cyclohexadiene-1-acetic acid	Pharma.
2922.49.80	Non-aromatic esters of amino-acids, other than those containing more than one oxygen function, and salts thereof.	Pharma.
2922.50.07	3,4-Diaminophenetole dihydrogen sulfate, 2-nitro-5-[(2,3-dihydroxy)propoxy]-N-methylaniline and other specified aromatic chemicals.	Pharma.
2922.50.10	Specified aromatic amino-alcohol-phenols, amino-acid-phenols and other amino-compounds with oxygen function.	Pharma.
2922.50.11	Salts of d(-)-p-Hydroxyphenylglycine ((R)- α-Amino-4-hydroxybenzeneacetic acid)	Pharma.
2922.50.13	Isoetharine hydrochloride and other specified aromatic drugs of amino-compounds with oxygen function	Pharma.
2922.50.14	Other aromatic cardiovascular drugs of amino-compounds with oxygen function	Pharma.
2922.50.17	Aromatic dermatological agents and local anesthetics of amino-compounds with oxygen function	Pharma.
2922.50.19	Aromatic guaiacol derivatives of amino-compounds with oxygen function	Pharma.
2922.50.25	Aromatic drugs of amino-compounds with oxygen function, nesoi	Pharma.
2922.50.35	Aromatic amino-alcohol-phenols, amino-acid-phenols and other amino-compounds with oxygen function described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2922.50.40	Aromatic amino-alcohol-phenols, amino-acid-phenols and other amino-compounds with oxygen function, nesoi.	Pharma.
2922.50.50	Nonaromatic amino-alcohol-phenols, amino-acid-phenols and other amino-compounds with oxygen function.	Pharma.
2923.10.00	Choline and its salts	Pharma.
2923.20.10	Purified egg phospholipids, pharmaceutical grade meeting requirements of the U.S. FDA, for use in intravenous fat emulsion.	Pharma.
2923.20.20	Lecithins and other phosphoaminolipids, nesoi	Pharma.
2923.30.00	Tetraethylammonium perfluorooctane sulfonate	Pharma.
2923.40.00	Didecylmethylammonium perfluorooctane sulfonate	Pharma.
2923.90.01	Quaternary ammonium salts and hydroxides, whether or not chemically defined, nesoi	Pharma.
2924.11.00	Meprobamate (INN)	Pharma.
2924.12.00	Fluoroacetamide (ISO), monocrotophos (ISO) and phosphamidon (ISO)	Pharma.

HTSUS	Description	Scope limitations
2924.19.11	Acyclic amides (including acyclic carbamates)	Pharma.
2924.19.80	Acyclic amide derivatives and salts thereof; nesoi	Pharma.
2924.21.16	Aromatic ureines and their derivatives, nesoi	Pharma.
2924.21.20	Aromatic ureines, their derivatives and salts thereof, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2924.21.45	Aromatic ureines, their derivatives and salts thereof, nesoi	Pharma.
2924.21.50	Nonaromatic ureines and their derivatives; and salts thereof	Pharma.
2924.23.70	2-Acetamidobenzoic acid salts described in additional U.S. note 3 to section VI of the HTSUS	Pharma.
2924.23.75	2-Acetamidobenzoic acid salts, nesoi	Pharma.
2924.24.00	Ethinamate (INN)	Pharma.
2924.25.00	Alachlor (ISO)	Pharma.
2924.29.01	p-Acetanisidide; p-acetoacetatoluidide; 4′-amino-N-methylacetanilide; 2,5-dimethoxyacetanilide; and N-(7-hydroxy-1-naphthyl)acetamide.	Pharma.
2924.29.03	3,5-Dinitro-o-toluamide	Pharma.
2924.29.05	Biligrafin acid; 3,5-diacetamido-2,4,6-triiodobenzoic acid; and metrizoic acid	Pharma.
2924.29.10	Acetanilide; N-acetylsulfanilyl chloride; aspartame; and 2-methoxy-5-acetamino-N,N-bis(2-acetoxyethyl)aniline.	Pharma.
2924.29.23	4-Aminoacetanilide; 2-2-oxamidobis[ethyl-3-(3,5-di-tert-butyl-4-hydroxyphenyl)propionate]; and other specified cyclic amide chemicals.	Pharma.
2924.29.26	3-Aminomethoxybenzanilide	Pharma.
2924.29.28	N-[[(4-Chlorophenyl)amino]carbonyl]difluorobenzamide; and 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)benzamide (pronamide).	Pharma.
2924.29.33	3-Hydroxy-2-naphthanilide; 3-hydroxy-2-naphtho-o-toluidide; 3-hydroxy-2-naphtho-o-anisidine; 3-hydroxy-2-naphtho-o-phenetidide; and other.	Pharma.
2924.29.57	Diethylaminoacetoxylidide (Lidocaine)	Pharma.
2924.29.62	Other aromatic cyclic amides and derivatives for use as drugs	Pharma.
2924.29.65	5-Bromoacetyl-2-salicylamide	Pharma.
2924.29.71	Aromatic cyclic amides and their derivatives, described in additional U.S. note 3 to section VI of the HTSUS, nesoi.	Pharma.
2924.29.77	Aromatic cyclic amides (including cyclic carbamates), their derivatives and salts thereof, nesoi	Pharma.
2924.29.80	2,2-Dimethylcyclopropylcarboxamide	Pharma.
2924.29.95	Other nonaromatic cyclic amides, their derivatives and salts thereof; nesoi	Pharma.
2925.12.00	Glutethimide (INN)	Pharma.
2925.19.42	Other aromatic imides, their derivatives and salts thereof; nesoi	Pharma.
2925.19.91	Other non-aromatic imides and their derivatives	Pharma.
2925.21.00	Chlordimeform (ISO)	Pharma.
2925.29.10	N′-(4-Chloro-o-tolyl)-N,N-dimethylformamidine; bunamidine hydrochloride; and pentamidine	Pharma.
2925.29.18	N,N′-Diphenylguanidine; 3-Dimethyl amino methyleneiminophenol hydrochloride; 1,3-Di-o-tolylguanidine; and N,N-Dimethyl-N′-[3-[[(methylamino) carbonyl]- oxy] phenyl] methanimidamide monohydro- chloride.	Pharma.
2925.29.20	Aromatic drugs of imines and their derivatives, nesoi	Pharma.
2925.29.60	Aromatic imines, their derivatives and salts thereof (excluding drugs), nesoi	Pharma.
2925.29.70	Tetramethylguanidine	Pharma.
2925.29.90	Non-aromatic imines, their derivatives and salts thereof	Pharma.
2926.30.10	Fenproporex (INN) and its salts	Pharma.
2926.40.00	alpha-Phenylacetoacetonitrile	Pharma.
2926.90.14	p-Chlorobenzonitrile and verapamil hydrochloride	Pharma.
2926.90.43	Aromatic nitrile-function compounds, nesoi, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2926.90.48	Aromatic nitrile-function compounds other than those products described in additional U.S. note 3 to section VI of the HTSUS, nesoi.	Pharma.
2926.90.50	Nonaromatic nitrile-function compounds, nesoi	Pharma.
2927.00.40	Diazo-, azo- or azoxy-compounds, nesoi, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2927.00.50	Other diazo-, azo- or azoxy-compounds, nesoi	Pharma.
2928.00.10	Methyl ethyl ketoxime	Pharma.
2928.00.15	Phenylhydrazine	Pharma.
2928.00.25	Aromatic organic derivatives of hydrazine or of hydroxylamine	Pharma.
2928.00.30	Nonaromatic drugs of organic derivatives of hydrazine or of hydroxylamine, other than Methyl ethyl ketoxime.	Pharma.
2928.00.50	Nonaromatic organic derivatives of hydrazine or of hydroxylamine, nesoi	Pharma.
2929.90.05	2,2-Bis(4-cyanatophenyl)-1,1,1,3,3,3,-hexafluoropropane; 2,2-bis(4-cyanatophenyl)propane; 1,1-ethylidenebis(phenyl-4-cyanate); and 2 others.	Pharma.
2929.90.15	Other aromatic compounds with other nitrogen function, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2929.90.20	Aromatic compounds with other nitrogen function, nesoi	Pharma.
2929.90.50	Nonaromatic compounds with other nitrogen functions, except isocyanates	Pharma.
2930.10.01	2-(N,N-Dimethylamino) ethanethiol	Pharma.
2930.20.20	Aromatic compounds of thiocarbamates and dithiocarbamates, excluding pesticides	Pharma.
2930.20.90	Other non-aromatic thiocarbamates and dithiocarbamates	Pharma.
2930.30.60	Thiuram mono-, di- or tetrasulfides, other than tetramethylthiuram monosulfide	Pharma.
2930.40.00	Methionine	Pharma.
2930.60.00	2-(N,N-Diethylamino)ethanethiol	Pharma.
2930.70.00	Bis(2-hydroxyethyl)sulfide (thiodiglycol (INN))	Pharma.

HTSUS	Description	Scope limitations
2930.90.29	Other aromatic organo-sulfur compounds (excluding pesticides)	Pharma.
2930.90.49	Nonaromatic organo-sulfur acids, nesoi	Pharma.
2930.90.92	Other non-aromatic organo-sulfur compounds	Pharma.
2931.41.00	Dimethyl methylphosphonate	Pharma.
2931.42.00	Dimethyl propylphosphonate	Pharma.
2931.43.00	Diethyl ethylphosphonate	Pharma.
2931.44.00	Methylphosphonic acid	Pharma.
2931.45.00	Salt of methylphosphonic acid and (aminoiminomethyl)urea (1:1)	Pharma.
2931.46.00	2,4,6-Tripropyl-1,3,5,2,4,6-trioxatriphosphinane 2,4,6-trioxide	Pharma.
2931.47.00	(5-Ethyl-2-methyl-2-oxido-1,3,2-dioxaphosphinan-5-yl) methyl methyl methylphosphonate	Pharma.
2931.48.00	3,9-Dimethyl-2,4,8,10-tetraoxa-3,9-diphosphaspiro [5.5] undecane 3,9-dioxide	Pharma.
2931.49.00	Other non-halogenated organo-phosphorous derivatives	Pharma.
2931.51.00	Methylphosphonic dichloride	Pharma.
2931.52.00	Propylphosphonic dichloride	Pharma.
2931.53.00	O-(3-chloropropyl) O-[4-nitro-3-(trifluoromethyl)phenyl] methylphosphonothionate	Pharma.
2931.54.00	Trichlorfon (ISO)	Pharma.
2931.59.00	Other halogenated organo-phosphorous derivatives	Pharma.
2931.90.22	Drugs of aromatic organo-inorganic compounds	Pharma.
2931.90.30	Aromatic organo-inorganic compounds, nesoi, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2931.90.60	Other aromatic organo-inorganic compounds (excluding products described in additional U.S. note 3 to section VI of the HTSUS).	Pharma.
2931.90.90	Other non-aromatic organo-inorganic compounds	Pharma.
2932.11.00	Tetrahydrofuran	Pharma.
2932.14.00	Sucralose	Pharma.
2932.19.10	Aromatic heterocyclic compounds with oxygen hetero-atom(s) only, containing an unfused furan ring, nesoi.	Pharma.
2932.19.51	Nonaromatic compounds containing an unfused furan ring (whether or not hydrogenated) in the ring	Pharma.
2932.20.05	Coumarin, methylcoumarins and ethylcoumarins	Pharma.
2932.20.20	Aromatic drugs of lactones	Pharma.
2932.20.25	4-Hydroxycoumarin	Pharma.
2932.20.30	Aromatic lactones, nesoi, described in additional U.S. note 3 to section VI of the HTSUS	Pharma.
2932.20.45	Aromatic lactones, nesoi	Pharma.
2932.20.50	Nonaromatic lactones	Pharma.
2932.95.00	Tetrahydrocannabinols (all isomers)	Pharma.
2932.99.04	2,2-Dimethyl-1,3-benzodioxol-4-yl methylcarbamate (Bendiocarb)	Pharma.
2932.99.08	2-Ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranylmethanesulfonate	Pharma.
2932.99.21	Aromatic pesticides of heterocyclic compounds with oxygen hetero-atom(s) only, nesoi	Pharma.
2932.99.32	Benzofuran (Coumarone); and Dibenzofuran (Diphenylene oxide)	Pharma.
2932.99.35	2-Hydroxy-3-dibenzofurancarboxylic acid	Pharma.
2932.99.39	Benzointetrahydropyranyl ester; and Xanthen-9-one	Pharma.
2932.99.55	Bis-O-[(4-methylphenyl)methylene]-D-glucitol (Dimethylbenzylidene sorbitol); and Rhodamine 2C base ..	Pharma.
2932.99.61	Aromatic heterocyclic compounds with oxygen hetero-atom(s) only, described in additional U.S. note 3 to section VI of the HTSUS, nesoi.	Pharma.
2932.99.70	Aromatic heterocyclic compounds with oxygen hetero-atom(s) only, nesoi	Pharma.
2932.99.90	Nonaromatic heterocyclic compounds with oxygen hetero-atom(s) only, nesoi	Pharma.
2933.11.00	Phenazone (Antipyrine) and its derivatives	Pharma.
2933.19.08	3-(5-Amino-3-methyl-1H-pyrazol-1-yl)benzenesulfonic acid; amino-J-pyrazolone; and another 12 specified chemicals.	Pharma.
2933.19.35	Aromatic or modified aromatic drugs of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyrazole ring.	Pharma.
2933.19.37	Aromatic or modified aromatic compounds, described in additional U.S. note 3 to section VI of the HTSUS, containing an unfused pyrazole ring (whether or not hydrogenated) in the structure.	Pharma.
2933.19.43	Aromatic or modified aromatic compounds (excluding products described in additional U.S. note 3 to section VI of the HTSUS), containing an unfused pyrazole ring in the structure.	Pharma.
2933.19.45	Nonaromatic drugs of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyrazole ring.	Pharma.
2933.19.90	Other compounds (excluding aromatic or modified aromatic compounds and drugs) containing an unfused pyrazole ring (whether or not hydrogenated) in the structure.	Pharma.
2933.21.00	Hydantoin and its derivatives	Pharma.
2933.29.05	1-[1-((4-Chloro-2-(trifluoromethyl)phenyl)imino)-2-propoxyethyl]-1H-imidazole (triflumizole); and Ethylene thiourea.	Pharma.
2933.29.10	2-Phenylimidazole	Pharma.
2933.29.20	Aromatic or modified aromatic drugs of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused imidazole ring.	Pharma.
2933.29.35	Aromatic or modified aromatic goods, described in additional U.S. note 3 to section VI of the HTSUS, containing an unfused imidazole ring (whether or not hydrogenated) in structure.	Pharma.
2933.29.43	Aromatic or modified aromatic goods containing an unfused imidazole ring (whether or not hydrogenated) in the structure (excluding products described in additional U.S. note 3 to section VI of the HTSUS).	Pharma.
2933.29.45	Nonaromatic drugs of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused imidazole ring, nesoi.	Pharma.
2933.29.60	Imidazole	Pharma.

HTSUS	Description	Scope limitations
2933.29.90	Other compounds (excluding drugs, aromatic and modified aromatic compounds) containing an unfused imidazole ring (whether or not hydrogenated).	Pharma.
2933.31.00	Pyridine and its salts	Pharma.
2933.33.01	Alfentanil (INN), anileridine (INN), bezitramide (INN), bromazepam (INN), difenoxin (INN), and other specified INNs; salts thereof.	Pharma.
2933.34.00	Other fentanyls and their derivatives, containing an unfused pyrazole ring	Pharma.
2933.35.00	3-Quinuclidinol	Pharma.
2933.36.00	4-Anilino-N-phenethylpiperidine (ANPP)	Pharma.
2933.37.00	N-Phenethyl-4-piperidone (NPP)	Pharma.
2933.39.08	1-(3-Sulfapropyl)pryidinium hydroxide; N,N-bis(2,2,6,6-tetramethyl-4-piperidinyl)-1,6-hexanediamine; and 5 other specified chemicals.	Pharma.
2933.39.10	Collidines, lutidines and picolines	Pharma.
2933.39.20	p-Chloro-2-benzylpyridine and other specified heterocyclic compounds, with nitrogen hetero-atom(s) only, containing an unfused pyridine ring.	Pharma.
2933.39.21	Fungicides of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyridine ring.	Pharma.
2933.39.23	o-Paraquat dichloride	Pharma.
2933.39.25	Herbicides nesoi, of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyridine ring.	Pharma.
2933.39.27	Pesticides nesoi, of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyridine ring.	Pharma.
2933.39.31	Psychotherapeutic agents of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyridine ring, nesoi.	Pharma.
2933.39.41	Drugs containing an unfused pyridine ring (whether or not hydrogenated) in the structure, nesoi	Pharma.
2933.39.61	Heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyridine ring, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2933.39.92	Heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyridine ring, nesoi	Pharma.
2933.41.00	Levorphenol (INN) and its salts	Pharma.
2933.49.20	5-Chloro-7-iodo-8-quinolinol (Iodochlorhydroxyquin); Decoquinate; Diiodohydroxyquin; and Oxyquinoline sulfate.	Pharma.
2933.49.26	Drugs containing a quinoline or isoquinoline ring-system (whether or not hydrogenated), not further fused, nesoi.	Pharma.
2933.49.60	Products described in additional U.S. note 3 to section VI of the HTSUS containing quinoline or isoquinoline ring-system (whether or not hydrogenated), not further fused.	Pharma.
2933.49.70	Heterocyclic compounds with nitrogen hetero-atom(s) only, containing a quinoline ring-system, not further fused, nesoi.	Pharma.
2933.53.00	Allobarbital (INN), amobarbital (INN), barbital (INN), butalbital (INN), butobarbital, and other specified INNs; salts thereof.	Pharma.
2933.54.00	Other derivatives of malonylurea (barbituric acid); salts thereof	Pharma.
2933.55.00	Loprazolam (INN), mecloqualone (INN), methaqualone (INN) and zipeprol (INN); salts thereof	Pharma.
2933.59.10	Aromatic or modified aromatic herbicides of heterocyclic compounds with nitrogen hetero-atom(s) only, containing a pyrimidine or piperazine ring.	Pharma.
2933.59.15	Aromatic or modified aromatic pesticides nesoi, of heterocyclic compounds with nitrogen hetero-atom(s) only, containing a pyrimidine or piperazine ring.	Pharma.
2933.59.18	Nonaromatic pesticides of heterocyclic compounds with nitrogen hetero-atom(s) only, containing a pyrimidine or piperazine ring, nesoi.	Pharma.
2933.59.21	Antihistamines, including those principally used as antinauseants	Pharma.
2933.59.22	Nicarbazin and trimethoprim	Pharma.
2933.59.36	Anti-infective agents nesoi, of heterocyclic compounds with nitrogen hetero-atom(s) only, containing a pyrimidine or piperazine ring.	Pharma.
2933.59.46	Psychotherapeutic agents of heterocyclic compounds with nitrogen hetero-atom(s) only, containing a pyrimidine or piperazine ring, nesoi.	Pharma.
2933.59.53	Other aromatic or modified aromatic drugs containing a pyrimidine ring (whether or not hydrogenated) or piperazine ring in the structure.	Pharma.
2933.59.59	Nonaromatic drugs of heterocyclic compounds nesoi, with nitrogen hetero-atom(s) only, containing a pyrimidine or piperazine ring.	Pharma.
2933.59.70	Aromatic heterocyclic compounds nesoi, with nitrogen hetero-atom(s) only, containing a pyrimidine or piperazine ring, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2933.59.80	Aromatic or modified aromatic heterocyclic compounds nesoi, with nitrogen hetero-atom(s) only, containing a pyrimidine or piperazine ring.	Pharma.
2933.59.85	2-Amino-4-chloro-6-methoxypyrimidine; 2-amino-4,6-dimethoxypyrimidine; and 6-methyluracil	Pharma.
2933.59.95	Other (excluding aromatic or modified aromatic) compounds containing a pyrimidine ring (whether or not hydrogenated) or piperazine ring in the structure.	Pharma.
2933.69.50	Hexamethylenetetramine	Pharma.
2933.69.60	Other compounds containing an unfused triazine ring (whether or not hydrogenated) in the structure	Pharma.
2933.72.00	Clobazam (INN) and methyprylon (INN)	Pharma.
2933.79.04	2,4-Dihydro-3,6-diphenylpyrrolo-(3,4-C)pyrrole-1,4-dione	Pharma.
2933.79.08	Aromatic or modified aromatic lactams with nitrogen hetero-atoms only, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2933.79.15	Aromatic or modified aromatic lactams, nesoi	Pharma.
2933.79.20	N-Methyl-2-pyrrolidone; and 2-pyrrolidone	Pharma.
2933.79.30	N-Vinyl-2-pyrrolidone, monomer	Pharma.
2933.79.40	12-Aminododecanoic acid lactam	Pharma.
2933.79.85	Aromatic or modified aromatic lactams with nitrogen hetero-atoms only, nesoi	Pharma.

HTSUS	Description	Scope limitations
2933.91.00	Alprazolam (INN), camazepam (INN), chlordiazepoxide (INN), clonazepam (INN), clorazepate, and other specified INNs; salts thereof.	Pharma.
2933.99.01	Butyl (R)-2-[4-(5-triflouromethyl-2-pyridinyloxy)phenoxy]propanoate	Pharma.
2933.99.02	2-[4-[(6-Chloro-2-quinoxalinyl)oxy]phenoxy]propionic acid, ethyl ester; and 1 other specified aromatic chemical.	Pharma.
2933.99.05	Acridine and indole	Pharma.
2933.99.06	α-Butyl-α-(4-chlorophenyl)-1H-1,2,4-triazole-1-propanenitrile (Mycolbutanil); and one other specified aromatic chemical.	Pharma.
2933.99.08	Acetoacetyl-5-aminobenzimidazolone; 1,3,3-Trimethyl-2-methyleneindoline; and two other specified aromatic chemicals.	Pharma.
2933.99.11	Carbazole	Pharma.
2933.99.12	6-Bromo-5-methyl-1H-imidazo-(4,5-b)pyridine; 2-sec-butyl-4-tert-butyl-6-(benzotriazol-2-yl)phenol; 2-methylindoline; and other chemicals specified.	Pharma.
2933.99.14	5-Amino-4-chloro-a-phenyl-3-pyridazinone	Pharma.
2933.99.16	o-Diquat dibromide (1,1-Ethylene-2,2′-dipyridylium dibromide)	Pharma.
2933.99.17	Aromatic or modified aromatic insecticides with nitrogen hetero-atom(s) only, nesoi	Pharma.
2933.99.22	Other heterocyclic aromatic or modified aromatic pesticides with nitrogen hetero-atom(s) only, nesoi	Pharma.
2933.99.24	Aromatic or modified aromatic photographic chemicals with nitrogen hetero-atom(s) only	Pharma.
2933.99.26	Aromatic or modified aromatic antihistamines of heterocyclic compounds with nitrogen hetero-atom(s) only.	Pharma.
2933.99.42	Acriflavin; Acriflavin hydrochloride; Carbadox; Pyrazinamide	Pharma.
2933.99.46	Aromatic or modified aromatic anti-infective agents of heterocyclic compounds with nitrogen hetero-atom(s) only, nesoi.	Pharma.
2933.99.51	Hydralazine hydrochloride	Pharma.
2933.99.53	Aromatic or modified aromatic cardiovascular drugs of heterocyclic compounds with nitrogen hetero-atom(s) only, nesoi.	Pharma.
2933.99.55	Aromatic or modified aromatic analgesics and certain like affecting chemicals, of heterocyclic compounds with nitrogen hetero-atom(s) only.	Pharma.
2933.99.58	Droperidol; and Imipramine hydrochloride	Pharma.
2933.99.61	Aromatic or modified aromatic psychotherapeutic agents, affecting the central nervous system, of heterocyclic compounds with nitrogen hetero-atom(s) only, nesoi.	Pharma.
2933.99.65	Aromatic or modified aromatic anticonvulsants, hypnotics and sedatives, of heterocyclic compounds with nitrogen hetero-atom(s) only, nesoi.	Pharma.
2933.99.70	Aromatic or modified aromatic drugs affecting the central nervous system, of heterocyclic compounds with nitrogen atom(s) only, nesoi.	Pharma.
2933.99.75	Aromatic or modified aromatic drugs of heterocyclic compounds with nitrogen hetero-atom(s) only, nesoi.	Pharma.
2933.99.79	Aromatic or modified aromatic compounds with nitrogen hetero-atom(s) only, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2933.99.82	Aromatic or modified aromatic compounds with nitrogen hetero-atom(s) only, excluding products described in additional U.S. note 3 to section VI of the HTSUS, nesoi.	Pharma.
2933.99.85	3-Amino-1,2,4-triazole	Pharma.
2933.99.89	Hexamethyleneimine	Pharma.
2933.99.90	Nonaromatic drugs of heterocyclic compounds with nitrogen hetero-atom(s) only, nesoi	Pharma.
2933.99.97	Nonaromatic heterocyclic compounds with nitrogen hetero-atom(s) only, nesoi	Pharma.
2934.10.10	Aromatic or modified aromatic heterocyclic compounds containing an unfused thiazole ring, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2934.10.20	Aromatic or modified aromatic heterocyclic compounds, nesoi, containing an unfused thiazole ring	Pharma.
2934.10.70	4,5-Dichloro-2-n-octyl-4-isothiazolin-3-one; thiothiamine hydrochloride; and 4 other specified chemicals	Pharma.
2934.10.90	Other (excluding aromatic or modified aromatic) compounds containing an unfused thiazole ring (whether or not hydrogenated) in the structure.	Pharma.
2934.20.40	Heterocyclic compounds containing a benzothiazole ring-system, not further fused, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2934.20.80	Other compounds containing a benzothiazole ring system (whether or not hydrogenated), not further fused.	Pharma.
2934.30.18	Ethyl (1H-phenothiazin-2,4,1)carbamate	Pharma.
2934.30.23	Antidepressants, tranquilizers and other psychotherapeutic agents containing a phenothiazine ring-system, not further fused.	Pharma.
2934.30.27	Other drugs containing a phenothiazine ring system (whether or not hydrogenated), not further fused, nesoi.	Pharma.
2934.30.43	Products described in additional U.S. note 3 to section VI of the HTSUS containing a phenothiazine ring system (whether or not hydrogenated), not further fused.	Pharma.
2934.30.50	Heterocyclic compounds containing a phenothiazine ring-system (whether or not hydrogenated), not further fused, nesoi.	Pharma.
2934.91.00	Aminorex (INN), brotizolam (INN), clotiazepam (INN), cloxazolam (INN), dextromoramide (INN), and other specified INNs; salts thereof.	Pharma.
2934.92.00	Other fentanyls and their derivatives, containing an unfused thiazole ring	Pharma.
2934.99.01	Mycophenolate mofetil	Pharma.
2934.99.03	2-Acetylbenzo(b)thiophene; and 2 other specified aromatic or modified aromatic compounds	Pharma.
2934.99.05	5-Amino-3-phenyl-1,2,4-thiadiazole(3-Phenyl-5-amino-1,2,4-thiadiazole); and 3 other specified aromatic or modified aromatic heterocyclic compounds.	Pharma.
2934.99.06	7-Nitronaphth[1,2]oxadiazole-5-sulfonic acid and its salts	Pharma.
2934.99.07	Ethyl 2-[4-[(6-chloro-2-benzoxazoyl)oxy]phenoxy]propanoate (Fenoxaprop- ethyl)	Pharma.
2934.99.08	2,5-Diphenyloxazole	Pharma.

HTSUS	Description	Scope limitations
2934.99.09	1,2-Benzisothiazolin-3-one	Pharma.
2934.99.11	2-tert-Butyl-4-(2,4-dichloro-5-isopropoxyphenyl)-Δ2-1,3,4-oxadiazolin-5-one; Bentazon; Phosalone	Pharma.
2934.99.12	Aromatic or modified aromatic fungicides of other heterocyclic compounds, nesoi	Pharma.
2934.99.15	Aromatic or modified aromatic herbicides of other heterocyclic compounds, nesoi	Pharma.
2934.99.16	Aromatic or modified aromatic insecticides of other heterocyclic compounds, nesoi	Pharma.
2934.99.18	Aromatic or modified aromatic pesticides nesoi, of other heterocyclic compounds, nesoi	Pharma.
2934.99.20	Aromatic or modified aromatic photographic chemicals of other heterocyclic compounds, nesoi	Pharma.
2934.99.30	Aromatic or modified aromatic drugs of other heterocyclic compounds, nesoi	Pharma.
2934.99.39	Aromatic or modified aromatic, other heterocyclic compounds, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2934.99.44	Aromatic or modified aromatic, other heterocyclic compounds, nesoi	Pharma.
2934.99.47	Nonaromatic drugs of other heterocyclic compounds, nesoi	Pharma.
2934.99.70	Morpholinoethyl chloride hydrochloride; 2-Methyl-2,5-dioxo-1-oxa-2-phospholan; and (6R-trans)-7-Amino-3-methyl-8-oxo-5- thia-1-azabicyclo[4.2.0]-oct-2-ene-2- carboxylic acid.	Pharma.
2934.99.90	Nonaromatic other heterocyclic compounds, nesoi	Pharma.
2935.90.06	4-Amino-6-chloro-m-benzenedisulfonamide and Methyl-4-aminobenzenesulfonylcarbamate (Asulam)	Pharma.
2935.90.29	Acetylsulfaguanidine	Pharma.
2935.90.30	Sulfamethazine	Pharma.
2935.90.32	Acetylsulfisoxazole; Sulfacetamide, sodium; and Sulfamethazine, sodium	Pharma.
2935.90.33	Sulfathiazole and Sulfathiazole, sodium	Pharma.
2935.90.42	Salicylazosulfapyridine (Sulfasalazine); Sulfadiazine; Sulfaguanidine; Sulfamerizine; and Sulfapyridine	Pharma.
2935.90.48	Other sulfonamides used as anti-infective agents	Pharma.
2935.90.60	Other sulfonamide drugs (excluding anti-infective agents)	Pharma.
2935.90.75	Other sulfonamides (excluding fast color bases, fast color salts, and drugs) of products described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2935.90.95	Other sulfonamides, excluding fast color bases, fast color salts, and drugs and products described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2936.21.00	Vitamins A and their derivatives, unmixed, natural or synthesized	Pharma.
2936.22.00	Vitamin B1 (Thiamine) and its derivatives, unmixed, natural or synthesized	Pharma.
2936.23.00	Vitamin B2 (Riboflavin) and its derivatives, unmixed, natural or synthesized	Pharma.
2936.24.01	Vitamin B5 (D- or DL-Pantothenic acid) and its derivatives, unmixed, natural or synthesized	Pharma.
2936.25.00	Vitamin B6 (Pyridoxine and related compounds with Vitamin B6 activity) and its derivatives, unmixed, natural or synthesized.	Pharma.
2936.26.00	Vitamin B12 (Cyanocobalamin and related compounds with Vitamin B12 activity) and its derivatives, unmixed, natural or synthesized.	Pharma.
2936.27.00	Vitamin C (Ascorbic acid) and its derivatives, unmixed, natural or synthesized	Pharma.
2936.28.00	Vitamin E (Tocopherols and related compounds with Vitamin E activity) and its derivatives, unmixed, natural or synthesized.	Pharma.
2936.29.10	Folic acid and its derivatives, unmixed	Pharma.
2936.29.16	Niacin and niacinamide	Pharma.
2936.29.20	Aromatic or modified aromatic vitamins and their derivatives, nesoi	Pharma.
2936.29.50	Other vitamins and their derivatives, nesoi	Pharma.
2936.90.01	Vitamins or provitamins (including natural concentrates) and intermixtures of the foregoing, whether or not in any solvent.	Pharma.
2937.11.00	Somatotropin, its derivatives and structural analogues	Pharma.
2937.12.00	Insulin and its salts	Pharma.
2937.19.00	Polypeptide hormones, protein hormones and glycoprotein hormones, their derivatives and structural analogues, nesoi.	Pharma.
2937.21.00	Cortisone, hydrocortisone, prednisone (Dehydrocortisone) and prednisolone (Dehydrohydrocortisone)	Pharma.
2937.22.00	Halogenated derivatives of adrenal cortical hormones	Pharma.
2937.23.10	Estrogens and progestins obtained directly or indirectly from animal or vegetable materials	Pharma.
2937.23.25	Estradiol benzoate; and Estradiol cyclopentylpropionate (estradiol cypionate)	Pharma.
2937.23.50	Other estrogens and progestins not derived from animal or vegetable materials, nesoi	Pharma.
2937.29.10	Desonide; and Nandrolone phenpropionate	Pharma.
2937.29.90	Steroidal hormones, their derivatives and structural analogues, nesoi	Pharma.
2937.50.00	Prostaglandins, thromboxanes and leukotrienes, their derivatives and structural analogues	Pharma.
2937.90.05	Epinephrine	Pharma.
2937.90.10	Epinephrine hydrochloride	Pharma.
2937.90.20	Catecholamine hormones, their derivatives and structural analogues, nesoi	Pharma.
2937.90.40	l-Thyroxine(Levothyroxine), sodium	Pharma.
2937.90.45	Amino-acid derivatives of hormones and their derivatives, nesoi	Pharma.
2937.90.90	Other hormones, their derivatives and structural analogues, other steroid derivatives and structural analogue used primarily as hormones, nesoi.	Pharma.
2938.10.00	Rutoside (Rutin) and its derivatives	Pharma.
2938.90.00	Glycosides, natural or synthesized, and their salts, ethers, esters, and other derivatives other than rutoside and its derivatives.	Pharma.
2939.11.00	Concentrates of poppy straw; buprenorphine (INN), codeine, dihydrocodeine (INN), ethylmorphine, and other specified INNs; salts thereof.	Pharma.
2939.19.10	Papaverine and its salts	Pharma.
2939.19.20	Synthetic alkaloids of opium, their derivatives and salts thereof, nesoi	Pharma.
2939.19.50	Nonsynthetic alkaloids of opium, their derivatives and salts thereof, nesoi	Pharma.
2939.20.00	Alkaloids of cinchona, their derivatives and salts thereof, other than quinine and its salts	Pharma.
2939.30.00	Caffeine and its salts	Pharma.
2939.41.00	Ephedrine and its salts	Pharma.

HTSUS	Description	Scope limitations
2939.42.00	Pseudoephedrine (INN) and its salts	Pharma.
2939.43.00	Cathine (INN) and its salts	Pharma.
2939.44.00	Norephedrine and its salts	Pharma.
2939.45.00	Levometamfetamine, metamfetamine (INN), metamfetamine racemate and their salts	Pharma.
2939.49.03	Alkaloids of ephedra, their derivatives and salts thereof, other than ephedrine, pseudoephedrine, cathine (INN), norephedrine, levometamfetamine and their salts.	Pharma.
2939.51.00	Fenetylline (INN) its salts	Pharma.
2939.59.00	Theophylline and aminophylline (theophylline-ethylenediamine), their derivatives and salts thereof, nesoi	Pharma.
2939.61.00	Ergometrine and its salts	Pharma.
2939.62.00	Ergotamine and its salts	Pharma.
2939.63.00	Lysergic acid and its salts	Pharma.
2939.69.00	Alkaloids of rye ergot, their derivatives and salts thereof, nesoi	Pharma.
2939.72.00	Cocaine, ecgonine; salts, esters and other derivatives thereof	Pharma.
2939.79.00	Vegetal alkaloids, natural or reproduced by synthesis, their salts and other derivatives, nesoi	Pharma.
2939.80.00	Other alkaloids, natural or reproduced by synthesis, and their salts, ethers, esters and other derivatives, nesoi.	Pharma.
2940.00.60	Other sugars, nesoi, excluding d-arabinose	Pharma.
2941.10.10	Ampicillin and its salts	Pharma.
2941.10.20	Penicillin G salts	Pharma.
2941.10.30	Carfecillin, sodium; cloxacillin, sodium; dicloxacillin, sodium; flucloxacillin (Floxacillin); and oxacillin, sodium.	Pharma.
2941.10.50	Penicillins and their derivatives nesoi, with a penicillanic acid structure; salts thereof	Pharma.
2941.20.50	Streptomycins and their derivatives; salts thereof, nesoi	Pharma.
2941.30.00	Tetracyclines and their derivatives; salts thereof	Pharma.
2941.40.00	Chloramphenicol and its derivatives; salts thereof	Pharma.
2941.50.00	Erythromycin and its derivatives; salts thereof	Pharma.
2941.90.10	Natural antibiotics, nesoi	Pharma.
2941.90.30	Antibiotics nesoi, aromatic or modified aromatic, other than natural	Pharma.
2941.90.50	Antibiotics nesoi, other than aromatic or modified aromatic antibiotics	Pharma.
2942.00.03	[2,2′-Thiobis(4-(1,1,3,3-tetramethyl-n-butyl)phenolato)(2,1)]-O,O′,S-(1-butanamine), nickel II	Pharma.
2942.00.05	Aromatic or modified aromatic drugs of other organic compounds, nesoi	Pharma.
2942.00.10	Aromatic or modified aromatic organic compounds, nesoi, described in additional U.S. note 3 to section VI of the HTSUS.	Pharma.
2942.00.35	Other aromatic or modified aromatic organic compounds (excluding products described in additional U.S. note 3 to section VI of the HTSUS).	Pharma.
2942.00.50	Nonaromatic organic compounds, nesoi	Pharma.
3001.20.00	Extracts of glands or other organs or of their secretions for organotherapeutic uses	Pharma.
3001.90.01	Glands and other organs for organotherapeutic uses, dried, whether or not powdered	Pharma.
3002.12.00	Antisera and other blood fractions including human blood plasma and fetal bovine serum (FBS)	Pharma.
3002.13.00	Immunological products, unmixed, not put up in measured doses or in forms or packings for retail sale	Pharma.
3002.14.00	Immunological products, mixed, not put up in measured doses or in forms or packings for retail sale	Pharma.
3002.15.00	Immunological products, put up in measured doses or in forms or packings for retail sale	Pharma.
3002.41.00	Vaccines for human medicine	Pharma.
3002.42.00	Vaccines for veterinary medicine	Pharma.
3002.49.00	Toxins or cultures of micro-organisms (excluding yeasts)	Pharma.
3002.51.00	Cell therapy products	Pharma.
3002.59.00	Other cell cultures, other than cell therapy products	Pharma.
3002.90.10	Ferments, excluding yeasts	Pharma.
3002.90.52	Human blood; animal blood prepared for therapeutic, prophylactic, or diagnostic uses; antisera; antiallergenic preparations, nesoi and like products.	Pharma.
3003.10.00	Medicaments, containing penicillins or streptomycins, not in dosage form and not packed for retail	Pharma.
3003.20.00	Medicaments containing antibiotics, nesoi, not in dosage form and not packed for retail	Pharma.
3003.31.00	Medicaments containing insulin, not in dosage form and not packed for retail	Pharma.
3003.39.10	Medicaments containing artificial mixtures of natural hormones, but not antibiotics, not in dosage form and not packed for retail.	Pharma.
3003.39.50	Medicaments containing products of heading 2937, nesoi, but not antibiotics, not in dosage form and not packed for retail.	Pharma.
3003.41.00	Medicaments containing ephedrine or its salts, not in dosage form and not packed for retail	Pharma.
3003.42.00	Medicaments containing pseudoephedrine (INN) or its salts, not in dosage form and not packed for retail.	Pharma.
3003.43.00	Medicaments containing norephedrine or its salts, not in dosage form and not packed for retail	Pharma.
3003.49.00	Other medicaments containing alkaloids or derivatives thereof, nesoi, not in dosage form and not packed for retail.	Pharma.
3003.60.00	Other medicaments containing antimalarial active principles described in subheading note 2 to this chapter, not dosage form and not packed for retail.	Pharma.
3003.90.01	Other medicaments (excluding goods of heading 3002, 3005 or 3006) consisting of two or more constituents mixed together for therapeutic or prophylactic uses, not in dosage form and not packed for retail.	Pharma.
3004.10.10	Medicaments (excluding goods of heading 3002, 3005, or 3006) containing penicillin G salts, in dosage form or packed for retail.	Pharma.
3004.10.50	Medicaments containing penicillins or streptomycins, nesoi, in dosage form or packed for retail	Pharma.
3004.20.00	Medicaments containing antibiotics, nesoi, in dosage form or packed for retail	Pharma.
3004.31.00	Medicaments containing insulin, in dosage form or packed for retail	Pharma.
3004.32.00	Medicaments containing corticosteroidhormones, in dosage form or packed for retail	Pharma.

HTSUS	Description	Scope limitations
3004.39.00	Medicaments containing products of heading 2937 nesoi, in dosage form or packed for retail	Pharma.
3004.41.00	Medicaments containing ephedrine or its salts, in dosage form or packed for retail	Pharma.
3004.42.00	Medicaments containing pseudoephedrine (INN) or its salts, in dosage form or packed for retail	Pharma.
3004.43.00	Medicaments containing norephedrine or its salts, in dosage form or packed for retail	Pharma.
3004.49.00	Other medicaments containing alkaloids or derivatives thereof, nesoi, in dosage form or packed for retail.	Pharma.
3004.50.10	Medicaments containing vitamin B2 synthesized from aromatic or modified aromatic industrial organic compounds, in dosage form or packed for retail.	Pharma.
3004.50.20	Medicaments containing vitamin B12 synthesized from aromatic or modified aromatic industrial organic compounds, in dosage form or packed for retail.	Pharma.
3004.50.30	Medicaments containing vitamin E synthesized from aromatic or modified aromatic industrial organic compounds, in dosage form or packed for retail.	Pharma.
3004.50.40	Medicaments containing vitamins nesoi, synthesized from aromatic or modified aromatic industrial organic compounds, in dosage form or packed for retail.	Pharma.
3004.50.50	Medicaments containing vitamins or other products of heading 2936, nesoi, in dosage form or packed for retail.	Pharma.
3004.60.00	Other medicaments containing antimalarial active principles described in subheading note 2 to this chapter, in dosage form or packed for retail.	Pharma.
3004.90.10	Medicaments containing antigens or hyaluronic acid or its sodium salt, nesoi, in dosage form or packed for retail.	Pharma.
3004.90.92	Medicaments nesoi, in dosage form or packed for retail	Pharma.
3006.30.10	Opacifying preparation for X-ray examination; diagnostic reagents designed to be administered to the patient; containing antigens or antisera.	Pharma.
3006.30.50	Opacifying preparations for X-ray examinations; diagnostic reagents designed to be administered to the patient, nesoi.	Pharma.
3006.60.00	Chemical contraceptive preparations based on hormones or spermicides	Pharma.
3006.70.00	Gel preparations designed to be used in human orveterinary medicine as a lubricant in surgical operation, physical examinations or as a coupling agent between body and medical instrument.	Pharma.
3006.92.00	Waste pharmaceuticals	Pharma.
3006.93.10	Placebos and blinded clinical trial kits, put up in measured doses, packaged with medicinal preparations.	Pharma.
3006.93.20	Placebos and blinded clinical trial kits, put up in measured doses, containing over 10 percent by dry weight of sugar.	Pharma.
3006.93.50	Placebos and blinded clinical trial kits, put up in measured doses, containing ingredients having nutritional value.	Pharma.
3006.93.60	Placebos and blinded clinical trial kits, put up in measured doses, in liquid form for oral intake	Pharma.
3006.93.80	Placebos and blinded clinical trial kits, put up in measured doses, containing other chemicals other than medicaments.	Pharma.
3203.00.80	Coloring matter of vegetable or animal origin, nesoi	Pharma.
3204.13.60	Basic dyes and preparations based thereon, described in additional U.S note 3 to section VI of the HTSUS.	Pharma.
3204.13.80	Basic dyes and preparations based thereon, nesoi	Pharma.
3204.18.00	Carotenoid coloring matters and preparations based thereon	Pharma.
3204.90.00	Synthetic organic coloring matter or preparations based thereon, nesoi; synthetic organic products used as luminophores.	Pharma.
3206.11.00	Pigments and preparations based on titanium dioxide, containing 80 percent or more by weight of titanium dioxide calculated on the dry matter.	
3206.19.00	Pigments and preparations based on titanium dioxide, nesoi.	
3301.19.51	Essential oils of citrus fruit, other, nesoi.	
3301.29.10	Essential oils of eucalyptus.	
3301.30.00	Resinoids.	
3401.30.10	Organic surface-active products for washing skin, in liquid or cream form, containing any aromatic or modified aromatic surface-active agent, put up for retail.	Pharma.
3402.42.10	Non-ionic organic surface-active agents, aromatic or modified aromatic	Pharma.
3402.42.20	Fatty substances of animal, vegetable or microbial origin; non-ionic organic surface-active agents, other than aromatic or modified aromatic.	Pharma.
3402.42.90	Non-ionic organic surface-active agents, other than fatty substances of animal, vegetable or microbial origin, other than aromatic or modified aromatic.	Pharma.
3402.50.11	Preparations of organic surface-active agents, put up for retail sale, containing any aromatic or modified aromatic surface-active agent.	Pharma.
3507.90.70	Enzymes and prepared enzymes, nesoi	Pharma.
3606.90.30	Ferrocerium and other pyrophoric alloys in all forms.	
3802.10.00	Activated carbon	Pharma.
3808.59.40	Disinfectants specified in subheading note 1 to chapter 38	Pharma.
3808.59.50	Pesticides, nesoi, specified in subheading note 1 to chapter 38	Pharma.
3808.61.50	Pesticides, nesoi, not exceeding 300g, specified in subheading note 2 to chapter 38	Pharma.
3808.94.10	Disinfectants, containing any aromatic or modified aromatic disinfectant	Pharma.
3808.94.50	Disinfectants not included in subheading note 1 of chapter 38, nesoi	Pharma.
3812.31.00	Mixtures of oligomers of 2,2,4-trimethyl-1,2-dihydroquinoline (TMQ)	Pharma.
3815.11.00	Supported catalysts with nickel or nickel compounds as the active substance	Pharma.
3815.12.00	Supported catalysts with precious metal or precious metal compounds as the active substance	Pharma.
3815.90.50	Reaction initiators, reaction accelerators and catalytic preparations, nesoi	Pharma.
3823.11.00	Stearic acid.	
3823.12.00	Oleic acid.	

HTSUS	Description	Scope limitations
3823.70.40	Industrial fatty alcohols, other than oleyl, derived from fatty substances of animal or vegetable origin.	
3824.81.00	Chemical mixtures containing oxirane (ethylene oxide)	Pharma.
3824.82.10	Goods specified in subheading note 3 to chapter 38, containing PCBs, PCTs or PBBs, chlorinated but not otherwise halogenated, nesoi.	Pharma.
3824.82.90	Goods specified in subheading note 3 to chapter 38, containing PCBs, PCTs or PBBs, other than chlorinated only, nesoi.	Pharma.
3824.83.00	Containing tris(2,3-dibromopropyl) phosphate	Pharma.
3824.84.00	Other mixtures containing aldrin, camphechlor (toxaphene), chlordane, chlordecone, DDT (clofenatone), 1,1,1-trichloro-2,2-bis(p-chlorophenyl)ethane), dieldrin, endosulfan, endrin, heptachlor or mirex.	Pharma.
3824.85.00	Mixtures containing 1,2,3,4,5,6-hexachlorocyclohexane (HCH (ISO)), including lindane (ISO,INN)	Pharma.
3824.86.00	Mixtures containing pentachlorobenzene (ISO) or hexachlorobenzene (ISO)	Pharma.
3824.87.00	Mixtures containing perfluorooctane sulfonic acid, its salts, perfluorooctane sulfonamides, or perfluorooctane sulfonyl fluoride.	Pharma.
3824.88.00	Mixtures containing tetra-, penta-, hexa-, hepta-, or octabromodiphenyl ethers	Pharma.
3824.89.00	Mixtures containing short-chain chlorinated paraffins	Pharma.
3824.91.00	Mixtures consisting mainly of methylphosphonate etc.	Pharma.
3824.92.00	Polyglycol esters mixtures of methylphosphonic acid	Pharma.
3824.99.25	Mixtures of triphenyl sulfonium chloride, diphenyl (4-phenylthio)phenyl sulfonium chloride and (thiodi-4,1- phenylene)bis(diphenyl sulfonium) dichloride.	Pharma.
3824.99.29	Mixtures containing 5 percent or more by weight of one or more aromatic or modified aromatic substance, nesoi.	Pharma.
3824.99.49	Mixtures that are in whole or in part of hydrocarbons derived in whole or in part from petroleum, shale oil or natural gas.	Pharma.
3824.99.50	Mixtures chlorinated but not otherwise halogenated	Pharma.
3824.99.55	Mixtures of halogenated hydrocarbons, nesoi	Pharma.
3826.00.30	Biodiesel containing less than 70 percent petroleum or bituminous oil	Pharma.
3827.13.00	Mixtures containing carbon tetrachloride	Pharma.
3827.14.00	Mixtures containing methyl chloroform	Pharma.
3827.40.00	Mixtures containing bromomethane or bromochloromethane	Pharma.
3901.90.90	Polymers of ethylene, nesoi, in primary forms, other than elastomeric	Pharma.
3902.90.00	Polymers of propylene or of other olefins, nesoi, in primary forms	Pharma.
3904.61.00	Polytetrafluoroethylene (PTFE), in primary forms	Pharma.
3905.91.10	Copolymers of vinyl esters or other vinyls, in primary forms, containing by weight 50 percent or more of derivatives of vinyl acetate.	Pharma.
3905.91.50	Copolymers of vinyl esters or other vinyls, in primary forms, nesoi	Pharma.
3905.99.80	Polymers of vinyl esters or other vinyl polymers, in primary forms, nesoi	Pharma.
3906.90.50	Acrylic polymers (except plastics or elastomers), in primary forms, nesoi	Pharma.
3907.10.00	Polyacetals in primary forms	Pharma.
3907.21.00	Bis(polyoxyethylene) methylphosphonate	Pharma.
3907.70.00	Poly(lactic acid)	Pharma.
3908.10.00	Polyamide-6, -11, -12, -6,6, -6,9, -6,10 or -6,12 in primary form	Pharma.
3908.90.20	Bis(4-amino-3-methylcyclohexyl)methaneisophthalic acid-laurolactam copolymer	Pharma.
3909.10.00	Urea resins; thiourea resins	Pharma.
3909.40.00	Phenolic resins	Pharma.
3911.20.00	Poly(1,3-phenylene methylphosphonate)	Pharma.
3911.90.25	Thermoplastic polysulfides, polysulfones and other products specified in note 3 to chapter 39, containing aromatic monomer units or derived therefrom.	Pharma.
3911.90.45	Thermosetting polysulfides, polysulfones and other products specified in note 3 to chapter 39, containing aromatic monomer units or derived therefrom.	Pharma.
3911.90.91	Polysulfides, polysulfones and other products specified in note 3 to chapter 39, nesoi	Pharma.
3912.20.00	Cellulose nitrates (including collodions), in primary forms	Pharma.
3912.31.00	Carboxymethylcellulose and its salts	Pharma.
3912.39.00	Cellulose ethers, other than carboxymethylcellulose and its salts, in primary forms	Pharma.
3912.90.00	Cellulose and its chemical derivatives, nesoi, in primary forms	Pharma.
3913.90.20	Polysaccharides and their derivatives, nesoi, in primary forms	Pharma.
3913.90.50	Natural polymers and modified natural polymers, nesoi, in primary forms	Pharma.
3914.00.20	Cross-linked polyvinylbenzyltrimethylammonium chloride (Cholestyramine resin USP)	Pharma.
3914.00.60	Ion-exchangers based on polymers of headings 3901 to 3913, in primary forms, nesoi	Pharma.
3917.21.00	Tubes, pipes and hoses, rigid, of polymers of ethylene	Aircraft.
3917.22.00	Tubes, pipes and hoses, rigid, of polymers of propylene	Aircraft.
3917.23.00	Tubes, pipes and hoses, rigid, of polymers of vinyl chloride	Aircraft.
3917.29.00	Tubes, pipes and hoses, rigid, of other plastics nesoi	Aircraft.
3917.31.00	Flexible plastic tubes, pipes and hoses, having a minimum burst pressure of 27.6 MPa	Aircraft.
3917.33.00	Flexible plastic tubes, pipes and hoses, nesoi, with fittings, not reinforced or otherwise combined with other materials.	Aircraft.
3917.39.00	Flexible plastic tubes, pipes and hoses, nesoi	Aircraft.
3917.40.00	Fittings of plastics, for plastic tubes, pipes and hoses, nesoi	Aircraft.
3926.90.45	Gaskets, washers and other seals, of plastics	Aircraft.
3926.90.94	Cards, not punched, suitable for use as, or in making, jacquard cards; Jacquard cards and jacquard heads for power-driven weaving machines, and parts thereof; and transparent sheeting of plastics containing 30 percent or more by weight of lead.	Aircraft.
3926.90.96	Casing for bicycle derailleur cables; and casing for cable or inner wire for caliper and cantilever brakes, whether or not cut to length; of plastic.	Aircraft.
3926.90.99	Other articles of plastic, nesoi	Aircraft.

HTSUS	Description	Scope limitations
4001.10.00	Natural rubber latex, whether or not prevulcanized.	
4001.21.00	Natural rubber smoked sheets.	
4001.22.00	Technically specified natural rubber (TSNR), in primary forms.	
4001.29.00	Natural rubber in primary forms other than latex, smoked sheets or technically specified natural rubber (TSNR).	
4001.30.00	Balata, gutta-percha, guayule, chicle and similar natural rubber gums, in primary forms.	
4008.29.20	Rods and profile shapes of vulcanized, noncellular rubber, other than hard rubber	Aircraft.
4009.12.00	Tubes, pipes and hoses of vulcanized rubber other than hard rubber, not reinforced or combined with other materials, with fittings.	Aircraft.
4009.22.00	Tubes, pipes and hoses of vulcanized rubber other than hard rubber, reinforced or combined only with metal, with fittings.	Aircraft.
4009.32.00	Tubes, pipes and hoses of vulcanized rubber other than hard rubber, reinforced or combined only with textile materials, with fittings.	Aircraft.
4009.42.00	Tubes, pipes and hoses of vulcanized rubber other than hard rubber, reinforced or combined with other materials nesoi, with fittings.	Aircraft.
4011.30.00	New pneumatic tires, of rubber, of a kind used on aircraft	Aircraft.
4012.13.00	Retreaded pneumatic tires, of rubber, of a kind used on aircraft	Aircraft.
4012.20.10	Used pneumatic tires of rubber, for aircraft	Aircraft.
4016.10.00	Articles of vulcanized cellular rubber other than hard rubber	Aircraft.
4016.93.50	Gaskets, washers and other seals, of noncellular vulcanized rubber other than hard rubber, not for use in automotive goods of chapter 87.	Aircraft.
4016.99.35	Articles made of noncellular vulcanized natural rubber, not used as vibration control goods in vehicles of headings 8701 through 8705, nesoi.	Aircraft.
4016.99.60	Articles of noncellular vulcanized synthetic rubber other than hard rubber	Aircraft.
4017.00.00	Hard rubber (for example, ebonite) in all forms, including waste and scrap; articles of hard rubber	Aircraft.
4403.41.00	Wood in the rough or roughly squared, of Dark Red Meranti, Light Red Meranti or Meranti Bakau, not treated with paint, stain, creosote, or other preservatives.	
4403.42.00	Wood in the rough or roughly squared, of teak, not treated with paint, stain, creosote, or other preservatives.	
4403.49.02	Wood in the rough or roughly squared, of tropical wood other than Teak or Meranti, not treated with paint, stain, creosote, or other preservatives.	
4407.21.00	Mahogany (Swietenia spp.), sawn or chipped lengthwise, sliced or peeled, over 6 mm thick.	
4407.22.00	Virola, Imbuia and Balsa, sawn or chipped lengthwise, sliced or peeled, over 6 mm thick.	
4407.23.01	Teak, sawn or chipped lengthwise, sliced or peeled, over 6 mm thick.	
4407.25.00	Dark Red Meranti, Light Red Meranti and Meranti Bakau wood, sawn or chipped lengthwise, sliced or peeled, over 6 mm thick.	
4407.26.00	White Lauan, White Meranti, White Seraya, Yellow Meranti and Alan wood, sawn or chipped lengthwise, sliced or peeled, over 6 mm thick.	
4407.27.00	Sapelli wood, sawn or chipped lengthwise, sliced or peeled, over 6 mm thick.	
4407.28.00	Iroko wood, sawn or chipped lengthwise, sliced or peeled, over 6 mm thick.	
4407.29.02	Tropical wood, nesoi, sawn or chipped lengthwise, sliced or peeled, over 6 mm thick.	
4408.31.01	Dark Red Meranti, Light Red Meranti and Meranti Bakau veneer sheets, for plywood and other wood, sawn lengthwise, sliced or peeled, not over 6 mm thick.	
4408.39.02	Other tropical wood veneer sheets, for plywood and other wood, sawn lengthwise, sliced or peeled, not over 6 mm thick.	
4409.22.05	Nonconiferous tropical wood continuously shaped along any ends, whether or not also continuously shaped along any edges or faces.	
4409.22.10	Nonconiferous tropical wood siding, whether or not continuously shaped along its edges or faces but not its ends.	
4409.22.25	Nonconiferous tropical wood flooring, whether or not continuously shaped along its edges or faces but not its ends.	
4409.22.40	Nonconiferous tropical wood standard moldings, whether or not continuously shaped along its edges or faces but not its ends.	
4409.22.50	Other nonconiferous tropical wood moldings, whether or not continuously shaped along its edges or faces but not its ends.	
4409.22.60	Plain nonconiferous tropical wood dowel rods, whether or not continuously shaped along its edges or faces but not its ends.	
4409.22.65	Nonconiferous tropical wood dowel rods, sanded, grooved or otherwise advanced in condition, whether or not continuously shaped along its edges or faces but not its ends.	
4409.22.90	Other nonconiferous tropical wood, whether or not continuously shaped along its edges or faces but not its ends.	
4412.31.06	Plywood sheets not over 6 mm thick, tropical wood outer ply, birch face ply, not surface covered beyond clear or transparent.	
4412.31.26	Plywood sheets not over 6 mm thick, tropical wood outer ply, Spanish cedar or walnut face ply, not surface covered beyond clear or transparent.	
4412.31.42	Plywood sheets not over 6 mm thick, tropical wood outer ply, with mahogany face ply, not surface covered beyond clear or transparent.	
4412.31.45	Plywood sheets not over 3.6 mm thick, exceeding 1.2 m width and 2.2 m length, tropical wood outer ply, not mahogany face ply, not surface covered beyond clear or transparent.	
4412.31.48	Plywood sheets not over 3.6 mm thick, tropical wood outer ply, not mahogany face ply, not surface covered beyond clear or transparent, nesoi.	
4412.31.52	Plywood sheets not over 6 mm thick, tropical wood nesoi outer ply, with face ply nesoi, not surface covered beyond clear or transparent.	

HTSUS	Description	Scope limitations
4412.31.61	Plywood sheets not over 6 mm thick, with certain specified tropical wood outer ply, surface covered beyond clear or transparent.	
4412.31.92	Plywood sheets not over 6 mm thick, tropical wood nesoi at least one outer ply, surface covered beyond clear or transparent.	
4412.41.00	Laminated veneered lumber with outer ply of tropical wood.	
4412.51.10	Blockboard, laminboard and battenboard of plywood nesoi, outer ply of tropical wood, not surface covered beyond clear or transparent, with face ply of birch.	
4412.51.31	Blockboard, laminboard and battenboard of plywood nesoi, outer ply of tropical wood, not surface covered beyond clear or transparent, not with face ply of birch.	
4412.51.41	Blockboard, laminboard and battenboard of plywood nesoi, outer ply of tropical wood, surface covered other than clear or transparent.	
4412.51.51	Blockboard, laminboard and battenboard other than of plywood nesoi, outer ply of tropical wood.	
4412.91.06	Not blockboard, laminboard or battenboard, outer ply of tropical wood, containing particle board.	
4412.91.10	Not blockboard, laminboard or battenboard, plywood with outer ply of tropical wood, no particle board, not surface covered beyond clear or transparent, with face ply of birch.	
4412.91.31	Not blockboard, laminboard or battenboard, plywood with outer ply of tropical wood, no particle board, not surface covered beyond clear or transparent, not with face ply of birch.	
4412.91.41	Not blockboard, laminboard or battenboard, plywood with outer ply of tropical wood, surface covered beyond clear or transparent.	
4412.91.51	Not blockboard, laminboard or battenboard, veneered panels and similar laminated wood with outer ply of tropical wood, nesoi.	
4501.10.00	Natural cork, raw or simply prepared.	
4501.90.20	Waste cork.	
4501.90.40	Crushed, granulated or ground cork.	
4502.00.00	Natural cork, debacked or roughly squared or in rectangular blocks, plates, sheets or strip (including sharp-edged blanks for corks or stoppers).	
4503.10.20	Corks and stoppers of natural cork, tapered and of a thickness (or length) greater than the maximum diameter, not over 19mm maximum diameter.	
4503.10.30	Corks and stoppers wholly of natural cork, tapered and of a thickness (or length) greater than the maximum diameter, over 19mm maximum diameter.	
4503.10.40	Corks and stoppers of natural cork, tapered and of a thickness (or length) greater than the maximum diameter, over 19mm maximum diameter, nesoi.	
4503.10.60	Corks and stoppers of natural cork, of a thickness (or length) not greater than the maximum diameter.	
4503.90.20	Disks, wafers and washers of natural cork.	
4503.90.40	Natural cork wallcoverings, backed with paper or otherwise reinforced.	
4503.90.60	Articles of natural cork, other than corks and stoppers.	
4504.10.10	Vulcanized sheets and slabs wholly of agglomerated ground or pulverized cork and rubber.	
4504.10.20	Insulation of compressed agglomerated cork, coated or not coated.	
4504.10.30	Floor coverings of agglomerated cork.	
4504.10.40	Agglomerated cork wallcoverings, backed with paper or otherwise reinforced.	
4504.10.45	Agglomerated cork stoppers, not tapered, wholly of cork, of a thickness (or length) greater than the maximum diameter.	
4504.10.47	Corks, stoppers, disks, wafers and washers of agglomerated cork, nesoi.	
4504.10.50	Blocks, plates, sheets and strip; tiles of any shape; solid cylinder; all the foregoing of cork; all the foregoing, nesoi.	
4504.90.00	Agglomerated cork and articles of cork, nesoi.	
4601.22.40	Woven or partly assembled materials of rattan for mats, matting and screens.	
4601.22.80	Rattan floor coverings.	
4601.22.90	Mats, matting and screens of rattan, nesoi.	
4601.29.40	Woven or partly assembled materials of willow for mats, matting and screens.	
4601.93.01	Rattan webbing for mats, matting and screens.	
4601.93.05	Plaits of rattan and similar products of such plaiting materials, whether or not assembled into strips.	
4601.93.20	Products of rattan other than plaits and similar products such as plaiting materials.	
4602.12.05	Fishing baskets or creels made from rattan.	
4602.12.14	Baskets and bags of rattan wickerwork.	
4602.12.16	Baskets and bags of rattan other than wickerwork.	
4602.12.23	Articles of a kind normally carried in the pocket or in the handbag, of rattan.	
4602.12.25	Luggage, handbags and flat goods, whether or not lined, of rattan, nesoi.	
4602.12.35	Articles of wickerwork, nesoi, of rattan.	
4602.12.45	Basketwork and other articles, nesoi, of rattan.	
4823.90.10	Articles of paper pulp, nesoi	Aircraft.
4823.90.20	Articles of papier-mâché, nesoi	Aircraft.
4823.90.31	Cards of paper or paperboard, nesoi, not punched, for punchcard machines, whether or not in strips	Aircraft.
4823.90.40	Frames or mounts for photographic slides of paper or paperboard	Aircraft.
4823.90.50	Hand fans of paper or paperboard	Aircraft.
4823.90.60	Gaskets, washers and other seals of coated paper or paperboard	Aircraft.
4823.90.67	Coated paper or paperboard, nesoi	Aircraft.
4823.90.70	Articles of cellulose wadding, nesoi	Aircraft.
4823.90.80	Gaskets, washers and other seals of paper, paperboard and webs of cellulose fibers, nesoi	Aircraft.
4823.90.86	Articles of paper pulp, paper, paperboard, cellulose wadding or webs of cellulose fibers, nesoi	Aircraft.
5001.00.00	Silkworm cocoons suitable for reeling.	
5002.00.00	Raw silk (not thrown).	
5003.00.10	Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock), not carded or combed.	

HTSUS	Description	Scope limitations
5003.00.90	Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock), carded or combed.	
5004.00.00	Silk yarns (other than yarn spun from silk waste), not put up for retail sale.	
5005.00.00	Yarn spun from silk waste, not put up for retail sale.	
5006.00.10	Spun yarn, containing 85 percent or more by weight of silk, put up for retail sale; silkworm gut.	
5006.00.90	Spun silk yarn, containing less than 85 percent by weight of silk, put up for retail sale.	
5007.10.30	Woven fabrics of noil silk, containing 85 percent or more by weight of silk or silk waste.	
5007.10.60	Woven fabrics of noil silk, containing less than 85 percent by weight of silk or silk waste.	
5007.20.00	Woven fabrics containing 85 percent or more by weight of silk or silk waste, other than noil silk.	
5007.90.30	Woven silk fabrics, containing 85 percent or more by weight of silk or silk waste, nesoi.	
5102.11.90	Fine hair of Kashmir (cashmere) goats, processed beyond the degreased or carbonized condition, not carded or combed.	
6812.80.90	Articles or mixtures of crocidolite, nesoi	Aircraft.
6812.99.10	Paper, millboard and felt of asbestos, other than crocidolite	Aircraft.
6812.99.20	Compressed asbestos (other than crocidolite) fiber jointing, in sheets or rolls	Aircraft.
6812.99.90	Articles of mixtures of or with a basis of asbestos, nesoi, other than crocidolite	Aircraft.
6813.20.00	Friction material and articles thereof, containing asbestos	Aircraft.
6813.81.00	Brake linings and pads not containing asbestos	Aircraft.
6813.89.00	Friction material and articles thereof with a basis of mineral substances (other than asbestos) or of cellulose, nesoi.	Aircraft.
7007.21.11	Laminated safety glass windshields, of size and shape suitable for incorporation in vehicles (other than for goods of headings 8701 through 8705), aircraft, spacecraft or vessels.	Aircraft.
7101.10.30	Natural pearls, graded and temporarily strung for convenience of transport.	
7101.10.60	Natural pearls, not strung, mounted or set.	
7102.10.00	Diamonds, unsorted, whether or not worked.	
7102.31.00	Nonindustrial diamonds, unworked or simply sawn, cleaved or bruted.	
7102.39.00	Nonindustrial diamonds, worked, but not mounted or set.	
7103.10.20	Precious stones (other than diamonds) and semiprecious stones, unworked.	
7103.10.40	Precious stones (other than diamonds) and semiprecious stones, simply sawn or roughly shaped.	
7103.91.00	Rubies, sapphires and emeralds, worked, whether or not graded, but not strung, mounted or set.	
7103.99.10	Precious or semiprecious stones, nesoi, cut but not set, suitable for use in the manufacture of jewelry.	
7103.99.50	Precious or semiprecious stones, nesoi, worked, whether or not graded, but not strung, mounted or set.	
7110.11.00	Platinum, unwrought or in powder form.	
7110.19.00	Platinum, in semimanufactured forms.	
7110.21.00	Palladium, unwrought or in powder form.	
7110.29.00	Palladium, in semimanufactured forms.	
7110.31.00	Rhodium, unwrought or in powder form.	
7110.39.00	Rhodium, in semimanufactured forms.	
7110.41.00	Iridium, osmium and ruthenium, unwrought or in powder form.	
7110.49.00	Iridium, osmium and ruthenium, in semimanufactured forms.	
7112.92.01	Platinum waste and scrap, including metal clad with platinum, excluding sweepings containing other precious metals, other than goods of heading 8549.	
7118.90.00	Coins, nesoi.	
7201.10.00	Nonalloy pig iron containing by weight 0.5 percent or less of phosphorus.	
7201.20.00	Nonalloy pig iron containing by weight more than 0.5 percent of phosphorus.	
7201.50.30	Alloy pig iron in blocks or other primary forms.	
7202.11.10	Ferromanganese containing by weight more than 2 percent but not more than 4 percent of carbon.	
7202.11.50	Ferromanganese containing by weight more than 4 percent of carbon.	
7202.19.10	Ferromanganese containing by weight not more than 1 percent of carbon.	
7202.19.50	Ferromanganese containing by weight more than 1 percent but not more than 2 percent of carbon.	
7202.30.00	Ferrosilicon manganese.	
7202.41.00	Ferrochromium containing by weight more than 4 percent of carbon.	
7202.49.10	Ferrochromium containing by weight more than 3 percent but not more than 4 percent of carbon.	
7202.49.50	Ferrochromium containing by weight 3 percent or less of carbon.	
7202.50.00	Ferrosilicon chromium.	
7202.60.00	Ferronickel.	
7202.80.00	Ferrotungsten and ferrosilicon tungsten.	
7202.91.00	Ferrotitanium and ferrosilicon titanium.	
7202.93.40	Ferroniobium containing by weight less than 0.02 percent of phosphorus or sulfur or less than 0.4 percent of silicon.	
7202.93.80	Ferroniobium, nesoi.	
7204.21.00	Stainless steel waste and scrap.	
7205.10.00	Pig iron, spiegeleisen, and iron or steel granules.	
7304.31.30	Iron (other than cast) or nonalloy steel, seamless, cold-drawn or cold-rolled, hollow bars with circular cross section.	Aircraft.
7304.31.60	Iron (other than cast) or nonalloy steel, seamless, cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section, nesoi.	Aircraft.
7304.39.00	Iron (other than cast) or nonalloy steel, seamless, not cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section, nesoi.	Aircraft.
7304.41.30	Stainless steel, seamless, cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section and external diameter of less than 19mm.	Aircraft.
7304.41.60	Stainless steel, seamless, cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section and external diameter of 19mm or more.	Aircraft.

HTSUS	Description	Scope limitations
7304.49.00	Stainless steel, seamless, not cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section.	Aircraft.
7304.51.10	Alloy steel (other than stainless), seamless, cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section, for manufacture of ball or roller bearings.	Aircraft.
7304.51.50	Alloy steel (other than stainless), seamless, cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section, nesoi.	Aircraft.
7304.59.10	Alloy steel (other than stainless), seamless, not old-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section, for manufacture of ball or roller bearings.	Aircraft.
7304.59.20	Alloy steel (other than stainless), seamless, not cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section, for boilers, heaters, etc.	Aircraft.
7304.59.60	Heat-resisting alloy steel (other than stainless), seamless, not cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section, nesoi.	Aircraft.
7304.59.80	Alloy steel (other than heat-resist or stainless), seamless, not cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section, nesoi.	Aircraft.
7304.90.10	Iron (other than cast) or nonalloy steel, seamless, tubes, pipes and hollow profiles, other than circular cross section, with wall thickness of 4 mm or more.	Aircraft.
7304.90.30	Alloy steel (other than stainless), seamless, tubes, pipes and hollow profiles, other than circular cross section, with wall thickness of 4 mm or more.	Aircraft.
7304.90.50	Iron (other than cast) or nonalloy steel, seamless, tubes, pipes and hollow profiles, other than circular cross section, with wall thickness of less than 4 mm.	Aircraft.
7304.90.70	Alloy steel (other than stainless), seamless, tubes, pipes and hollow profiles, other than circular cross section, with wall thickness of less than 4 mm.	Aircraft.
7306.30.10	Iron or nonalloy steel, welded, with circular cross section and external diameter of 406.4mm or less, tubes, pipes and hollow profiles, with wall thickness of less than 1.65 mm.	Aircraft.
7306.30.30	Nonalloy steel, welded, with circular cross-section and external diameter 406.4mm or less, tapered pipes and tubes, with wall thickness of 1.65 mm+, principally used as parts of illuminating articles.	Aircraft.
7306.30.50	Iron or nonalloy steel, welded, with circular cross section and external diameter of 406.4mm or less, pipes, tubes and hollow profiles, with wall thickness of 1.65 mm or more.	Aircraft.
7306.40.10	Stainless steel, welded, with circular cross section and external diameter of 406.4mm or less, tubes, pipes and hollow profiles, with wall thickness of less than 1.65 mm.	Aircraft.
7306.40.50	Stainless steel, welded, with circular cross section and external diameter of 406.4mm or less, tubes, pipes and hollow profiles, with wall thickness of 1.65 mm or more.	Aircraft.
7306.50.10	Alloy steel (other than stainless), welded, with circular cross section and external diameter of 406.4mm or less, tubes, pipes and hollow profiles, with wall thickness of less than 1.65 mm.	Aircraft.
7306.50.30	Alloy steel (other than stainless), welded, with circular cross section and external diameter 406.4mm or less, tapered pipes and tubes, with wall thickness of 1.65 mm or more, principally used as parts of illuminating articles.	Aircraft.
7306.50.50	Alloy steel (other than stainless), welded, with circular cross section and external diameter of 406.4mm or less, tubes, pipes and hollow profiles, with wall thickness of 1.65 mm or more.	Aircraft.
7306.61.10	Iron or nonalloy steel, welded, with square or rectangular cross section, tubes, pipes and hollow profiles, with wall thickness of 4 mm or more.	Aircraft.
7306.61.30	Alloy steel, welded, with square or rectangular cross section, tubes, pipes and hollow profiles, with wall thickness of 4 mm or more.	Aircraft.
7306.61.50	Iron or nonalloy steel, welded, with square or rectangular cross section, tubes, pipes and hollow profiles, with wall thickness of less than 4 mm.	Aircraft.
7306.61.70	Alloy steel, welded, with square or rectangular cross section, tubes, pipes and hollow profiles, with wall thickness of less than 4 mm.	Aircraft.
7306.69.10	Iron or nonalloy steel, welded, with other non-circular cross section, tubes, pipes and hollow profiles, with wall thickness of 4 mm or more.	Aircraft.
7306.69.30	Alloy steel, welded, with other non-circular cross-section, tubes, pipes and hollow profiles, with wall thickness of 4 mm or more.	Aircraft.
7306.69.50	Iron or nonalloy steel, welded, with other non-circular cross section, tubes, pipes and hollow profiles, with wall thickness of less than 4 mm.	Aircraft.
7306.69.70	Alloy steel, welded, with other non-circular cross section, tubes, pipes and hollow profiles, with wall thickness of less than 4 mm.	Aircraft.
7312.10.05	Stainless steel, stranded wire, not electrically insulated, fitted with fittings or made up into articles	Aircraft.
7312.10.10	Stainless steel, stranded wire, not electrically insulated, not fitted with fittings or made up into articles ...	Aircraft.
7312.10.20	Iron or steel (other than stainless), stranded wire, not electrically insulated, fitted with fittings or made up into articles.	Aircraft.
7312.10.30	Iron or steel (other than stainless), stranded wire, not electrically insulated, not fitted with fittings or made up into articles.	Aircraft.
7312.10.50	Stainless steel, ropes, cables and cordage (other than stranded wire), not electrically insulated, fitted with fittings or made up into articles.	Aircraft.
7312.10.60	Stainless steel, ropes, cables and cordage (other than stranded wire), not electrically insulated, not fitted with fittings or made up into articles.	Aircraft.
7312.10.70	Iron or steel (other than stainless), ropes, cables and cordage (other than stranded wire), not electrically insulated, fitted with fittings or made up into articles.	Aircraft.
7312.10.80	Iron or steel (other than stainless), ropes, cables and cordage, of brass plated wire (other than stranded wire), not electrically insulated, without fittings or articles.	Aircraft.
7312.10.90	Iron or steel (other than stainless), ropes, cables and cordage, other than of brass plate wire (other than stranded wire), not electrically insulated, without fittings or articles.	Aircraft.
7312.90.00	Iron or steel (other than stainless), plaited bands, slings and the like, not electrically insulated	Aircraft.
7322.90.00	Iron or steel, non-electrically heated air heaters and hot air distributors with motor driven fan or blower and parts thereof.	Aircraft.

HTSUS	Description	Scope limitations
7324.10.00	Stainless steel, sinks and wash basins	Aircraft.
7324.90.00	Iron or steel, sanitary ware (other than baths or stainless steel sinks and wash basins) and parts thereof.	Aircraft.
7326.20.00	Iron or steel, articles of wire, nesoi	Aircraft.
7413.00.90	Copper, stranded wire, cables, plaited bands and the like, not electrically insulated, fitted with fittings or made up into articles.	Aircraft.
7501.10.00	Nickel mattes.	
7502.10.00	Nickel (other than alloy), unwrought.	
7502.20.00	Nickel alloys, unwrought.	
7503.00.00	Nickel, waste and scrap.	
7504.00.00	Nickel, powders and flakes.	
7508.90.50	Nickel, articles of nesoi	Pharma.
7608.10.00	Aluminum (other than alloy), tubes and pipes	Aircraft.
7608.20.00	Aluminum alloy, tubes and pipes	Aircraft.
7901.11.00	Zinc (other than alloy), unwrought, containing 99.99 percent or more by weight of zinc.	
7901.12.10	Zinc (other than alloy), unwrought, casting-grade zinc, containing at least 97.5 percent but less than 99.99 percent by weight of zinc.	
7901.12.50	Zinc (other than alloy), unwrought, other than casting-grade zinc, containing at least 97.5 percent but less than 99.99 percent by weight of zinc.	
7901.20.00	Zinc alloy, unwrought.	
7902.00.00	Zinc, waste and scrap.	
7903.90.30	Zinc, powders.	
7907.00.60	Zinc, articles (other than for household, table or kitchen use), nesoi	Pharma.
8001.10.00	Tin (other than alloy), unwrought.	
8001.20.00	Tin alloy, unwrought.	
8002.00.00	Tin, waste and scrap.	
8007.00.50	Tin, articles nesoi	Pharma.
8101.10.00	Tungsten, powders.	
8101.97.00	Tungsten waste and scrap.	
8103.20.00	Tantalum, unwrought (including bars and rods obtained simply by sintering); tantalum powders.	
8103.30.00	Tantalum waste and scrap.	
8103.91.00	Tantalum, crucibles.	
8104.11.00	Magnesium, unwrought, containing at least 99.8 percent by weight of magnesium.	
8104.19.00	Magnesium, unwrought, nesoi.	
8104.20.00	Magnesium, waste and scrap.	
8104.30.00	Magnesium, raspings, turnings and granules graded according to size; magnesium powders.	
8104.90.00	Magnesium, articles nesoi.	
8105.20.30	Cobalt alloys, unwrought.	
8105.20.60	Cobalt (other than alloys), unwrought.	
8105.20.90	Cobalt, mattes and other intermediate products of cobalt metallurgy; cobalt powders.	
8105.30.00	Cobalt waste and scrap.	
8106.10.00	Bismuth (including waste and scrap) and articles thereof, containing more than 99.99 percent of bismuth by weight.	
8106.90.00	Bismuth (including waste and scrap) and articles thereof, containing 99.99 percent of bismuth or less, nesoi.	
8108.20.00	Titanium, unwrought; titanium powders.	
8108.30.00	Titanium waste and scrap.	
8108.90.60	Wrought titanium, nesoi	Aircraft.
8110.10.00	Antimony, unwrought; antimony powders.	
8110.20.00	Antimony waste and scrap.	
8110.90.00	Articles of antimony, nesoi.	
8111.00.47	Unwrought manganese flake containing at least 99.5 percent by weight of manganese.	
8111.00.49	Unwrought manganese, nesoi.	
8112.21.00	Chromium, unwrought; chromium powders.	
8112.22.00	Chromium waste and scrap.	
8112.41.10	Rhenium, waste and scrap.	
8112.41.50	Rhenium, unwrought; rhenium powders.	
8112.59.00	Articles of thallium, nesoi	Pharma.
8112.92.07	Waste and scrap of gallium, germanium, indium, niobium, or vanadium.	
8112.92.10	Gallium, unwrought; gallium powders.	
8112.92.30	Indium, unwrought; indium powders.	
8112.92.40	Niobium (columbium), unwrought; niobium powders.	
8112.92.60	Germanium, unwrought.	
8112.92.65	Germanium powder, wrought.	
8112.99.10	Germanium nesoi and articles thereof.	
8112.99.91	Articles of gallium, indium, or niobium, nesoi.	
8302.10.60	Iron or steel, aluminum, or zinc hinges and base metal parts thereof, not designed for motor vehicles ...	Aircraft.
8302.10.90	Base metal (other than iron or steel or aluminum or zinc) hinges and base metal parts thereof	Aircraft.
8302.20.00	Base metal castors and base metal parts thereof	Aircraft.
8302.42.30	Iron or steel, aluminum, or zinc mountings, fittings and similar articles, suitable for furniture, and base metal parts thereof.	Aircraft.
8302.42.60	Base metal (other than iron or steel or aluminum or zinc) mountings, fittings and similar articles, suitable for furniture, and base metal parts thereof.	Aircraft.

HTSUS	Description	Scope limitations
8302.49.40	Base metal harness, saddlery or riding-bridle hardware, not coated or plated with precious metal, and base metal parts thereof.	Aircraft.
8302.49.60	Iron or steel, aluminum, or zinc, mountings, fittings and similar articles nesoi, and base metal parts thereof.	Aircraft.
8302.49.80	Base metal (other than iron or steel or aluminum or zinc) mountings, fittings and similar articles nesoi, and base metal parts thereof.	Aircraft.
8302.60.30	Base metal automatic door closers	Aircraft.
8307.10.30	Iron or steel flexible tubing, with fittings	Aircraft.
8307.90.30	Base metal (other than iron or steel) flexible tubing, with fittings	Aircraft.
8407.10.00	Spark-ignition reciprocating or rotary internal combustion piston engines for use in aircraft	Aircraft.
8408.90.90	Compression-ignition internal-combustion piston engines, for machinery or equipment, nesoi	Aircraft.
8409.10.00	Parts for internal combustion aircraft engines	Aircraft.
8411.11.40	Aircraft turbojets of a thrust not exceeding 25 kN	Aircraft.
8411.11.80	Turbojets of a thrust not exceeding 25 kN, other than aircraft	Aircraft.
8411.12.40	Aircraft turbojets of a thrust exceeding 25 kN	Aircraft.
8411.12.80	Turbojets of a thrust exceeding 25 kN, other than aircraft	Aircraft.
8411.21.40	Aircraft turbopropellers of a power not exceeding 1,100 kW	Aircraft.
8411.21.80	Turbopropellers of a power not exceeding 1,100 kW, other than aircraft	Aircraft.
8411.22.40	Aircraft turbopropellers of a power exceeding 1,100 kW	Aircraft.
8411.22.80	Turbopropellers of a power exceeding 1,100 kW, other than aircraft	Aircraft.
8411.81.40	Aircraft gas turbines other than turbojets or turbopropellers, of a power not exceeding 5,000 kW	Aircraft.
8411.82.40	Aircraft gas turbines other than turbojets or turbopropellers, of a power exceeding 5,000 kW	Aircraft.
8411.91.10	Cast-iron parts of turbojets or turbopropellers, not advanced beyond cleaning, machined only for removal of fins, gates, sprues and risers, or to permit location in machinery.	Aircraft.
8411.91.90	Parts of turbojets or turbopropellers other than those of subheading 8411.91.10	Aircraft.
8411.99.10	Cast-iron parts of gas turbines nesoi, not advanced beyond cleaning, and machined for removal of fins, gates, sprues and risers.	Aircraft.
8411.99.90	Parts of gas turbines nesoi, other than those of subheading 8411.99.10	Aircraft.
8412.10.00	Reaction engines other than turbojets	Aircraft.
8412.21.00	Hydraulic power engines and motors, linear acting (cylinders)	Aircraft.
8412.29.40	Hydrojet engines for marine propulsion	Aircraft.
8412.29.80	Hydraulic power engines and motors, nesoi	Aircraft.
8412.31.00	Pneumatic power engines and motors, linear acting (cylinders)	Aircraft.
8412.39.00	Pneumatic power engines and motors, other than linear acting	Aircraft.
8412.80.10	Spring-operated and weight-operated motors	Aircraft.
8412.80.90	Engines and motors, nesoi (excluding motors of heading 8501)	Aircraft.
8412.90.90	Parts for engines of heading 8412 other than hydrojet engines for marine propulsion	Aircraft.
8413.19.00	Pumps for liquids fitted or designed to be fitted with a measuring device, nesoi	Aircraft.
8413.20.00	Hand pumps other than those of subheading 8413.11 or 8413.19, not fitted with a measuring device	Aircraft.
8413.30.10	Fuel-injection pumps for compression-ignition engines, not fitted with a measuring device	Aircraft.
8413.30.90	Fuel, lubricating or cooling medium pumps for internal-combustion piston engines, not fitted with a measuring device, nesoi.	Aircraft.
8413.50.00	Reciprocating positive displacement pumps for liquids, not fitted with a measuring device, nesoi	Aircraft.
8413.60.00	Rotary positive displacement pumps for liquids, not fitted with a measuring device, nesoi	Aircraft.
8413.70.10	Stock pumps imported for use with machines for making cellulosic pulp, paper or paperboard, not fitted with a measuring device.	Aircraft.
8413.70.20	Centrifugal pumps for liquids, not fitted with a measuring device, nesoi	Aircraft.
8413.81.00	Pumps for liquids, not fitted with a measuring device, nesoi	Aircraft.
8413.91.10	Parts of fuel-injection pumps for compression-ignition engines	Aircraft.
8413.91.20	Parts of stock pumps imported for use with machines for making cellulosic pulp, paper or paperboard	Aircraft.
8413.91.90	Parts of pumps, nesoi	Aircraft.
8414.10.00	Vacuum pumps	Aircraft.
8414.20.00	Hand-operated or foot-operated air pumps	Aircraft.
8414.30.40	Compressors of a kind used in refrigerating equipment (including air conditioning) not exceeding ¼ horsepower.	Aircraft.
8414.30.80	Compressors of a kind used in refrigerating equipment (including air conditioning) exceeding ¼ horsepower.	Aircraft.
8414.51.30	Ceiling fans for permanent installation, with a self-contained electric motor of an output not exceeding 125 W.	Aircraft.
8414.51.90	Table, floor, wall, window or roof fans, with a self-contained electric motor of an output not exceeding 125 W.	Aircraft.
8414.59.30	Turbocharger and supercharger fans	Aircraft.
8414.59.65	Other fans, nesoi	Aircraft.
8414.80.05	Turbocharger and supercharger air compressors	Aircraft.
8414.80.16	Air compressors, nesoi	Aircraft.
8414.80.20	Gas compressors, nesoi	Aircraft.
8414.80.90	Air or gas pumps, compressors and fans, nesoi	Aircraft.
8414.90.10	Parts of fans (including blowers) and ventilating or recycling hoods	Aircraft.
8414.90.30	Stators and rotors of goods of subheading 8414.30	Aircraft.
8414.90.41	Parts of air or gas compressors, nesoi	Aircraft.
8414.90.91	Parts of air or vacuum pumps, ventilating or recycling hoods, gas-tight biological safety cabinets	Aircraft.
8415.10.60	Window or wall type air conditioning machines, split-system, incorporating a refrigerating unit and valve for reversal of cooling/heat cycle.	Aircraft.
8415.10.90	Window or wall type air conditioning machines, split-system, nesoi	Aircraft.

HTSUS	Description	Scope limitations
8415.81.01	Air conditioning machines incorporating a refrigerating unit and valve for reversal of cooling/heat cycle, nesoi.	Aircraft.
8415.82.01	Air conditioning machines incorporating a refrigerating unit, nesoi	Aircraft.
8415.83.00	Air conditioning machines not incorporating a refrigerating unit	Aircraft.
8415.90.40	Chassis, chassis bases and other outer cabinets for air conditioning machines	Aircraft.
8415.90.80	Parts for air conditioning machines, nesoi	Aircraft.
8418.10.00	Combined refrigerator-freezers, fitted with separate external doors, electric or other	Aircraft.
8418.30.00	Freezers of the chest type, not exceeding 800 liters capacity, electric or other	Aircraft.
8418.40.00	Freezers of the upright type, not exceeding 900 liters capacity, electric or other	Aircraft.
8418.61.01	Heat pumps, other than the air-conditioning machines of heading 8415	Aircraft.
8418.69.01	Refrigerating or freezing equipment nesoi	Aircraft.
8419.50.10	Brazed aluminum plate-fin heat exchangers	Aircraft.
8419.50.50	Heat exchange units, nesoi	Aircraft.
8419.81.50	Cooking stoves, ranges and ovens, other than microwave, for making hot drinks or for cooking or heating food, not used for domestic purposes.	Aircraft.
8419.81.90	Machinery and equipment nesoi, for making hot drinks or for cooking or heating food, not used for domestic purposes.	Aircraft.
8419.90.10	Parts of instantaneous or storage water heaters	Aircraft.
8419.90.20	Parts of machinery and plant, for making paper pulp, paper or paperboard	Aircraft.
8419.90.30	Parts of heat exchange units	Aircraft.
8419.90.50	Parts of molten-salt-cooled acrylic acid reactors, nesoi; parts of certain medical, surgical or laboratory sterilizers, nesoi.	Aircraft.
8419.90.85	Parts of electromechanical tools for work in the hand, with self-contained electric motor, for treatment of materials by change in temperature.	Aircraft.
8421.19.00	Centrifuges, other than cream separators or clothes dryers	Aircraft.
8421.21.00	Machinery and apparatus for filtering or purifying water	Aircraft.
8421.23.00	Oil or fuel filters for internal combustion engines	Aircraft.
8421.29.00	Filtering or purifying machinery and apparatus for liquids, nesoi	Aircraft.
8421.31.00	Intake air filters for internal combustion engines	Aircraft.
8421.32.00	Catalytic converters; particulate filters for internal combustion engines	Aircraft.
8421.39.01	Filtering or purifying machinery and apparatus for gases, other than intake air filters or catalytic converters, for internal combustion engines.	Aircraft.
8424.10.00	Fire extinguishers, whether or not charged	Aircraft.
8425.11.00	Pulley tackle and hoists other than skip hoists or hoists used for raising vehicles, powered by electric motor.	Aircraft.
8425.19.00	Pulley tackle and hoists other than skip hoists or hoists used for raising vehicles, not powered by electric motor.	Aircraft.
8425.31.01	Winches nesoi, and capstans, powered by electric motor	Aircraft.
8425.39.01	Winches nesoi, and capstans, not powered by electric motor	Aircraft.
8425.42.00	Hydraulic jacks and hoists, nesoi	Aircraft.
8425.49.00	Jacks and hoists of a kind used for raising vehicles, other than hydraulic, nesoi	Aircraft.
8426.99.00	Derricks, cranes and other lifting machinery nesoi	Aircraft.
8428.10.00	Passenger or freight elevators other than continuous action; skip hoists	Aircraft.
8428.20.00	Pneumatic elevators and conveyors	Aircraft.
8428.33.00	Belt type continuous-action elevators and conveyors, for goods or materials	Aircraft.
8428.39.00	Continuous-action elevators and conveyors, for goods or materials, nesoi	Aircraft.
8428.90.03	Machinery for lifting, handling, loading or unloading, nesoi	Aircraft.
8443.31.00	Multifunction units (machines which perform two or more of the functions of printing, copying or facsimile transmission, capable of connecting to an automatic data processing machine or to a network).	Aircraft.
8443.32.10	Printer units, capable of connecting to an automatic data processing machine or to a network	Aircraft.
8443.32.50	Single function units other than printer units (machines which perform only one of the functions of printing, copying or facsimile transmission).	Aircraft.
8471.41.01	Automatic data processing machines, nonportable or over 10 kg, comprising in the same housing at least a central processing unit and an input and output unit, whether or not combined.	Aircraft.
8471.49.00	Automatic data processing machines, nesoi, entered in the form of systems (consisting of at least a central processing unit, and an input and output unit).	Aircraft.
8471.50.01	Processing units other than those of subheading 8471.41 and 8471.49, nesoi	Aircraft.
8471.60.10	Combined input/output units for automatic data processing machines not entered with the rest of a system.	Aircraft.
8471.60.20	Keyboards for automatic data processing machines not entered with the rest of a system	Aircraft.
8471.60.70	Input or output units suitable for physical incorporation into an automatic data processing machine or unit thereof, nesoi, not entered with the rest of a system.	Aircraft.
8471.60.80	Optical scanners and magnetic ink recognition devices not entered with the rest of an automatic data processing system.	Aircraft.
8471.60.90	Other input or output units of digital automatic data processing machines, nesoi, not entered with the rest of a system.	Aircraft.
8471.70.10	Automatic data processing magnetic disk drive storage units, disk diameter exceeding 21 cm, without read-write unit assembled therein; read-write units; all not entered with the rest of a system.	Aircraft.
8471.70.20	Automatic data processing magnetic disk drive storage units, disk diameter exceeding 21 cm, for incorporation into automatic data processing machines or units, not entered with the rest of a system.	Aircraft.
8471.70.30	Automatic data processing magnetic disk drive storage units, disk diameter exceeding 21 cm, nesoi, not entered with the rest of a system.	Aircraft.
8471.70.40	Automatic data processing magnetic disk drive storage units, disk diameter not exceeding 21 cm, not assembled in cabinets, without attached external power supply, not entered with the rest of a system.	Aircraft.

HTSUS	Description	Scope limitations
8471.70.50	Automatic data processing magnetic disk drive storage units, disk diameter not exceeding 21 cm, nesoi, not entered with the rest of a system.	Aircraft.
8471.70.60	Automatic data processing storage units other than magnetic disk, not assembled in cabinets for placing on a table etc., not entered with the rest of a system.	Aircraft.
8471.70.90	Automatic data processing storage units other than magnetic disk drive units, nesoi, not entered with the rest of a system.	Aircraft.
8479.89.10	Air humidifiers or dehumidifiers with self-contained electric motor, other than for domestic purposes	Aircraft.
8479.89.20	Floor polishers with self-contained electric motor, other than for domestic purposes	Aircraft.
8479.89.65	Electromechanical appliances with self-contained electric motor, nesoi	Aircraft.
8479.89.70	Carpet sweepers, not electromechanical with self-contained electric motor	Aircraft.
8479.89.95	Other machines and mechanical appliances having individual functions, not specified or included elsewhere in chapter 84, nesoi.	Aircraft.
8479.90.41	Parts of floor polishers of subheading 8479.89.20; parts of carpet sweepers	Aircraft.
8479.90.45	Parts of trash compactors, frame assemblies	Aircraft.
8479.90.55	Parts of trash compactors, ram assemblies	Aircraft.
8479.90.65	Parts of trash compactors, container assemblies	Aircraft.
8479.90.75	Parts of trash compactors, cabinets or cases	Aircraft.
8479.90.85	Parts of trash compactors, nesoi	Aircraft.
8479.90.95	Parts of machines and mechanical appliances having individual functions, not specified or included elsewhere in chapter 84, nesoi.	Aircraft.
8483.10.10	Camshafts and crankshafts for use solely or principally with spark-ignition internal-combustion piston or rotary engines.	Aircraft.
8483.10.30	Camshafts and crankshafts nesoi	Aircraft.
8483.10.50	Transmission shafts and cranks other than camshafts and crankshafts	Aircraft.
8483.30.40	Bearing housings of the flange, take-up, cartridge and hanger unit type	Aircraft.
8483.30.80	Bearing housings nesoi; plain shaft bearings	Aircraft.
8483.40.10	Torque converters	Aircraft.
8483.40.30	Fixed, multiple and variable ratio speed changers, imported for use with machines for making cellulosic pulp, paper or paperboard.	Aircraft.
8483.40.50	Fixed, multiple and variable ratio speed changers, not imported for use with machines for making cellulosic pulp, paper or paperboard.	Aircraft.
8483.40.70	Speed changers other than fixed, multiple and variable ratio speed changers	Aircraft.
8483.40.80	Ball or roller screws	Aircraft.
8483.40.90	Gears and gearing, other than toothed wheels, chain sprockets and other transmission elements entered separately.	Aircraft.
8483.50.40	Gray-iron awning or tackle pulleys, not over 6.4 cm in wheel diameter	Aircraft.
8483.50.60	Flywheels, nesoi	Aircraft.
8483.50.90	Pulleys, including pulley blocks, nesoi	Aircraft.
8483.60.40	Clutches and universal joints	Aircraft.
8483.60.80	Shaft couplings (other than universal joints)	Aircraft.
8483.90.10	Chain sprockets and parts thereof	Aircraft.
8483.90.20	Parts of flange, take-up, cartridge and hanger units	Aircraft.
8483.90.30	Parts of bearing housings and plain shaft bearings, nesoi	Aircraft.
8483.90.50	Parts of gearing, gear boxes and other speed changers	Aircraft.
8483.90.80	Parts of transmission equipment, nesoi	Aircraft.
8484.10.00	Gaskets and similar joints of metal sheeting combined with other material or of two or more layers of metal.	Aircraft.
8484.90.00	Sets or assortments of gaskets and similar joints dissimilar in composition, put up in pouches, envelopes or similar packings.	Aircraft.
8501.20.50	Universal AC/DC motors of an output exceeding 735 W but under 746 W	Aircraft.
8501.20.60	Universal AC/DC motors of an output of 746 W or more	Aircraft.
8501.31.50	DC motors, nesoi, of an output exceeding 735 W but under 746 W	Aircraft.
8501.31.60	DC motors nesoi, of an output of 746 W but not exceeding 750 W	Aircraft.
8501.31.81	DC generators, other than photovoltaic generators, of an output not exceeding 750 W	Aircraft.
8501.32.20	DC motors nesoi, of an output exceeding 750 W but not exceeding 14.92 kW	Aircraft.
8501.32.55	DC motors nesoi, of an output exceeding 14.92 kW but not exceeding 75 kW, nesoi	Aircraft.
8501.32.61	DC generators, other than photovoltaic generators, of an output exceeding 750 W but not exceeding 75 kW.	Aircraft.
8501.33.20	DC motors nesoi, of an output exceeding 75 kW but under 149.2 kW	Aircraft.
8501.33.30	DC motors, nesoi, 149.2 kW or more but not exceeding 150 kW	Aircraft.
8501.33.61	DC generators, other than photovoltaic generators, of an output exceeding 75 kW but not exceeding 375 kW.	Aircraft.
8501.34.61	DC generators, other than photovoltaic generators, of an output exceeding 375 kW	Aircraft.
8501.40.50	AC motors, nesoi, single-phase, exceeding 735 W but under 746 W	Aircraft.
8501.40.60	AC motors nesoi, single-phase, of 746 W or more	Aircraft.
8501.51.50	AC motors, nesoi, multi-phase, of an output exceeding 735 W but under 746 W	Aircraft.
8501.51.60	AC motors nesoi, multi-phase of an output of 746 W but not exceeding 750 W	Aircraft.
8501.52.40	AC motors nesoi, multi-phase, of an output exceeding 750 W but not exceeding 14.92 kW	Aircraft.
8501.52.80	AC motors nesoi, multi-phase, of an output exceeding 14.92 kW but not exceeding 75 kW	Aircraft.
8501.53.40	AC motors nesoi, multi-phase, of an output exceeding 75 kW but under 149.2 kW	Aircraft.
8501.53.60	AC motors, nesoi, multi-phase, 149.2 kW or more but not exceeding 150 kW	Aircraft.
8501.61.01	AC generators (alternators), other than photovoltaic generators, of an output not exceeding 75 kVA	Aircraft.
8501.62.01	AC generators (alternators), other than photovoltaic generators, of an output exceeding 75 kVA but not exceeding 375 kVA.	Aircraft.

HTSUS	Description	Scope limitations
8501.63.01	AC generators (alternators), other than photovoltaic generators, of an output exceeding 375 kVA but not exceeding 750 kVA.	Aircraft.
8501.71.00	Photovoltaic DC generators, of an output not exceeding 50 W	Aircraft.
8501.72.10	Photovoltaic DC generators, of an output exceeding 50 W but not exceeding 750 W	Aircraft.
8501.72.20	Photovoltaic DC generators, of an output exceeding 750 W but not exceeding 75 kW	Aircraft.
8501.72.30	Photovoltaic DC generators, of an output exceeding 75 kW but not exceeding 375 kW	Aircraft.
8501.72.90	Photovoltaic DC generators, of an output exceeding 375 kW	Aircraft.
8501.80.10	Photovoltaic AC generators, of an output not exceeding 75 kVA	Aircraft.
8501.80.20	Photovoltaic AC generators, of an output exceeding 75 kVA but not exceeding 375 kVA	Aircraft.
8501.80.30	Photovoltaic AC generators, of an output exceeding 375 kVA but not exceeding 750 kVA	Aircraft.
8502.11.00	Electric generating sets with compression-ignition internal-combustion piston engines, of an output not exceeding 75 kVA.	Aircraft.
8502.12.00	Electric generating sets with compression-ignition internal-combustion piston engines, of an output exceeding 75 kVA but not over 375 kVA.	Aircraft.
8502.13.00	Electric generating sets with compression-ignition internal-combustion piston engines, of an output exceeding 375 kVA.	Aircraft.
8502.20.00	Electric generating sets with spark-ignition internal-combustion piston engines	Aircraft.
8502.31.00	Wind-powered electric generating sets	Aircraft.
8502.39.00	Electric generating sets, nesoi	Aircraft.
8502.40.00	Electric rotary converters	Aircraft.
8504.10.00	Ballasts for discharge lamps or tubes	Aircraft.
8504.31.20	Unrated electrical transformers other than liquid dielectric, having a power handling capacity not exceeding 1 kVA.	Aircraft.
8504.31.40	Electrical transformers other than liquid dielectric, having a power handling capacity less than 1 kVA	Aircraft.
8504.31.60	Electrical transformers other than liquid dielectric, having a power handling capacity of l kVA	Aircraft.
8504.32.00	Electrical transformers other than liquid dielectric, having a power handling capacity exceeding 1 kVA but not exceeding 16 kVA.	Aircraft.
8504.33.00	Electrical transformers other than liquid dielectric, having a power handling capacity exceeding 16 kVA but not exceeding 500 kVA.	Aircraft.
8504.40.40	Electrical speed drive controllers for electric motors (static converters)	Aircraft.
8504.40.60	Power supplies suitable for physical incorporation into automatic data processing machines or units thereof of heading 8471.	Aircraft.
8504.40.70	Power supplies for automatic data processing machines or units thereof of heading 8471, nesoi	Aircraft.
8504.40.85	Static converters (for example, rectifiers) for telecommunication apparatus	Aircraft.
8504.40.95	Static converters (for example, rectifiers), nesoi	Aircraft.
8504.50.40	Other inductors for power supplies for ADP machines and units of heading 8471 or for telecommunication apparatus.	Aircraft.
8504.50.80	Other inductors, nesoi	Aircraft.
8507.10.00	Lead-acid storage batteries of a kind used for starting piston engines	Aircraft.
8507.20.80	Lead-acid storage batteries other than of a kind used for starting piston engines or as the primary source of power for electric vehicles.	Aircraft.
8507.30.80	Nickel-cadmium storage batteries, other than of a kind used as the primary source of power for electric vehicles.	Aircraft.
8507.50.00	Nickel-metal hydride batteries	Aircraft.
8507.60.00	Lithium-ion batteries	Aircraft.
8507.80.82	Other storage batteries nesoi, other than of a kind used as the primary source of power for electric vehicles.	Aircraft.
8507.90.40	Parts of lead-acid storage batteries, including separators therefor	Aircraft.
8507.90.80	Parts of storage batteries, including separators therefor, other than parts of lead-acid storage batteries	Aircraft.
8511.10.00	Spark plugs	Aircraft.
8511.20.00	Ignition magnetos, magneto-dynamos and magnetic flywheels	Aircraft.
8511.30.00	Distributors and ignition coils	Aircraft.
8511.40.00	Starter motors and dual purpose starter-generators	Aircraft.
8511.50.00	Generators nesoi, of a kind used in conjunction with spark-ignition or compression-ignition internal-combustion engines.	Aircraft.
8511.80.20	Voltage and voltage-current regulators with cut-out relays designed for use on 6, 12 or 24 V systems	Aircraft.
8511.80.40	Voltage and voltage-current regulators with cut-out relays other than those designed for use on 6, 12 or 24 V systems.	Aircraft.
8511.80.60	Electrical ignition or starting equipment of a kind used for spark-ignition internal-combustion or compression-ignition engines, nesoi.	Aircraft.
8514.20.40	Industrial or laboratory microwave ovens for making hot drinks or for cooking or heating food	Aircraft.
8516.80.40	Electric heating resistors assembled only with simple insulated former and electrical connectors, used for anti-icing or de-icing.	Aircraft.
8516.80.80	Electric heating resistors, nesoi	Aircraft.
8517.13.00	Smartphones for cellular networks or for other wireless of networks	Aircraft.
8517.14.00	Other telephones for cellular networks or for other wireless of networks, other than smartphones	Aircraft.
8517.61.00	Base stations	Aircraft.
8517.62.00	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus.	Aircraft.
8517.69.00	Other apparatus for transmission or reception of voice, images or other data, nesoi, but not apparatus of headings 8443, 8525, 8527 or 8528.	Aircraft.
8517.71.00	Aerials and aerial reflectors of all kinds; parts suitable for use therewith	Aircraft.
8518.10.40	Microphones having a frequency range of 300Hz-3.4kHz with diameter not over 10 mm and height not exceeding 3 mm, for telecommunication.	Aircraft.

HTSUS	Description	Scope limitations
8518.10.80	Microphones and stands therefor, nesoi	Aircraft.
8518.21.00	Single loudspeakers, mounted in their enclosures	Aircraft.
8518.22.00	Multiple loudspeakers mounted in the same enclosure	Aircraft.
8518.29.40	Loudspeakers not mounted in their enclosures, with frequency range of 300Hz to 3.4kHz, with a diameter of not exceeding 50 mm, for telecommunication.	Aircraft.
8518.29.80	Loudspeakers nesoi, not mounted in their enclosures, nesoi	Aircraft.
8518.30.10	Line telephone handsets	Aircraft.
8518.30.20	Headphones, earphones and combined microphone/speaker sets, other than telephone handsets	Aircraft.
8518.40.10	Audio-frequency electric amplifiers for use as repeaters in line telephony	Aircraft.
8518.40.20	Audio-frequency electric amplifiers, other than for use as repeaters in line telephony	Aircraft.
8518.50.00	Electric sound amplifier sets	Aircraft.
8519.81.10	Transcribing machines	Aircraft.
8519.81.20	Cassette players (non-recording) designed exclusively for motor-vehicle installation	Aircraft.
8519.81.25	Cassette players (non-recording), nesoi	Aircraft.
8519.81.30	Sound reproducing apparatus nesoi, not incorporating a sound recording device	Aircraft.
8519.81.41	Other sound recording and reproducing apparatus using magnetic tape, optical media, or semiconductor media.	Aircraft.
8519.89.10	Record players, other than coin- or token-operated, without loudspeaker	Aircraft.
8519.89.20	Record players, other than coin- or token-operated, with loudspeakers	Aircraft.
8519.89.30	Sound recording and reproducing apparatus, nesoi	Aircraft.
8521.10.30	Color, cartridge or cassette magnetic tape-type video players, not capable of recording	Aircraft.
8521.10.60	Color, cartridge or cassette magnetic tape-type video recording and reproducing apparatus, nesoi	Aircraft.
8521.10.90	Magnetic tape-type video recording or reproducing apparatus, other than color, cartridge or cassette type.	Aircraft.
8522.90.25	Assemblies and subassemblies of articles of subheading 8519.81.41, consisting of 2 or more pieces fastened together, printed circuit assemblies.	Aircraft.
8522.90.36	Other assemblies and subassemblies of articles of subheading 8519.81.41, consisting of 2 or more pieces fastened together, other than printed circuit assemblies.	Aircraft.
8522.90.45	Other parts of telephone answering machines, printed circuit assemblies	Aircraft.
8522.90.58	Other parts of telephone answering machines, other than printed circuit assemblies	Aircraft.
8522.90.65	Parts and accessories of apparatus of headings 8519 or 8521, nesoi, printed circuit assemblies	Aircraft.
8522.90.80	Parts and accessories of apparatus of headings 8519 or 8521, nesoi, other than printed circuit assemblies.	Aircraft.
8526.10.00	Radar apparatus	Aircraft.
8526.91.00	Radio navigational aid apparatus, other than radar	Aircraft.
8526.92.10	Radio remote control apparatus for video game consoles	Aircraft.
8526.92.50	Radio remote control apparatus other than for video game consoles	Aircraft.
8528.42.00	Cathode-ray tube monitors capable of directly connecting to and designed for use with an automatic data processing machine of heading 8471.	Aircraft.
8528.52.00	Other monitors capable of directly connecting to and designed for use with an automatic data processing machine of heading 8471.	Aircraft.
8528.62.00	Projectors capable of directly connecting to and designed for use with an automatic data processing machine of heading 8471.	Aircraft.
8529.10.21	Television antennas and antenna reflectors, and parts suitable for use therewith	Aircraft.
8529.10.40	Radar, radio navigational aid and radio remote control antennas and antenna reflectors, and parts suitable for use therewith.	Aircraft.
8529.10.91	Other antennas and antenna reflectors of all kinds and parts, for use	Aircraft.
8529.90.04	Tuners (printed circuit assemblies)	Aircraft.
8529.90.05	Printed circuit boards and ceramic substrates and subassemblies thereof, for color TV, with components listed in additional U.S. note 4 to this chapter.	Aircraft.
8529.90.06	Printed circuit boards and ceramic substrates and subassemblies thereof, for color TV, not with components listed in additional U.S. note 4 to this chapter.	Aircraft.
8529.90.09	Printed circuit assemblies for television cameras	Aircraft.
8529.90.13	Printed circuit assemblies for television apparatus, nesoi	Aircraft.
8529.90.16	Printed circuit assemblies which are subassemblies of radar, radio navigational aid or remote control apparatus, of 2 or more parts joined together.	Aircraft.
8529.90.19	Printed circuit assemblies, nesoi, for radar, radio navigational aid or radio remote control apparatus	Aircraft.
8529.90.21	Other printed circuit assemblies suitable for use solely or principally with the apparatus of headings 8524 to 8528, nesoi.	Aircraft.
8529.90.24	Transceiver assemblies for the apparatus of subheading 8526.10, other than printed circuit assemblies	Aircraft.
8529.90.29	Tuners for television apparatus, other than printed circuit assemblies	Aircraft.
8529.90.33	Subassemblies with 2 or more printed circuit boards or ceramic substrates, for color TV, entered with components in additional U.S. note 4 to this chapter.	Aircraft.
8529.90.36	Subassemblies with 2 or more printed circuit boards or ceramic substrates, for color TV, other	Aircraft.
8529.90.39	Parts of television receivers specified in U.S. note 9 to chapter 85, other than printed circuit assemblies, nesoi.	Aircraft.
8529.90.43	Printed circuit boards and ceramic substrates and subassemblies thereof for color TV, with components listed in additional U.S. note 4 to chapter 85.	Aircraft.
8529.90.46	Combinations of printed circuit boards and ceramic substrates and subassemblies thereof for color TV, with components listed in additional U.S. note 4 to chapter 85.	Aircraft.
8529.90.49	Combinations of parts of television receivers specified in U.S. note 10 to chapter 85, other than printed circuit assemblies, nesoi.	Aircraft.
8529.90.55	Flat panel screen assemblies for TV reception apparatus, color video monitors and video projectors	Aircraft.
8529.90.63	Parts of printed circuit assemblies (including face plates and lock latches) for television cameras	Aircraft.

HTSUS	Description	Scope limitations
8529.90.68	Parts of printed circuit assemblies (including face plates and lock latches) for television apparatus other than television cameras.	Aircraft.
8529.90.73	Parts of printed circuit assemblies (including face plates and lock latches) for radar, radio navigational aid or radio remote control app..	Aircraft.
8529.90.77	Parts of printed circuit assemblies (including face plates and lock latches) for other apparatus of headings 8524 to 8528, nesoi.	Aircraft.
8529.90.78	Mounted lenses for use in closed circuit television cameras, separately imported, with or without attached electrical connectors or motors.	Aircraft.
8529.90.81	Other parts of television cameras, nesoi	Aircraft.
8529.90.83	Other parts of television apparatus (other than television cameras), nesoi	Aircraft.
8529.90.87	Parts suitable for use solely or principally with the apparatus of 8525 and 8527 (except television apparatus or cellular phones), nesoi.	Aircraft.
8529.90.88	Subassemblies with 2 or more printed circuit boards or ceramic substrates, except tuners or convergence assemblies, for color TV, entered with components in additional U.S. note 4 to chapter 85.	Aircraft.
8529.90.89	Subassemblies with 2 or more printed circuit boards or ceramic substrates, except tuners or convergence assemblies, for color TV, other.	Aircraft.
8529.90.93	Parts of television apparatus, nesoi	Aircraft.
8529.90.95	Assemblies and subassemblies of radar, radio navigational aid or remote control apparatus, of 2 or more parts joined together, nesoi.	Aircraft.
8529.90.97	Parts suitable for use solely or principally in radar, radio navigational aid or radio remote control apparatus, nesoi.	Aircraft.
8529.90.98	Parts suitable for use solely or principally with the apparatus of headings 8524 through 8528, nesoi	Aircraft.
8531.10.00	Electric burglar or fire alarms and similar apparatus	Aircraft.
8531.20.00	Indicator panels incorporating liquid crystal devices (LCD's) or light emitting diodes (LED's)	Aircraft.
8531.80.15	Doorbells, chimes, buzzers, and similar apparatus	Aircraft.
8531.80.90	Electric sound or visual signaling apparatus, nesoi	Aircraft.
8536.70.00	Connectors for optical fibers, optical fiber bundles or cables	Aircraft.
8539.10.00	Sealed beam lamp units	Aircraft.
8539.51.00	Light-emitting diode (LED) modules	Aircraft.
8543.70.42	Flight data recorders	Aircraft.
8543.70.45	Other electric synchros and transducers; defrosters and demisters with electric resistors for aircraft	Aircraft.
8543.70.60	Electrical machines and apparatus nesoi, designed for connection to telegraphic or telephonic apparatus, instruments or networks.	Aircraft.
8543.70.80	Microwave amplifiers	Aircraft.
8543.70.91	Digital signal processing apparatus capable of connecting to a wired or wireless network for sound mixing.	Aircraft.
8543.70.95	Touch screens without display capabilities for incorporation in apparatus having a display	Aircraft.
8543.90.12	Parts of physical vapor deposition apparatus of subheading 8543.70	Aircraft.
8543.90.15	Assemblies and subassemblies for flight data recorders, consisting of 2 or more parts pieces fastened together, printed circuit assemblies.	Aircraft.
8543.90.35	Assemblies and subassemblies for flight data recorders, consisting of 2 or more parts pieces fastened together, not printed circuit assemblies.	Aircraft.
8543.90.65	Printed circuit assemblies of flat panel displays other than for reception apparatus for television of heading 8528, except for subheadings 8528.52 or 8528.62.	Aircraft.
8543.90.68	Printed circuit assemblies of electrical machines and apparatus, having individual functions, nesoi	Aircraft.
8543.90.85	Parts, nesoi, of flat panel displays other than for reception apparatus for television of heading 8528, except for subheadings 8528.52 or 8528.62.	Aircraft.
8543.90.88	Parts (other than printed circuit assemblies) of electrical machines and apparatus, having individual functions, nesoi.	Aircraft.
8544.30.00	Insulated ignition wiring sets and other wiring sets of a kind used in vehicles, aircraft or ships	Aircraft.
8801.00.00	Balloons, dirigibles and non-powered aircraft, gliders and hang gliders	Aircraft.
8802.11.01	Helicopters (except unmanned aircraft of heading 8806), with an unladen weight not over 2,000 kg	Aircraft.
8802.12.01	Helicopters (except unmanned aircraft of heading 8806), with an unladen weight over 2,000 kg	Aircraft.
8802.20.01	Airplanes and other powered aircraft (except unmanned aircraft of heading 8806), nesoi, with an unladen weight not over 2,000 kg.	Aircraft.
8802.30.01	Airplanes and other powered aircraft (except unmanned aircraft of heading 8806), nesoi, with an unladen weight over 2,000 kg but not over 15,000 kg.	Aircraft.
8802.40.01	Airplanes and other powered aircraft (except unmanned aircraft of heading 8806), nesoi, with an unladen weight over 15,000 kg.	Aircraft.
8805.29.00	Ground flying trainers and parts thereof, other than air combat simulators	Aircraft.
8807.10.00	Parts of aircraft of headings 8801, 8802 or 8806, propellers and rotors and parts thereof	Aircraft.
8807.20.00	Parts of aircraft of headings 8801, 8802 or 8806, undercarriages and parts thereof	Aircraft.
8807.30.00	Parts of aircraft of headings 8801, 8802 or 8806, for airplanes, helicopters, unmanned aircraft, other than propellers, rotors or undercarriages, nesoi.	Aircraft.
8807.90.90	Parts of aircraft of headings 8801, 8802 or 8806, not for airplanes, helicopters or unmanned aircraft, nesoi.	Aircraft.
9001.90.40	Lenses nesoi, unmounted	Aircraft.
9001.90.50	Prisms, unmounted	Aircraft.
9001.90.60	Mirrors, unmounted	Aircraft.
9001.90.80	Half-tone screens designed for use in engraving or photographic processes, unmounted	Aircraft.
9001.90.90	Optical elements nesoi, unmounted	Aircraft.
9002.90.20	Prisms, mounted, for optical uses	Aircraft.
9002.90.40	Mirrors, mounted, for optical uses	Aircraft.
9002.90.70	Half-tone screens, mounted, designed for use in engraving or photographic processes	Aircraft.

HTSUS	Description	Scope limitations
9002.90.85	Mounted lenses suitable for use in, and entered separately from, closed circuit television cameras, with or without attached electrical connectors or motors.	Aircraft.
9002.90.95	Mounted optical elements, nesoi; parts and accessories of mounted optical elements, nesoi	Aircraft.
9014.10.10	Optical direction finding compasses	Aircraft.
9014.10.60	Gyroscopic directing finding compasses, other than electrical	Aircraft.
9014.10.70	Electrical direction finding compasses	Aircraft.
9014.10.90	Direction finding compasses, other than optical instruments, gyroscopic compasses or electrical	Aircraft.
9014.20.20	Optical instruments and appliances (other than compasses) for aeronautical or space navigation	Aircraft.
9014.20.40	Automatic pilots for aeronautical or space navigation	Aircraft.
9014.20.60	Electrical instruments and appliances (other than compasses) for aeronautical or space navigation	Aircraft.
9014.20.80	Nonelectrical instruments and appliances (other than compasses) for aeronautical or space navigation	Aircraft.
9014.90.10	Parts and accessories of automatic pilots for aeronautical or space navigation of subheading 9014.20.40.	Aircraft.
9014.90.20	Parts and accessories of nonelectrical instruments and appliances for aeronautical or space navigation of subheading 9014.20.80.	Aircraft.
9014.90.40	Parts and accessories of nonelectrical navigational instruments and appliances nesoi of subheading 9014.80.50.	Aircraft.
9014.90.60	Parts and accessories of navigational instruments and appliances, nesoi	Aircraft.
9020.00.40	Underwater breathing devices designed as a complete unit to be carried on the person and not requiring attendants, parts and accessories thereof.	Aircraft.
9020.00.60	Breathing appliances, nesoi, and gas masks, except protective masks having neither mechanical parts or replaceable filters, parts, accessories thereof.	Aircraft.
9025.11.20	Clinical thermometers, liquid-filled, for direct reading, not combined with other instruments	Aircraft.
9025.11.40	Liquid-filled thermometers, for direct reading, not combined with other instruments, other than clinical thermometers.	Aircraft.
9025.19.40	Pyrometers, not combined with other instruments	Aircraft.
9025.19.80	Thermometers, for direct reading, not combined with other instruments, other than liquid-filled thermometers.	Aircraft.
9025.80.10	Electrical hydrometers and similar floating instruments, thermometers, pyrometers, barometers, hygrometers, psychometers, and any combination.	Aircraft.
9025.80.15	Nonelectrical barometers, not combined with other instruments	Aircraft.
9025.80.20	Hydrometers and similar floating instruments, whether or not incorporating a thermometer, non-recording, other than electrical.	Aircraft.
9025.80.35	Hygrometers and psychrometers, non-electrical, non-recording	Aircraft.
9025.80.40	Thermographs, barographs, hygrographs and other recording instruments, other than electrical	Aircraft.
9025.80.50	Combinations of thermometers, barometers and similar temperature and atmosphere measuring and recording instruments, nonelectrical.	Aircraft.
9025.90.06	Other parts and accessories of hydrometers and like floating instruments, thermometers, pyrometers, barometers, hygrometers, psychrometers and combinations.	Aircraft.
9026.10.20	Electrical instruments and apparatus for measuring or checking the flow or level of liquids	Aircraft.
9026.10.40	Flow meters, other than electrical, for measuring or checking the flow of liquids	Aircraft.
9026.10.60	Instruments and apparatus for measuring or checking the level of liquids, other than flow meters, nonelectrical.	Aircraft.
9026.20.40	Electrical instruments and apparatus for measuring or checking the pressure of liquids or gases	Aircraft.
9026.20.80	Instruments and apparatus, other than electrical, for measuring or checking the pressure of liquids or gases.	Aircraft.
9026.80.20	Electrical instruments and apparatus for measuring or checking variables of liquids or gases, nesoi	Aircraft.
9026.80.40	Nonelectrical heat meters incorporating liquid supply meters, and anemometers	Aircraft.
9026.80.60	Nonelectrical instruments and apparatus for measuring or checking variables of liquids or gases, nesoi	Aircraft.
9026.90.20	Parts and accessories of electrical instruments and apparatus for measuring or checking variables of liquids or gases.	Aircraft.
9026.90.40	Parts and accessories of nonelectrical flow meters, heat meters incorporating liquid supply meters and anemometers.	Aircraft.
9026.90.60	Parts and accessories of nonelectrical instruments and apparatus for measuring or checking variables of liquids or gases, nesoi.	Aircraft.
9029.10.80	Revolution counters, production counters, odometers, pedometers and the like, other than taximeters ...	Aircraft.
9029.20.40	Speedometers and tachometers, other than bicycle speedometers	Aircraft.
9029.90.80	Parts and accessories of revolution counters, production counters, odometers, pedometers and the like, of speedometers nesoi and tachometers.	Aircraft.
9030.10.00	Instruments and apparatus for measuring or detecting ionizing radiations	Aircraft.
9030.20.05	Oscilloscopes and oscillographs, specially designed for telecommunications	Aircraft.
9030.20.10	Oscilloscopes and oscillographs, nesoi	Aircraft.
9030.31.00	Multimeters for measuring or checking electrical voltage, current, resistance or power, without a recording device.	Aircraft.
9030.32.00	Multimeters, with a recording device	Aircraft.
9030.33.34	Resistance measuring instruments	Aircraft.
9030.33.38	Other instruments and apparatus, nesoi, for measuring or checking electrical voltage, current, resistance or power, without a recording device.	Aircraft.
9030.39.01	Instruments and apparatus, nesoi, for measuring or checking electrical voltage, current, resistance or power, with a recording device.	Aircraft.
9030.40.00	Instruments and apparatus specially designed for telecommunications	Aircraft.
9030.84.00	Instruments and apparatus for measuring, checking or detecting electrical quantities or ionizing radiations, nesoi, with a recording device.	Aircraft.

HTSUS	Description	Scope limitations
9030.89.01	Instruments and apparatus for measuring, checking or detecting electrical quantities or ionizing radiations, nesoi, without a recording device.	Aircraft.
9030.90.25	Printed circuit assemblies for instruments and apparatus for measuring or detecting ionizing radiation ...	Aircraft.
9030.90.46	Parts and accessories for instruments and apparatus for measuring or detecting ionizing radiation, nesoi.	Aircraft.
9030.90.66	Printed circuit assemblies for subheadings and apparatus of subheadings 9030.40 or 9030.82	Aircraft.
9030.90.68	Printed circuit assemblies, nesoi	Aircraft.
9030.90.84	Parts and accessories for instruments and apparatus for measuring or checking semiconductor wafers or devices, nesoi.	Aircraft.
9030.90.89	Parts and accessories for articles of subheadings 9030.20 to 9030.84, nesoi	Aircraft.
9031.80.40	Electron beam microscopes fitted with equipment specifically designed for the handling and transport of semiconductor devices or reticles.	Aircraft.
9031.80.80	Measuring and checking instruments, appliances and machines, nesoi	Aircraft.
9031.90.21	Parts and accessories of profile projectors	Aircraft.
9031.90.45	Bases and frames for the optical coordinate-measuring machines of subheading 9031.49.40	Aircraft.
9031.90.54	Parts and accessories of measuring and checking optical instruments and appliances of subheading 9031.41 or 9031.49.70.	Aircraft.
9031.90.59	Parts and accessories of measuring and checking optical instruments and appliances, other than test benches or profile projectors, nesoi.	Aircraft.
9031.90.70	Parts and accessories of articles of subheading 9031.80.40	Aircraft.
9031.90.91	Parts and accessories of measuring or checking instruments, appliances and machines, nesoi	Aircraft.
9032.10.00	Automatic thermostats	Aircraft.
9032.20.00	Automatic manostats	Aircraft.
9032.81.00	Hydraulic and pneumatic automatic regulating or controlling instruments and apparatus	Aircraft.
9032.89.20	Automatic voltage and voltage-current regulators, designed for use in a 6, 12, or 24 V system	Aircraft.
9032.89.40	Automatic voltage and voltage-current regulators, not designed for use in a 6, 12, or 24 V system	Aircraft.
9032.89.60	Automatic regulating or controlling instruments and apparatus, nesoi	Aircraft.
9032.90.21	Parts and accessories of automatic voltage and voltage-current regulators designed for use in a 6, 12, or 24 V system, nesoi.	Aircraft.
9032.90.41	Parts and accessories of automatic voltage and voltage-current regulators, not designed for use in a 6, 12, or 24 V system, nesoi.	Aircraft.
9032.90.61	Parts and accessories for automatic regulating or controlling instruments and apparatus, nesoi	Aircraft.
9033.00.90	Other parts and accessories for machines, appliances, instruments or apparatus of chapter 90, nesoi ...	Aircraft.
9104.00.05	Instrument panel clocks for vehicles, air/spacecraft or vessels, clock movement over 50 mm wide, opto-electronic display only, not over $10 each.	Aircraft.
9104.00.10	Instrument panel clocks for vehicles, air/spacecraft or vessels, clock movement over 50 mm wide, electric, not optoelectronic display, not over $10 each.	Aircraft.
9104.00.20	Instrument panel clocks for vehicles, air/spacecraft or vessels, clock movement over 50 mm wide, non-electric, valued not over $10 each.	Aircraft.
9104.00.25	Instrument panel clocks for vehicles, air/spacecraft or vessels, clock movement over 50 mm wide, opto-electronic display only, over $10 each.	Aircraft.
9104.00.30	Instrument panel clocks for vehicles, air/spacecraft or vessels, clock movement over 50 mm wide, electric, not optoelectronic display, over $10 each.	Aircraft.
9104.00.40	Instrument panel clocks for vehicles, air/spacecraft or vessels, clock movement over 50 mm wide, non-electric, valued over $10 each.	Aircraft.
9104.00.45	Instrument panel clocks for vehicles, air/spacecraft or vessels, watch or clock movement not over 50 mm wide, opto-electronic display only.	Aircraft.
9104.00.50	Instrument panel clocks for vehicles, air/spacecraft, vessels, watch or clock movement not over 50 mm wide, electric, not opto-electronic display.	Aircraft.
9104.00.60	Instrument panel clocks for vehicles, air/spacecraft or vessels, clock or watch movement not over 50 mm wide, nonelectric.	Aircraft.
9109.10.50	Clock movements nesoi, complete and assembled, electrically operated, with opto-electronic display only.	Aircraft.
9109.10.60	Clock movements nesoi, complete and assembled, electrically operated, with display nesoi, measuring not over 50 mm in width or diameter.	Aircraft.
9109.90.20	Clock movements, complete and assembled, not electrically operated, measuring not over 50 mm in width or diameter.	Aircraft.
9401.10.40	Seats, of a kind used for aircraft, leather upholstered	Aircraft.
9401.10.80	Seats, of a kind used for aircraft (other than leather upholstered)	Aircraft.
9403.20.00	Furniture (other than seats) of metal nesoi, other than of a kind used in offices	Aircraft.
9403.70.40	Furniture (other than seats and other than of heading 9402) of reinforced or laminated plastics nesoi	Aircraft.
9403.70.80	Furniture (other than seats and other than of heading 9402) of plastics (other than reinforced or laminated) nesoi.	Aircraft.
9405.11.40	Chandeliers and other electric ceiling or wall lighting fittings, of brass, designed for use solely with LED sources.	Aircraft.
9405.11.60	Chandeliers and other electric ceiling or wall lighting fixtures, of base metal (other than brass), designed for use solely with LED sources.	Aircraft.
9405.11.80	Chandeliers and other electric ceiling or wall lighting fixtures, not of base metal, designed for use solely with LED sources.	Aircraft.
9405.19.40	Chandeliers and other electric ceiling or wall lighting fittings, of brass, not designed for use solely with LED sources.	Aircraft.
9405.19.60	Chandeliers and other electric ceiling or wall lighting fixtures, of base metal (other than brass), not designed for use solely with LED sources.	Aircraft.

HTSUS	Description	Scope limitations
9405.19.80	Chandeliers and other electric ceiling or wall lighting fixtures, not of base metal, not designed for use solely with LED sources.	Aircraft.
9405.61.20	Illuminated signs, illuminated name plates and the like, of brass, designed for use solely with LED sources.	Aircraft.
9405.61.40	Illuminated signs, illuminated name plates and the like, of base metal (other than brass), designed for use solely with LED sources.	Aircraft.
9405.61.60	Illuminated signs, illuminated name plates and the like, not of base metal, designed for use solely with LED sources.	Aircraft.
9405.69.20	Illuminated signs, illuminated name plates and the like, of brass, not designed for use solely with LED sources.	Aircraft.
9405.69.40	Illuminated signs, illuminated name plates and the like, of base metal (other than brass), not designed for use solely with LED sources.	Aircraft.
9405.69.60	Illuminated signs, illuminated name plates and the like, not of base metal, not designed for use solely with LED sources.	Aircraft.
9405.92.00	Parts of lamps, lighting fixtures, illuminated signs and the like, of plastics	Aircraft.
9405.99.20	Parts of lamps, lighting fixtures, illuminated signs and the like, of brass	Aircraft.
9405.99.40	Parts of lamps, lighting fixtures, illuminated signs and the like, not of glass, plastics or brass	Aircraft.
9620.00.50	Monopods, bipods, tripods and similar articles of plastics, nesoi	Aircraft.
9620.00.60	Monopods, bipods, tripods and similar articles of graphite and other carbon, nesoi	Aircraft.
9802.00.40	Articles returned to the United States after having been exported for repairs or alterations made pursuant to a warranty.	Aircraft.
9802.00.50	Articles returned to the United States after having been exported for repairs or alterations, other	Aircraft.
9802.00.60	Any article of metal (as defined in U.S. note 3(e) of this subchapter) manufactured in the United States or subjected to a process of manufacture in the United States, if exported for further processing, and if the exported article as processed outside the United States, or the article which results from the processing outside the United States, is returned to the United States for further processing.	Aircraft.
9802.00.80	Articles, except goods of heading 9802.00.91 and goods imported under provisions of subchapter XIX of this chapter and goods imported under provisions of subchapter XX, assembled abroad in whole or in part of fabricated components, the product of the United States, which (a) were exported in condition ready for assembly without further fabrication, (b) have not lost their physical identity in such articles by change in form, shape or otherwise, and (c) have not been advanced in value or improved in condition abroad except by being assembled and except by operations incidental to the assembly process such as cleaning, lubricating and painting.	Aircraft.
9818.00.05	Spare parts necessarily installed before first entry into the United States, upon first entry into the United States of each such spare part purchased in, or imported from, a foreign country.	Aircraft.
9818.00.07	Other, upon first arrival in any port of the United States of any vessel described in U.S. note 1 to subchapter XVIII.	Aircraft.

Annex II

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern time on November 14, 2025, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified as follows:

1. Headings 9903.02.36 and 9903.02.58 are hereby terminated.

2. Subdivision (v) of U.S. note 2 is amended by deleting ''and 9903.02.01–9903.02.73 and 9903.02.79–9903.02.80'' each place it appears and inserting ''9903.02.01–9903.02.73, 9903.02.79–9903.02.80, 9903.02.82–9903.02.83, and 9903.02.87–9903.02.88'' in lieu thereof.

3. Subdivision (v)(i) of U.S. note 2 is amended by:

i. Deleting ''9903.02.81'' and inserting ''9903.02.78, 9903.02.81, 9903.02.84–9903.02.86, and 9903.02.89–9903.02.91'' in lieu thereof.

ii. Deleting ''subdivisions (v)(ii) through (v)(xxiii)'' each place that it appears and inserting ''subdivisions (v)(ii) through (v)(xxiv)'' in lieu thereof.

4. Subdivision (v)(xviii) of U.S. note 2 is amended by:

i. Deleting ''and 9903.02.80'' and inserting ''9903.02.80, 9903.02.82, 9903.02.83, 9903.02.87, and 9903.02.88'' in lieu thereof.

ii. Deleting ''or South Korea'' and inserting ''South Korea, Switzerland, or Liechtenstein'' in lieu thereof.

5. U.S. note 2 is amended by inserting the following new subdivisions in numerical sequence at the end of subdivision (v):

''(xxiv)(a) As provided in headings 9903.02.82 and 9903.02.83, for articles the product of Switzerland for which the U.S. Most Favored Nation (''MFN'') tariff rate (column 1-General) is less than 15 percent, the sum of the column 1 duty rate and the additional ad valorem rate of duty pursuant to heading 9903.02.83 will be 15 percent ad valorem, and for articles the product of Switzerland for which the column 1 duty rate is 15 percent or higher, heading 9903.02.82 applies, and no additional duty is due pursuant to heading 9903.02.83. As provided in headings 9903.02.87 and 9903.02.88, for articles the product of Liechtenstein for which the MFN tariff rate (column 1-General) is less than 15 percent, the sum of the column 1 duty rate and the additional ad valorem rate of duty pursuant to heading 9903.02.88 will be 15 percent ad valorem, and for articles the product of Liechtenstein for which the column 1 duty rate is 15 percent or higher, heading 9903.02.87 applies, and no additional duty is due pursuant to heading 9903.02.88.

(b) As provided in headings 9903.02.84 and 9903.02.89, the additional duties imposed by headings 9903.02.82–9903.02.83 and 9903.02.87–9903.02.88 shall not apply to articles the product of Switzerland or Liechtenstein, respectively, that are classifiable in the following provisions of the HTSUS:

0106.14.00	2529.22.00	2826.30.00	4409.22.10	4602.12.23	7204.21.00
0106.19.30	2530.20.10	2826.90.90	4409.22.25	4602.12.25	7205.10.00
0106.19.91	2530.20.20	2827.31.00	4409.22.40	4602.12.35	7501.10.00
0106.20.00	2530.90.10	2827.39.45	4409.22.50	4602.12.45	7502.10.00
0106.31.00	2530.90.20	2827.39.60	4409.22.60	5001.00.00	7502.20.00
0106.39.01	2530.90.80	2827.59.51	4409.22.65	5002.00.00	7503.00.00
0106.90.01	2602.00.00	2833.24.00	4409.22.90	5003.00.10	7504.00.00
0208.50.00	2604.00.00	2833.27.00	4412.31.06	5003.00.90	7901.11.00
0208.90.25	2605.00.00	2833.29.10	4412.31.26	5004.00.00	7901.12.10

0410.10.00	2606.00.00	2833.29.45	4412.31.42	5005.00.00	7901.12.50
0501.00.00	2608.00.00	2833.29.51	4412.31.45	5006.00.10	7901.20.00
0510.00.40	2609.00.00	2834.21.00	4412.31.48	5006.00.90	7902.00.00
0601.10.15	2610.00.00	2834.29.20	4412.31.52	5007.10.30	7903.90.30
0601.10.30	2611.00.30	2834.29.51	4412.31.61	5007.10.60	8001.10.00
0601.10.45	2611.00.60	2836.60.00	4412.31.92	5007.20.00	8001.20.00
0601.10.60	2612.20.00	2836.91.00	4412.41.00	5007.90.30	8002.00.00
0601.10.75	2613.90.00	2836.92.00	4412.51.10	5102.11.90	8101.10.00
0601.10.90	2614.00.30	2836.99.10	4412.51.31	7101.10.30	8101.97.00
0601.20.90	2614.00.60	2836.99.50	4412.51.41	7101.10.60	8103.20.00
0602.10.00	2615.90.30	2841.80.00	4412.51.51	7102.10.00	8103.30.00
0602.40.00	2615.90.60	2841.90.20	4412.91.06	7102.31.00	8103.91.00
0602.90.30	2616.10.00	2846.10.00	4412.91.10	7102.39.00	8104.11.00
0602.90.60	2617.10.00	2846.90.80	4412.91.31	7103.10.20	8104.19.00
0603.11.00	2620.99.50	2849.20.10	4412.91.41	7103.10.40	8104.20.00
0603.12.30	2801.20.00	2849.20.20	4412.91.51	7103.91.00	8104.30.00
0603.12.70	2804.80.00	2849.90.30	4501.10.00	7103.99.10	8104.90.00
0603.14.00	2804.90.00	3206.11.00	4501.90.20	7103.99.50	8105.20.30
0603.15.00	2805.19.10	3206.19.00	4501.90.40	7110.11.00	8105.20.60
0603.19.01	2805.19.90	3301.19.51	4502.00.00	7110.19.00	8105.20.90
0603.90.00	2805.30.00	3301.29.10	4503.10.20	7110.21.00	8105.30.00
0604.20.00	2811.11.00	3301.30.00	4503.10.30	7110.29.00	8106.10.00
0604.90.10	2811.19.10	3606.90.30	4503.10.40	7110.31.00	8106.90.00
0604.90.30	2811.29.10	3823.11.00	4503.10.60	7110.39.00	8108.20.00
0604.90.60	2811.29.20	3823.12.00	4503.90.20	7110.41.00	8108.30.00
1212.94.00	2813.90.10	3823.70.40	4503.90.40	7110.49.00	8110.10.00
1302.19.21	2816.10.00	4001.10.00	4503.90.60	7112.92.01	8110.20.00
1302.31.00	2816.40.10	4001.21.00	4504.10.10	7118.90.00	8110.90.00
1302.32.00	2816.40.20	4001.22.00	4504.10.20	7201.10.00	8111.00.47
1404.90.30	2817.00.00	4001.29.00	4504.10.30	7201.20.00	8111.00.49
1404.90.40	2818.10.10	4001.30.00	4504.10.40	7201.50.30	8112.21.00
1515.30.00	2818.10.20	4403.41.00	4504.10.45	7202.11.10	8112.22.00
1515.90.21	2818.20.00	4403.42.00	4504.10.47	7202.11.50	8112.41.10
2101.30.00	2820.10.00	4403.49.02	4504.10.50	7202.19.10	8112.41.50
2102.20.60	2821.10.00	4407.21.00	4504.90.00	7202.19.50	8112.92.07
2504.10.10	2821.20.00	4407.22.00	4601.22.40	7202.30.00	8112.92.10
2504.10.50	2822.00.00	4407.23.01	4601.22.80	7202.41.00	8112.92.30
2504.90.00	2823.00.00	4407.25.00	4601.22.90	7202.49.10	8112.92.40
2511.10.10	2825.40.00	4407.26.00	4601.29.40	7202.49.50	8112.92.60
2511.10.50	2825.60.00	4407.27.00	4601.93.01	7202.50.00	8112.92.65
2519.10.00	2825.80.00	4407.28.00	4601.93.05	7202.60.00	8112.99.10
2519.90.10	2825.90.15	4407.29.02	4601.93.20	7202.80.00	8112.99.91
2519.90.20	2825.90.30	4408.31.01	4602.12.05	7202.91.00	
2524.90.00	2825.90.90	4408.39.02	4602.12.14	7202.93.40	
2529.21.00	2826.12.00	4409.22.05	4602.12.16	7202.93.80	

(c) As provided in headings 9903.02.85 and 9903.02.90, the additional duties imposed by headings 9903.02.82–9903.02.83 and 9903.02.87–9903.02.88 shall not apply to articles the product of Switzerland or Liechtenstein, respectively, that are civil aircraft (all aircraft other than military aircraft and unmanned aircraft); their engines, parts, and components; their other parts, components, and subassemblies; and ground flight simulators and their parts and components, that otherwise meet the criteria of General Note 6 of HTSUS, and are classifiable in the following provisions of the HTSUS, but regardless of whether a product is entered under a provision for which the rate of duty ''Free (C)'' appears in the ''Special'' sub-column:

3917.21.00	8302.10.60	8424.10.00	8501.72.90	8529.90.19	9026.10.40
3917.22.00	8302.10.90	8425.11.00	8501.80.10	8529.90.21	9026.10.60
3917.23.00	8302.20.00	8425.19.00	8501.80.20	8529.90.24	9026.20.40
3917.29.00	8302.42.30	8425.31.01	8501.80.30	8529.90.29	9026.20.80
3917.31.00	8302.42.60	8425.39.01	8502.11.00	8529.90.33	9026.80.20
3917.33.00	8302.49.40	8425.42.00	8502.12.00	8529.90.36	9026.80.40
3917.39.00	8302.49.60	8425.49.00	8502.13.00	8529.90.39	9026.80.60
3917.40.00	8302.49.80	8426.99.00	8502.20.00	8529.90.43	9026.90.20
3926.90.45	8302.60.30	8428.10.00	8502.31.00	8529.90.46	9026.90.40
3926.90.94	8307.10.30	8428.20.00	8502.39.00	8529.90.49	9026.90.60
3926.90.96	8307.90.30	8428.33.00	8502.40.00	8529.90.55	9029.10.80
3926.90.99	8407.10.00	8428.39.00	8504.10.00	8529.90.63	9029.20.40
4008.29.20	8408.90.90	8428.90.03	8504.31.20	8529.90.68	9029.90.80
4009.12.00	8409.10.00	8443.31.00	8504.31.40	8529.90.73	9030.10.00
4009.22.00	8411.11.40	8443.32.10	8504.31.60	8529.90.77	9030.20.05
4009.32.00	8411.11.80	8443.32.50	8504.32.00	8529.90.78	9030.20.10
4009.42.00	8411.12.40	8471.41.01	8504.33.00	8529.90.81	9030.31.00
4011.30.00	8411.12.80	8471.49.00	8504.40.40	8529.90.83	9030.32.00
4012.13.00	8411.21.40	8471.50.01	8504.40.60	8529.90.87	9030.33.34
4012.20.10	8411.21.80	8471.60.10	8504.40.70	8529.90.88	9030.33.38
4016.10.00	8411.22.40	8471.60.20	8504.40.85	8529.90.89	9030.39.01
4016.93.50	8411.22.80	8471.60.70	8504.40.95	8529.90.93	9030.40.00

4016.99.35	8411.81.40	8471.60.80	8504.50.40	8529.90.95	9030.84.00
4016.99.60	8411.82.40	8471.60.90	8504.50.80	8529.90.97	9030.89.01
4017.00.00	8411.91.10	8471.70.10	8507.10.00	8529.90.98	9030.90.25
4823.90.10	8411.91.90	8471.70.20	8507.20.80	8531.10.00	9030.90.46
4823.90.20	8411.99.10	8471.70.30	8507.30.80	8531.20.00	9030.90.66
4823.90.31	8411.99.90	8471.70.40	8507.50.00	8531.80.15	9030.90.68
4823.90.40	8412.10.00	8471.70.50	8507.60.00	8531.80.90	9030.90.84
4823.90.50	8412.21.00	8471.70.60	8507.80.82	8536.70.00	9030.90.89
4823.90.60	8412.29.40	8471.70.90	8507.90.40	8539.10.00	9031.80.40
4823.90.67	8412.29.80	8479.89.10	8507.90.80	8539.51.00	9031.80.80
4823.90.70	8412.31.00	8479.89.20	8511.10.00	8543.70.42	9031.90.21
4823.90.80	8412.39.00	8479.89.65	8511.20.00	8543.70.45	9031.90.45
4823.90.86	8412.80.10	8479.89.70	8511.30.00	8543.70.60	9031.90.54
6812.80.90	8412.80.90	8479.89.95	8511.40.00	8543.70.80	9031.90.59
6812.99.10	8412.90.90	8479.90.41	8511.50.00	8543.70.91	9031.90.70
6812.99.20	8413.19.00	8479.90.45	8511.80.20	8543.70.95	9031.90.91
6812.99.90	8413.20.00	8479.90.55	8511.80.40	8543.90.12	9032.10.00
6813.20.00	8413.30.10	8479.90.65	8511.80.60	8543.90.15	9032.20.00
6813.81.00	8413.30.90	8479.90.75	8514.20.40	8543.90.35	9032.81.00
6813.89.00	8413.50.00	8479.90.85	8516.80.40	8543.90.65	9032.89.20
7007.21.11	8413.60.00	8479.90.95	8516.80.80	8543.90.68	9032.89.40
7304.31.30	8413.70.10	8483.10.10	8517.13.00	8543.90.85	9032.89.60
7304.31.60	8413.70.20	8483.10.30	8517.14.00	8543.90.88	9032.90.21
7304.39.00	8413.81.00	8483.10.50	8517.61.00	8544.30.00	9032.90.41
7304.41.30	8413.91.10	8483.30.40	8517.62.00	8801.00.00	9032.90.61
7304.41.60	8413.91.20	8483.30.80	8517.69.00	8802.11.01	9033.00.90
7304.49.00	8413.91.90	8483.40.10	8517.71.00	8802.12.01	9104.00.05
7304.51.10	8414.10.00	8483.40.30	8518.10.40	8802.20.01	9104.00.10
7304.51.50	8414.20.00	8483.40.50	8518.10.80	8802.30.01	9104.00.20
7304.59.10	8414.30.40	8483.40.70	8518.21.00	8802.40.01	9104.00.25
7304.59.20	8414.30.80	8483.40.80	8518.22.00	8805.29.00	9104.00.30
7304.59.60	8414.51.30	8483.40.90	8518.29.40	8807.10.00	9104.00.40
7304.59.80	8414.51.90	8483.50.40	8518.29.80	8807.20.00	9104.00.45
7304.90.10	8414.59.30	8483.50.60	8518.30.10	8807.30.00	9104.00.50
7304.90.30	8414.59.65	8483.50.90	8518.30.20	8807.90.90	9104.00.60
7304.90.50	8414.80.05	8483.60.40	8518.40.10	9001.90.40	9109.10.50
7304.90.70	8414.80.16	8483.60.80	8518.40.20	9001.90.50	9109.10.60
7306.30.10	8414.80.20	8483.90.10	8518.50.00	9001.90.60	9109.90.20
7306.30.30	8414.80.90	8483.90.20	8519.81.10	9001.90.80	9401.10.40
7306.30.50	8414.90.10	8483.90.30	8519.81.20	9001.90.90	9401.10.80
7306.40.10	8414.90.30	8483.90.50	8519.81.25	9002.90.20	9403.20.00
7306.40.50	8414.90.41	8483.90.80	8519.81.30	9002.90.40	9403.70.40
7306.50.10	8414.90.91	8484.10.00	8519.81.41	9002.90.70	9403.70.80
7306.50.30	8415.10.60	8484.90.00	8519.89.10	9002.90.85	9405.11.40
7306.50.50	8415.10.90	8501.20.50	8519.89.20	9002.90.95	9405.11.60
7306.61.10	8415.81.01	8501.20.60	8519.89.30	9014.10.10	9405.11.80
7306.61.30	8415.82.01	8501.31.50	8521.10.30	9014.10.60	9405.19.40
7306.61.50	8415.83.00	8501.31.60	8521.10.60	9014.10.70	9405.19.60
7306.61.70	8415.90.40	8501.31.81	8521.10.90	9014.10.90	9405.19.80
7306.69.10	8415.90.80	8501.32.20	8522.90.25	9014.20.20	9405.61.20
7306.69.30	8418.10.00	8501.32.55	8522.90.36	9014.20.40	9405.61.40
7306.69.50	8418.30.00	8501.32.61	8522.90.45	9014.20.60	9405.61.60
7306.69.70	8418.40.00	8501.33.20	8522.90.58	9014.20.80	9405.69.20
7312.10.05	8418.61.01	8501.33.30	8522.90.65	9014.90.10	9405.69.40
7312.10.10	8418.69.01	8501.33.61	8522.90.80	9014.90.20	9405.69.60
7312.10.20	8419.50.10	8501.34.61	8526.10.00	9014.90.40	9405.92.00
7312.10.30	8419.50.50	8501.40.50	8526.91.00	9014.90.60	9405.99.20
7312.10.50	8419.81.50	8501.40.60	8526.92.10	9020.00.40	9405.99.40
7312.10.60	8419.81.90	8501.51.50	8526.92.50	9020.00.60	9620.00.50
7312.10.70	8419.90.10	8501.51.60	8528.42.00	9025.11.20	9620.00.60
7312.10.80	8419.90.20	8501.52.40	8528.52.00	9025.11.40	9802.00.40
7312.10.90	8419.90.30	8501.52.80	8528.62.00	9025.19.40	9802.00.50
7312.90.00	8419.90.50	8501.53.40	8529.10.21	9025.19.80	9802.00.60
7322.90.00	8419.90.85	8501.53.60	8529.10.40	9025.80.10	9802.00.80
7324.10.00	8421.19.00	8501.61.01	8529.10.91	9025.80.15	9818.00.05
7324.90.00	8421.21.00	8501.62.01	8529.90.04	9025.80.20	9818.00.07
7326.20.00	8421.23.00	8501.63.01	8529.90.05	9025.80.35	
7413.00.90	8421.29.00	8501.71.00	8529.90.06	9025.80.40	
7608.10.00	8421.31.00	8501.72.10	8529.90.09	9025.80.50	
7608.20.00	8421.32.00	8501.72.20	8529.90.13	9025.90.06	
8108.90.60	8421.39.01	8501.72.30	8529.90.16	9026.10.20	

(d) As provided in headings 9903.02.86 and 9903.02.91, the additional duties imposed by headings 9903.02.82–9903.02.83 and 9903.02.87–9903.02.88 shall not apply to articles the product of Switzerland or Liechtenstein, respectively, that are not

patented in the United States for use in pharmaceutical applications, and are classifiable in the following provisions of the HTSUS, but regardless of whether a product is entered under a provision for which the rate of duty ''Free (K)'' appears in the ''Special'' sub-column:

2804.10.00	2907.29.90	2919.90.30	2925.29.10	2933.79.85	2941.90.10
2804.29.00	2908.19.10	2919.90.50	2925.29.18	2933.91.00	2941.90.30
2804.30.00	2908.19.35	2920.19.40	2925.29.20	2933.99.01	2941.90.50
2804.50.00	2908.19.60	2920.19.50	2925.29.60	2933.99.02	2942.00.03
2805.19.20	2908.99.12	2920.21.00	2925.29.70	2933.99.05	2942.00.05
2806.10.00	2908.99.15	2920.22.00	2925.29.90	2933.99.06	2942.00.10
2807.00.00	2908.99.25	2920.23.00	2926.30.10	2933.99.08	2942.00.35
2809.20.00	2909.11.00	2920.24.00	2926.40.00	2933.99.11	2942.00.50
2811.12.00	2909.19.18	2920.29.00	2926.90.14	2933.99.12	3001.20.00
2811.22.50	2909.19.60	2920.30.00	2926.90.43	2933.99.14	3001.90.01
2812.12.00	2909.20.00	2920.90.20	2926.90.48	2933.99.16	3002.12.00
2812.19.00	2909.30.40	2920.90.51	2926.90.50	2933.99.17	3002.13.00
2814.10.00	2909.30.60	2921.11.00	2927.00.40	2933.99.22	3002.14.00
2814.20.00	2909.49.05	2921.14.00	2927.00.50	2933.99.24	3002.15.00
2815.11.00	2909.49.10	2921.19.11	2928.00.10	2933.99.26	3002.41.00
2815.12.00	2909.49.15	2921.19.61	2928.00.15	2933.99.42	3002.42.00
2815.20.00	2909.49.20	2921.29.00	2928.00.25	2933.99.46	3002.49.00
2815.30.00	2909.49.60	2921.30.10	2928.00.30	2933.99.51	3002.51.00
2825.10.00	2909.50.20	2921.30.30	2928.00.50	2933.99.53	3002.59.00
2825.20.00	2909.50.40	2921.30.50	2929.90.05	2933.99.55	3002.90.10
2827.39.65	2909.50.45	2921.41.10	2929.90.15	2933.99.58	3002.90.52
2827.39.90	2909.50.50	2921.41.20	2929.90.20	2933.99.61	3003.10.00
2827.60.20	2910.10.00	2921.42.65	2929.90.50	2933.99.65	3003.20.00
2827.60.51	2910.30.00	2921.42.90	2930.10.01	2933.99.70	3003.31.00
2832.10.00	2910.40.00	2921.43.40	2930.20.20	2933.99.75	3003.39.10
2832.30.10	2910.50.00	2921.45.60	2930.20.90	2933.99.79	3003.39.50
2833.11.50	2910.90.10	2921.45.90	2930.30.60	2933.99.82	3003.41.00
2833.19.00	2910.90.20	2921.46.00	2930.40.00	2933.99.85	3003.42.00
2833.21.00	2910.90.91	2921.49.38	2930.60.00	2933.99.89	3003.43.00
2833.22.00	2911.00.10	2921.49.43	2930.70.00	2933.99.90	3003.49.00
2834.10.10	2911.00.50	2921.49.45	2930.90.29	2933.99.97	3003.60.00
2835.22.00	2912.19.50	2921.49.50	2930.90.49	2934.10.10	3003.90.01
2835.24.00	2912.29.60	2921.59.40	2930.90.92	2934.10.20	3004.10.10
2836.20.00	2912.49.26	2921.59.80	2931.41.00	2934.10.70	3004.10.50
2836.30.00	2912.60.00	2922.11.00	2931.42.00	2934.10.90	3004.20.00
2836.40.20	2914.11.10	2922.12.00	2931.43.00	2934.20.40	3004.31.00
2837.20.51	2914.19.00	2922.14.00	2931.44.00	2934.20.80	3004.32.00
2841.90.40	2914.29.30	2922.15.00	2931.45.00	2934.30.18	3004.39.00
2842.10.00	2914.29.50	2922.16.00	2931.46.00	2934.30.23	3004.41.00
2842.90.90	2914.39.90	2922.17.00	2931.47.00	2934.30.27	3004.42.00
2843.29.01	2914.40.40	2922.18.00	2931.48.00	2934.30.43	3004.43.00
2843.30.00	2914.40.90	2922.19.09	2931.49.00	2934.30.50	3004.49.00
2843.90.00	2914.50.10	2922.19.20	2931.51.00	2934.91.00	3004.50.10
2844.41.00	2914.50.30	2922.19.33	2931.52.00	2934.92.00	3004.50.20
2844.42.00	2914.50.50	2922.19.60	2931.53.00	2934.99.01	3004.50.30
2844.43.00	2914.62.00	2922.19.70	2931.54.00	2934.99.03	3004.50.40
2844.44.00	2914.69.21	2922.19.90	2931.59.00	2934.99.05	3004.50.50
2845.20.00	2914.69.90	2922.19.96	2931.90.22	2934.99.06	3004.60.00
2845.30.00	2914.71.00	2922.21.10	2931.90.30	2934.99.07	3004.90.10
2845.90.01	2914.79.10	2922.21.25	2931.90.60	2934.99.08	3004.90.92
2846.90.20	2914.79.40	2922.21.40	2931.90.90	2934.99.09	3006.30.10
2846.90.40	2914.79.60	2922.21.50	2932.11.00	2934.99.11	3006.30.50
2847.00.00	2914.79.90	2922.29.03	2932.14.00	2934.99.12	3006.60.00
2850.00.50	2915.21.00	2922.29.06	2932.19.10	2934.99.15	3006.70.00
2853.10.00	2915.24.00	2922.29.08	2932.19.51	2934.99.16	3006.92.00
2853.90.10	2915.29.30	2922.29.10	2932.20.05	2934.99.18	3006.93.10
2853.90.50	2915.29.50	2922.29.13	2932.20.20	2934.99.20	3006.93.20
2853.90.90	2915.32.00	2922.29.15	2932.20.25	2934.99.30	3006.93.50
2901.10.40	2915.36.00	2922.29.20	2932.20.30	2934.99.39	3006.93.60
2902.19.00	2915.39.10	2922.29.26	2932.20.45	2934.99.44	3006.93.80
2902.90.30	2915.39.31	2922.29.27	2932.20.50	2934.99.47	3203.00.80
2903.12.00	2915.39.35	2922.29.29	2932.95.00	2934.99.70	3204.13.60
2903.13.00	2915.39.40	2922.29.61	2932.99.04	2934.99.90	3204.13.80
2903.22.00	2915.39.45	2922.29.81	2932.99.08	2935.90.06	3204.18.00
2903.41.10	2915.39.47	2922.31.00	2932.99.21	2935.90.29	3204.90.00
2903.42.10	2915.39.70	2922.39.05	2932.99.32	2935.90.30	3401.30.10
2903.43.10	2915.39.90	2922.39.10	2932.99.35	2935.90.32	3402.42.10
2903.44.10	2915.40.10	2922.39.14	2932.99.39	2935.90.33	3402.42.20
2903.45.10	2915.40.20	2922.39.17	2932.99.55	2935.90.42	3402.42.90
2903.46.10	2915.40.30	2922.39.25	2932.99.61	2935.90.48	3402.50.11
2903.47.10	2915.40.50	2922.39.45	2932.99.70	2935.90.60	3507.90.70
2903.48.00	2915.50.20	2922.39.50	2932.99.90	2935.90.75	3802.10.00

2903.49.00
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2917.20.00
2917.34.01
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2922.41.00
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2925.12.00
2925.19.42
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2925.21.00
2933.11.00
2933.19.08
2933.19.35
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3808.94.10
3808.94.50
3812.31.00
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3815.12.00
3815.90.50
3824.81.00
3824.82.10
3824.82.90
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3824.88.00
3824.89.00
3824.91.00
3824.92.00
3824.99.25
3824.99.29
3824.99.49
3824.99.50
3824.99.55
3826.00.30
3827.13.00
3827.14.00
3827.40.00
3901.90.90
3902.90.00
3904.61.00
3905.91.10
3905.91.50
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3906.90.50
3907.10.00
3907.21.00
3907.70.00
3908.10.00
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3914.00.20
3914.00.60
7508.90.50
7907.00.60
8007.00.50
8112.59.00''.

6. Heading 9903.01.25 is modified by deleting ''9903.02.81'' in the article description and inserting ''9903.02.91'' in lieu thereof;

7. New headings 9903.02.82–9903.02.91 shall be inserted in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled ''Heading/Subheading'', ''Article Description'', ''Rates of Duty 1-General'', ''Rates of Duty 1-Special'', and ''Rates of Duty 2'', respectively:

Heading/ subheading	Article description	Rates of duty		
		1		2
		General	Special	
"9903.02.82 ...	Except for products described in headings 9903.01.30–9903.01.33, 9903.02.78, and 9903.02.84–9903.02.86, and except as provided for in headings 9903.01.34 and 9903.02.01, articles the product of Switzerland, with an ad valorem (or ad valorem equivalent) rate of duty under column 1-General equal to or greater than 15 percent, as provided for in subdivision (v) of U.S. note 2 to this subchapter.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.
9903.02.83	Except for products described in headings 9903.01.30–9903.01.33, 9903.02.78, and 9903.02.84–9903.02.86, and except as provided for in headings 9903.01.34 and 9903.02.01, articles the product of Switzerland, with an ad valorem (or ad valorem equivalent) rate of duty under column 1-General less than 15 percent, as provided for in subdivision (v) of U.S. note 2 to this subchapter.	15%	15%	The duty provided in the applicable subheading.
9903.02.84	Articles the product of Switzerland, as provided for in subdivision (v)(xxiv)(b) of U.S. note 2 to this subchapter.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.
9903.02.85	Articles of civil aircraft (all aircraft other than military aircraft); their engines, parts, and components; their other parts, components, and subassemblies; and ground flight simulators and their parts and components of Switzerland, excluding unmanned aircraft, provided for in subdivision (v)(xxiv)(c) of U.S. note 2 to this subchapter.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.
9903.02.86	Articles the product of Switzerland that are non-patented articles for use in pharmaceutical applications, provided for in subdivision (v)(xxiv)(d) of U.S. note 2 to this subchapter.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.
9903.02.87	Except for products described in headings 9903.01.30–9903.01.33, 9903.02.78, and 9903.02.89–9903.02.91, and except as provided for in headings 9903.01.34 and 9903.02.01, articles the product of Liechtenstein, with an ad valorem (or ad valorem equivalent) rate of duty under column 1-General equal to or greater than 15 percent, as provided for in subdivision (v) of U.S. note 2 to this subchapter.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.
9903.02.88	Except for products described in headings 9903.01.30–9903.01.33, 9903.02.78, and 9903.02.89–9903.02.91, and except as provided for in headings 9903.01.34 and 9903.02.01, articles the product of Liechtenstein, with an ad valorem (or ad valorem equivalent) rate of duty under column 1-General less than 15 percent, as provided for in subdivision (v) of U.S. note 2 to this subchapter.	15%	15%	The duty provided in the applicable subheading.
9903.02.89	Articles the product of Liechtenstein, as provided for in subdivision (v)(xxiv)(b) of U.S. note 2 to this subchapter.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.
9903.02.90	Articles of civil aircraft (all aircraft other than military aircraft); their engines, parts, and components; their other parts, components, and subassemblies; and ground flight simulators and their parts and components of Liechtenstein, excluding unmanned aircraft, provided for in subdivision (v)(xxiv)(c) of U.S. note 2 to this subchapter.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.
9903.02.91	Articles the product of Liechtenstein that are non-patented articles for use in pharmaceutical applications, provided for in subdivision (v)(xxiv)(d) of U.S. note 2 to this subchapter.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading".

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination of Trade Surplus in Certain Sugar and Syrup Goods and Sugar-Containing Products of Chile, Morocco, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, Peru, Colombia, and Panama

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: In accordance with the Harmonized Tariff Schedule of the United States (HTSUS), the Office of the United States Trade Representative (USTR) is providing notice of its determination of the trade surplus in certain sugar and syrup goods and sugar-containing products of Chile, Morocco, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, Peru, Colombia, and Panama. The level of a country's trade surplus in these goods relates to the quantity of sugar and syrup goods and sugar-containing products for which the United States grants preferential tariff treatment under (i) the United States-Chile Free Trade Agreement (Chile FTA); (ii) the United States-Morocco Free Trade Agreement (Morocco FTA); (iii) the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA–DR); (iv) the United States-Peru Trade Promotion Agreement (Peru TPA); (v) the United States-Colombia Trade Promotion Agreement (Colombia TPA); and (vi) the United States-Panama Trade Promotion Agreement (Panama TPA).

DATES: This notice is applicable on January 1, 2026.

FOR FURTHER INFORMATION CONTACT: Erin H. Nicholson, Office of Agricultural Affairs, (202) 395–9419 or *Erin.H.Nicholson@ustr.eop.gov.*

SUPPLEMENTARY INFORMATION:

I. Chile FTA

Pursuant to section 201 of the United States-Chile Free Trade Agreement Implementation Act (Pub. L. 108–77; 19 U.S.C. 3805 note), Presidential Proclamation No. 7746 of December 30, 2003 (68 FR 75789) implemented the Chile FTA on behalf of the United States and modified the HTSUS to reflect the tariff treatment provided for in the Chile FTA.

Note 3(a) to subchapter XXII of HTSUS chapter 98 requires USTR to publish annually a determination of the amount of Chile's trade surplus, by volume, with all sources for goods in Harmonized System (HS) subheadings 1701.12, 1701.13, 1701.14, 1701.91, 1701.99, 1702.20, 1702.30, 1702.40, 1702.60, 1702.90, 1806.10, 2101.12, 2101.20, and 2106.90, except that Chile's imports of goods classified under HS subheadings 1702.40 and 1702.60 that qualify for preferential tariff treatment under the Chile FTA are not included in the calculation of Chile's trade surplus.

Note 3(b) to subchapter XXII of HTSUS chapter 98 provides duty-free treatment for certain sugar and syrup goods and sugar-containing products of Chile entered under subheading 9822.02.01 in any calendar year (CY) (beginning in CY 2016) in the quantity of goods equal to the amount of Chile's trade surplus in subdivision (a) of the note.

During CY 2024, the most recent year for which data are available, Chile's imports of the sugar and syrup goods and sugar-containing products described above exceeded its exports of those goods by 664,764 metric tons according to data published by its customs authority, the *Servicio Nacional de Aduana.* Based on these data, USTR has determined that Chile's trade surplus is negative. Therefore, in accordance with U.S. Note 3(b) to subchapter XXII of HTSUS chapter 98, goods of Chile are not eligible to enter the United States duty-free under subheading 9822.02.01 in CY 2026.

II. Morocco FTA

Pursuant to section 201 of the United States-Morocco Free Trade Agreement Implementation Act (Pub. L. 108–302; 19 U.S.C. 3805 note), Presidential Proclamation No. 7971 of December 22, 2005 (70 FR 76651) implemented the Morocco FTA on behalf of the United States and modified the HTSUS to reflect the tariff treatment provided for in the Morocco FTA.

Note 6(a) to subchapter XXII of HTSUS chapter 98 requires USTR to annually publish a determination of the amount of Morocco's trade surplus, by volume, with all sources for goods in HS subheadings 1701.12, 1701.13, 1701.14, 1701.91, 1701.99, 1702.40, and 1702.60, except that Morocco's imports of U.S. goods classified under HS subheadings 1702.40 and 1702.60 that qualify for preferential tariff treatment under the Morocco FTA are not included in the calculation of Morocco's trade surplus.

Note 6(b) to subchapter XXII of HTSUS chapter 98 provides duty-free treatment for certain sugar and syrup goods and sugar-containing products of Morocco entered under subheading 9822.03.01 in any calendar year (CY) in the quantity of goods equal to the amount of Morocco's trade surplus in subdivision (a) of the note.

During CY 2024, the most recent year for which data are available, Morocco's imports of the sugar and syrup goods and sugar-containing products described above exceeded its exports of those goods by 1,148,574 metric tons according to data published by its customs authority, the *Office des Changes.* Based on these data, USTR has determined that Morocco's trade surplus is negative. Therefore, in accordance with U.S. Note 6(b) to subchapter XXII of HTSUS chapter 98, goods of Morocco are not eligible to enter the United States duty-free under subheading 9822.03.01 in CY 2026.

III. CAFTA–DR

Pursuant to section 201 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Pub. L. 109–53; 19 U.S.C. 4031), Presidential Proclamation No. 7987 of February 28, 2006 (71 FR 10827), Presidential Proclamation No. 7991 of March 24, 2006 (71 FR 16009), Presidential Proclamation No. 7996 of March 31, 2006 (71 FR 16971), Presidential Proclamation No. 8034 of June 30, 2006 (71 FR 38509), Presidential Proclamation No. 8111 of February 28, 2007 (72 FR 10025), Presidential Proclamation No. 8331 of December 23, 2008 (73 FR 79585), and Presidential Proclamation No. 8536 of June 12, 2010 (75 FR 34311), implemented the CAFTA–DR on behalf of the United States and modified the HTSUS to reflect the tariff treatment provided for in the CAFTA–DR.

Note 25(b)(i) to subchapter XXII of HTSUS chapter 98 requires USTR to publish annually a determination of the amount of each CAFTA–DR country's trade surplus, by volume, with all sources for goods in HS subheadings 1701.12, 1701.13, 1701.14, 1701.91, 1701.99, 1702.40, and 1702.60, except that each CAFTA–DR country's exports to the United States of goods classified under HS subheadings 1701.12, 1701.13, 1701.14, 1701.91, and 1701.99 and its imports of goods classified under HS subheadings 1702.40 and 1702.60 that qualify for preferential tariff treatment under the CAFTA–DR are not included in the calculation of that country's trade surplus.

U.S. Note 25(b)(ii) to subchapter XXII of HTSUS chapter 98 provides duty-free treatment for certain sugar and syrup goods and sugar-containing products of each CAFTA–DR country entered under subheading 9822.05.20 in an amount equal to the lesser of that country's trade surplus or the specific quantity set out in that note for that country and that

calendar year. In each successive year after CY 2021, the aggregate quantity for each country increases, from the aggregate quantity permitted in the prior calendar year, by the quantity set out in that note.

Costa Rica

During CY 2024, the most recent year for which data are available, Costa Rica's exports of the sugar and syrup goods and sugar-containing products described above exceeded its imports of those goods by 41,548 metric tons according to data published by the *Costa Rican Customs Department, Ministry of Finance.* Based on these data, USTR has determined that Costa Rica's trade surplus is 41,548 metric tons. The specific quantity set out in U.S. Note 25(b)(ii) to subchapter XXII of HTSUS chapter 98 for Costa Rica for CY 2026 is 15,400 metric tons. Therefore, in accordance with that note, the aggregate quantity of goods of Costa Rica that may be entered duty-free under subheading 9822.05.20 in CY 2026 is 15,400 metric tons (*i.e.,* the amount that is the lesser of Costa Rica's trade surplus and the specific quantity set out in that note for Costa Rica for CY 2026).

Dominican Republic

During CY 2024, the most recent year for which data are available, the Dominican Republic's imports of the sugar and syrup goods and sugar-containing products described above exceeded its exports of those goods by 115,993 metric tons according to data published by the *General Directorate of Customs (DGA).* Based on these data, USTR has determined that the Dominican Republic's trade surplus is negative. Therefore, in accordance with U.S. Note 25(b)(ii) to subchapter XXII of HTSUS chapter 98, goods of the Dominican Republic are not eligible to enter the United States duty-free under subheading 9822.05.20 in CY 2026.

El Salvador

During CY 2024, the most recent year for which data are available, El Salvador's exports of the sugar and syrup goods and sugar-containing products described above exceeded its imports of those goods by 271,876 metric tons according to data published by the *Central Bank of El Salvador.* Based on these data, USTR has determined that El Salvador's trade surplus is 271,876 metric tons. The specific quantity set out in U.S. Note 25(b)(ii) to subchapter XXII of HTSUS chapter 98 for El Salvador for CY 2026 is 40,120 metric tons. Therefore, in accordance with that note, the aggregate quantity of goods of El Salvador that may be entered duty-free under subheading 9822.05.20 in CY 2026 is 40,120 metric tons (*i.e.,* the amount that is the lesser of El Salvador's trade surplus and the specific quantity set out in that note for El Salvador for CY 2026).

Guatemala

During CY 2024, the most recent year for which data are available, Guatemala's exports of the sugar and syrup goods and sugar-containing products described above exceeded its imports of those goods by 966,270 metric tons according to data published by the *Guatemalan Sugar Association (ASAZGUA)* and *Bank of Guatemala.* Based on these data, USTR has determined that Guatemala's trade surplus is 966,270 metric tons. The specific quantity set out in U.S. Note 25(b)(ii) to subchapter XXII of HTSUS chapter 98 for Guatemala for CY 2026 is 55,460 metric tons. Therefore, in accordance with that note, the aggregate quantity of goods of Guatemala that may be entered duty-free under subheading 9822.05.20 in CY 2026 is 55,460 metric tons (*i.e.,* the amount that is the lesser of Guatemala's trade surplus and the specific quantity set out in that note for Guatemala for CY 2026).

Honduras

During CY 2024, the most recent year for which data are available, Honduras' exports of the sugar and syrup goods and sugar-containing products described above exceeded its imports of those goods by 118,014 metric tons according to data published by the *Central Bank of Honduras.* Based on these data, USTR has determined that Honduras' trade surplus is 118,014 metric tons. The specific quantity set out in U.S. Note 25(b)(ii) to subchapter XXII of HTSUS chapter 98 for Honduras for CY 2026 is 11,200 metric tons. Therefore, in accordance with that note, the aggregate quantity of goods of Honduras that may be entered duty-free under subheading 9822.05.20 in CY 2026 is 11,200 metric tons (*i.e.,* the amount that is the lesser of Honduras' trade surplus and the specific quantity set out in that note for Honduras for CY 2026).

Nicaragua

During CY 2024, the most recent year for which data are available, Nicaragua's exports of the sugar and syrup goods and sugar-containing products described above exceeded its imports of those goods by 406,136 metric tons according to data published by the *National Committee of Sugar Producers (CNPA).* Based on these data, USTR has determined that Nicaragua's trade surplus is 406,136 metric tons. The specific quantity set out in U.S. Note 25(b)(ii) to subchapter XXII of HTSUS chapter 98 for Nicaragua for CY 2026 is 30,800 metric tons. Therefore, in accordance with that note, the aggregate quantity of goods of Nicaragua that may be entered duty-free under subheading 9822.05.20 in CY 2026 is 30,800 metric tons (*i.e.,* the amount that is the lesser of Nicaragua's trade surplus and the specific quantity set out in that note for Nicaragua for CY 2026).

IV. Peru TPA

Pursuant to section 201 of the United States-Peru Trade Promotion Agreement Implementation Act (Pub. L. 110–138; 19 U.S.C. 3805 note), Presidential Proclamation No. 8341 of January 16, 2009 (74 FR 4105) implemented the Peru TPA on behalf of the United States and modified the HTSUS to reflect the tariff treatment provided for in the Peru TPA.

Note 28(c) to subchapter XXII of HTSUS chapter 98 requires USTR to annually publish a determination of the amount of Peru's trade surplus, by volume, with all sources for goods in HS subheadings 1701.12, 1701.13, 1701.14, 1701.91, 1701.99, 1702.40, and 1702.60, except that Peru's imports of U.S. goods classified under HS subheadings 1702.40 and 1702.60 that are originating goods under the Peru TPA and Peru's exports to the United States of goods classified under HS subheadings 1701.12, 1701.13, 1701.14, 1701.91, and 1701.99 are not included in the calculation of Peru's trade surplus.

Note 28(d) to subchapter XXII of HTSUS chapter 98 provides duty-free treatment for certain sugar goods of Peru entered under subheading 9822.06.10 in an amount equal to the lesser of Peru's trade surplus or the specific quantity set out in that note for that calendar year.

During CY 2024, the most recent year for which data are available, Peru's imports of the sugar and syrup goods and sugar-containing products described above exceeded its exports of those goods by 279,860 metric tons according to data published by the *National Superintendence of Customs and Tax Administration (SUNAT).* Based on these data, USTR has determined that Peru's trade surplus is negative. Therefore, in accordance with U.S. Note 28(d) to subchapter XXII of HTSUS chapter 98, goods of Peru are not eligible to enter the United States duty-free under subheading 9822.06.10 in CY 2026.

V. Colombia TPA

Pursuant to section 201 of the United States-Colombia Trade Promotion Agreement Implementation Act (Pub. L. 112–42; 19 U.S.C. 3805 note), Presidential Proclamation No. 8818 of May 14, 2012 (77 FR 29519) implemented the Colombia TPA on behalf of the United States and modified the HTSUS to reflect the tariff treatment provided for in the Colombia TPA.

Note 32(b) to subchapter XXII of HTSUS chapter 98 requires USTR to publish annually a determination of the amount of Colombia's trade surplus, by volume, with all sources for goods in HS subheadings 1701.12, 1701.13, 1701.14, 1701.91, 1701.99, 1702.40 and 1702.60, except that Colombia's imports of U.S. goods classified under subheadings 1702.40 and 1702.60 that are originating goods under the Colombia TPA and Colombia's exports to the United States of goods classified under subheadings 1701.12, 1701.13, 1701.14, 1701.91 and 1701.99 are not included in the calculation of Colombia's trade surplus.

Note 32(c)(i) to subchapter XXII of HTSUS chapter 98 provides duty-free treatment for certain sugar goods of Colombia entered under subheading 9822.08.01 in an amount equal to the lesser of Colombia's trade surplus or the specific quantity set out in that note for that calendar year.

During CY 2024, the most recent year for which data are available, Colombia's exports of the sugar and syrup goods and sugar-containing products described above exceeded its imports of those goods by 141,864 metric tons according to data published by the *Colombian National Tax and Customs Directorate (DIAN).* Based on these data, USTR has determined that Colombia's trade surplus is 141,864 metric tons. The specific quantity set out in U.S. Note 32(c)(i) to subchapter XXII of HTSUS chapter 98 for Colombia for CY 2026 is 60,500 metric tons. Therefore, in accordance with that note, the aggregate quantity of goods of Colombia that may be entered duty-free under subheading 9822.08.01 in CY 2026 is 60,500 metric tons (*i.e.,* the amount that is the lesser of Colombia's trade surplus and the specific quantity set out in that note for Colombia for CY 2026).

VI. Panama TPA

Pursuant to section 201 of the United States-Panama Trade Promotion Agreement Implementation Act (Pub. L. 112–43; 19 U.S.C. 3805 note), Presidential Proclamation No. 8894 of October 29, 2012 (77 FR 66505) implemented the Panama TPA on behalf of the United States and modified the HTSUS to reflect the tariff treatment provided for in the Panama TPA.

Note 35(a) to subchapter XXII of HTSUS chapter 98 requires USTR to publish annually a determination of the amount of Panama's trade surplus, by volume, with all sources for goods in HS subheadings 1701.12, 1701.13, 1701.14, 1701.91, 1701.99, 1702.40 and 1702.60, except that Panama's imports of U.S. goods classified under subheadings 1702.40 and 1702.60 that are originating goods under the Panama TPA and Panama's exports to the United States of goods classified under subheadings 1701.12, 1701.13, 1701.14, 1701.91 and 1701.99 are not included in the calculation of Panama's trade surplus.

Note 35(c) to subchapter XXII of HTSUS chapter 98 provides duty-free treatment for certain sugar goods of Panama entered under subheading 9822.09.17 in an amount equal to the lesser of Panama's trade surplus or the specific quantity set out in that note for that calendar year.

During CY 2024, the most recent year for which data are available, Panama's imports of the sugar and syrup goods and sugar-containing products described above exceeded its exports of those goods by 146 metric tons according to data published by the *National Institute of Statistics and Census, Office of the General Comptroller of Panama;* and the *Ministry of Commerce and Industry of Panama.* Based on these data, USTR has determined that Panama's trade surplus is negative. Therefore, in accordance with that Note, goods of Panama are not eligible to enter the United States duty-free under subheading 9822.09.17 in CY 2026.

Jennifer Thornton,

General Counsel, Office of the United States Trade Representative.

[FR Doc. 2025–23315 Filed 12–17–25; 8:45 am]

BILLING CODE 3390–F4–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2025–5396]

Notice of Intent To Designate as Abandoned Stephen M. Hill Supplemental Type Certificate No. SA1584SW

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to designate supplemental type certificate as abandoned; request for comments.

SUMMARY: This notice announces the FAA's intent to designate Stephen M. Hill Supplemental Type Certificate (STC) No. SA1584SW as abandoned and make the related engineering data available upon request. The FAA has received a request to provide engineering data concerning this STC. The FAA has been unsuccessful in contacting Stephen M. Hill concerning the STC. This action is intended to enhance aviation safety.

DATES: The FAA must receive all comments by June 16, 2026.

ADDRESSES: You may send comments on this notice by any of the following methods:

- *Federal eRulemaking Portal:* Go to *regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Richard Bolden, AIR–756, Federal Aviation Administration, East Certification Branch, 1701 Columbia Avenue, College Park, GA 30337.
- *Email: richard.bolden@faa.gov.* Include ''Docket No. FAA–2025–5396'' in the subject line of the message.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Richard Bolden, FAA, East Certification Branch, 1701 Columbia Avenue, College Park, GA 30337; telephone: 404–474–5592; email: *richard.bolden@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested parties to provide comments, written data, views, or arguments relating to this notice. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2025–5396 at the beginning of your comments. The FAA will consider all comments received on or before the closing date. All comments received will be available in the docket for examination by interested persons.

Background

The FAA is posting this notice to inform the public that the FAA intends to designate as abandoned Stephen M. Hill STC No. SA1584SW and subsequently release the related engineering data. Stephen M. Hill STC No. SA1584SW is for single and dual camera installations, navigation sight installations, drop port installation, and emergency exit and door optical glass installations for oblique cameras in Gulfstream American Model 680FL(P), 680T, 680V, 680W, 681, 690, 680F(Press), 690A, 685, 690B, 690C, and 695 airplanes.

The FAA has received a third-party request for the release of the aforementioned engineering data under the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. 552. The FAA cannot release commercial or financial information under FOIA without the permission of the data owner. However, in accordance with title 49 of the United States Code § 44704(a)(5), the FAA can provide STC ''engineering data'' it possesses for STC maintenance or improvement, upon request, if the following conditions are met:

1. The FAA determines the STC has been inactive for 3 years or more;

2. Using due diligence, the FAA is unable to locate the owner of record or the owner of record's heir; and

3. The availability of such data will enhance aviation safety.

There has been no activity on this STC for more than 3 years.

On April 18, 2025, the FAA sent a certified letter to Stephen M. Hill at his last known addresses: 151 Chase Street, Florence, SC 29501 and 1300 Pickney Avenue, Florence, SC 29501. The letter informed Stephen M. Hill that the FAA had received a request for engineering data related to STC No. SA1584SW and was conducting a due diligence search to determine whether the STC was inactive and may be considered abandoned. The letter further requested Mr. Stephen M. Hill to respond in writing within 60 days and state whether he is the holder of the STC. The FAA also attempted to contact Stephen M. Hill by other means, including telephone communication, email, registered mail, etc., without success.

Information Requested

If you are the owner or heir or a transferee of STC No. SA1584SW or have any knowledge regarding who may now hold STC No. SA1584SW, please contact Richard Bolden using a method described in this notice under **FOR FURTHER INFORMATION CONTACT**. If you are the heir of the owner, or the owner by transfer, of STC No. SA1584SW, you must provide a notarized copy of your government-issued identification with a letter and background establishing your ownership of the STC and, if applicable, your relationship as the heir to the deceased holder of the STC.

Conclusion

If the FAA does not receive any response by June 16, 2026, the FAA will consider STC No. SA1584SW abandoned, and the FAA will proceed with the release of the requested data. This action is for the purpose of maintaining the airworthiness of an aircraft and enhancing aviation safety.

Issued on December 16, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–23266 Filed 12–17–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2025–0060]

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, this notice announces that FRA is forwarding the Information Collection Request (ICR) summarized below to the Office of Management and Budget (OMB) for review and comment. The ICR describes the information collection and its expected burden. On September 12, 2025, FRA published a notice providing a 60-day period for public comment on the ICR. FRA received no comments in response to the notice.

DATES: Interested persons are invited to submit comments on or before January 20, 2026.

ADDRESSES: Written comments and recommendations for the proposed ICR should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find the particular ICR by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

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 issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. On September 12, 2025, FRA published a 60-day notice in the **Federal Register** soliciting public comment on the ICR for which it is now seeking OMB approval. *See* 90 FR 44286. FRA has received no comments related to the proposed collection of information.

Before OMB decides whether to approve this proposed collection of information, it must provide 30 days' notice for public comment. Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b) and (c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983 (Aug. 29, 1995). The 30-day notice informs the regulated community of their opportunity to file relevant comments and affords the agency adequate time to consider public comments before it renders a decision. 60 FR 44983 (Aug. 29, 1995). Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect.

Comments are invited on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the information 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 to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: U.S. DOT Crossing Inventory.

OMB Control Number: 2130–0017.

Abstract: On January 6, 2015, FRA published a final rule that requires railroads that operate one or more trains through highway-rail or pathway crossings to submit information to the U.S. DOT National Highway-Rail Crossing Inventory (''Crossing Inventory'') about the crossings through which they operate.[1] This final rule, mandated by sec. 204 of the Rail Safety Improvement Act of 2008, requires

[1] *See* 80 FR 746. This final rule was subsequently amended on June 10, 2016, in response to a petition for reconsideration submitted by the Association of American Railroads. *See* 81 FR 37521.

railroads to submit information about previously unreported and new highway-rail and pathway crossings to the Crossing Inventory and to update periodically existing crossing data.

Type of Request: Extension without change (with changes in estimates) of a current information collection.

Affected Public: Businesses (railroads), States, and the District of Columbia (DC).

Form(s): FRA F 6180.71.

Respondent Universe: 646 railroads, 50 States, and DC.

Frequency of Submission: On occasion.

Total Estimated Annual Responses: 225,145.

Total Estimated Annual Burden: 9,857 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: $878,539.56.

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. 2025–23312 Filed 12–17–25; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Securities Exchange Act Disclosure Rules

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled, ''Securities Exchange Act Disclosure Rules.''

DATES: Comments must be received by February 17, 2026.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible.

You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557–0106, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 293–4835.

Instructions: You must include ''OCC'' as the agency name and ''1557–0106'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period. You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection by the method set forth in the next bullet.

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Hover over the ''Information Collection Review'' tab and click on ''Information Collection Review'' from the drop-down menu. From the ''Currently under Review'' drop-down menu, select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching OMB control number ''1557–0106'' or ''Securities Exchange Act Disclosure Rules.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649–5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements, imposed on ten or more persons, that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 generally requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the renewal of this collection.

Title: Securities Exchange Act Disclosure Rules.

OMB Control No.: 1557–0106.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Description: This submission covers an existing regulation and involves no change to the regulation or to the information collection requirements. The OCC requests only that OMB approve its revised burden estimates.

The Securities and Exchange Commission (SEC) is required by statute to collect, in accordance with its regulations, certain information and documents from any firm that is required to register its stock with the SEC. Federal law requires the OCC to apply similar regulations to any national bank or Federal savings association similarly required to be registered with the SEC (generally those with a class of equity securities held by 2,000 or more shareholders). 12 CFR part 11 ensures that a national bank or Federal savings association whose securities are subject to registration provides adequate information about its operations to current and potential shareholders and the public. The OCC reviews the information to ensure that it complies with Federal law and makes public all information required to be filed under the rule.

Estimated Frequency of Response: On occasion.

Estimated Number of Respondents: 80.

Estimated Total Annual Burden: 627 hours.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC'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 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.

Eden Gray,

Assistant Director, Office of the Comptroller of the Currency.

[FR Doc. 2025–23288 Filed 12–17–25; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Form 14417 & 14417–A

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 17, 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. 1545–2235'' 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 Jason Schoonmaker, (801) 620–6008.

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: Reimbursable Agreement—Non-Federal Entities and Statistics of Income—User Fee.

OMB Control Number: 1545–2235.

Form Numbers: Form 14417 & Form 14417–A.

Abstract: Form 14417, Reimbursable Agreement—Non-Federal Entities, was developed for funds in reimbursable agreements with non-federal entities such as state, local, foreign governments and non-federal public entities. Form 14417–A, Statistics of income-User Fee, was developed to be used to purchase aggregate tax return data after a customer contacts the Statistics of Income (SOI) Division requesting data not already available on our TaxStats IRS website.

Current Actions: There is no change to the previously approved information collection.

Type of Review: Extension of a currently approved collection.

Affected Public: State, Local, and Tribal governments.

Estimated Number of Responses: 65.

Estimated Time per Response: 32 minutes.

Estimated Total Annual Burden Hours: 35.

Dated: December 15, 2025.

Jason M. Schoonmaker,

Tax Analyst.

[FR Doc. 2025–23142 Filed 12–17–25; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Burden Related To Disclaiming an Interest in Property Received by Gift or Inheritance

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and 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. Currently, the IRS is soliciting comments regarding the burden associated with disclaiming an interest in property received by gift or inheritance.

DATES: Written comments should be received on or before February 17, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments and recommendations to Andrés Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email at *pra.comments@irs.gov.* Please include, ''OMB Number: 1545–0959—Public Comment Request Notice'' in the Subject line.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Ronald J. Durbala, (202)-317–5746, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224, or via email at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the 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: Estate and Gift Taxes; Qualified Disclaimers of Property.

OMB Number: 1545–0959.

Project Number: TD 8095 as amended by TD 8744.

Abstract: Internal Revenue Code section 2518 allows a person to disclaim an interest in property received by gift or inheritance. The interest is treated as if the disclaimant never received or transferred such interest for Federal gift tax purposes. A qualified disclaimer must be in writing and delivered to the transferor or trustee.

Current Actions: There is no change to the burden previously approved.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and households.

Estimated Number of Respondents: 2,000.

Estimated Time per Respondent: 30 min.

Estimated Total Annual Burden Hours: 1,000.

Approved: December 16, 2025.

Ronald J. Durbala,

IRS Tax Analyst.

[FR Doc. 2025–23278 Filed 12–17–25; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

RIN 1505–AC62

IMARA Calculation for Calendar Year 2026 Under the Terrorism Risk Insurance Program

AGENCY: Departmental Offices, Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury (Treasury) is providing notice to the public of the insurance marketplace aggregate retention amount (IMARA) for calendar year 2026 for purposes of the Terrorism Risk Insurance Program (TRIP or the Program) under the Terrorism Risk Insurance Act, as amended (TRIA or the Act). As explained below, Treasury has determined that the IMARA for calendar year 2026 is $58,673,180,666.

DATES: The IMARA for calendar year 2026 is effective January 1, 2026 through December 31, 2026.

FOR FURTHER INFORMATION CONTACT: Richard Ifft, Lead Management and Senior Insurance Regulatory Policy Analyst, Terrorism Risk Insurance Program, Federal Insurance Office, 202–622–2922 or Theodore Newman, Senior Insurance Regulatory Policy Analyst, Federal Insurance Office, 202–622–7009.

SUPPLEMENTARY INFORMATION:

I. Background

TRIA—which established TRIP—was signed into law on November 26, 2002, following the attacks of September 11, 2001, to address disruptions in the market for terrorism risk insurance, to help ensure the continued availability and affordability of commercial property and casualty insurance for terrorism risk, and to allow for the private markets to stabilize and build insurance capacity to absorb any future losses for terrorism events.[1] TRIA requires insurers to ''make available'' terrorism risk insurance for commercial property and casualty losses resulting from certified acts of terrorism, and provides for shared public and private compensation for such insured losses. The Program has been reauthorized four times, most recently by the Terrorism Risk Insurance Program Reauthorization Act of 2019.[2] The Secretary of the Treasury (Secretary) administers the Program, with assistance from the Federal Insurance Office (FIO).[3]

TRIA provides for an ''industry marketplace aggregate retention amount'' or ''IMARA'' to be used for determining whether Treasury must recoup any payments it makes under the Program. Under the Act, if total annual payments by all participating insurers are below the IMARA, then Treasury must recoup all amounts expended by it up to the IMARA threshold. If total annual payments by all participating insurers are above the IMARA, then Treasury has the discretionary authority (but not the obligation) to recoup all of the expended amounts that are above the IMARA threshold.[4]

TRIA provides for a schedule of defined IMARA values from calendar year 2015 through calendar year 2019.[5] For calendar year 2020 and beyond, TRIA states that the IMARA ''shall be revised to be the amount equal to the annual average of the sum of insurer deductibles for all insurers participating in the Program for the prior 3 calendar years,'' as such sum is determined pursuant to final rules issued by the Secretary.[6]

On November 15, 2019, Treasury issued a final rule for calculation of the IMARA.[7] This rule, which is codified at 31 CFR 50.4(m)(2), provides that the IMARA will be calculated by averaging the annual industry aggregate deductibles over the prior three calendar years, based upon the direct earned premiums (DEP) reported to Treasury by insurers in Treasury's annual data calls. Insurer deductibles under the Program are based upon the DEP of individual insurers reported to Treasury in the prior year (*e.g.,* 2024 DEP for 2025 calendar year program deductibles).

Accordingly, for purposes of determining the IMARA for calendar 2026, Treasury has averaged the aggregate insurer deductibles for calendar years 2025, 2024, and 2023 (as reported to Treasury in each of these years), which are based on the reported DEP for calendar years 2024, 2023, and 2022, respectively.

[1] Public Law 107–297, sec. 101(b), 116 Stat. 2322, codified at 15 U.S.C. 6701 note. Because the provisions of TRIA (as amended) appear in a note instead of particular sections of the U.S. Code, the provisions of TRIA are identified by the sections of the law.

[2] See Terrorism Risk Insurance Extension Act of 2005, Public Law 109–144, 119 Stat. 2660; Terrorism Risk Insurance Program Reauthorization Act of 2007, Public Law 110–160, 121 Stat. 1839; Terrorism Risk Insurance Program Reauthorization Act of 2015, Public Law 114–1, 129 Stat. 3 (2015 Reauthorization Act); Terrorism Risk Insurance Program Reauthorization Act of 2019, Public Law 116–94, 133 Stat. 2534.

[3] 31 U.S.C. 313(c)(1)(D).

[4] *See* TRIA, sec. 103(e)(7); see also 31 CFR part 50 subpart J (Recoupment and Surcharge Procedures).

[5] In 2015, the IMARA was $29.5 billion; it increased to $31.5 billion in 2016, $33.5 billion in 2017, $35.5 billion in 2018, and $37.5 billion in 2019. *See* TRIA, sec. 103(e)(6)(B).

[6] TRIA, sec. 103(e)(6)(B)(ii) and (e)(6)(C). An insurer's deductible under the Program for any particular year is 20 percent of its direct earned premium subject to the Program during the preceding year. TRIA, sec. 102(7). For example, an insurer's calendar year 2024 Program deductible is 20 percent of its calendar year 2023 direct earned premium.

[7] *See* 84 FR 62450 (November 15, 2019) (Final Rule).

For purposes of the 2026 IMARA calculation, those figures are as follows:

TRIP-ELIGIBLE DEP BY INSURER CATEGORY [8]

	2023 TRIP data call		2024 TRIP data call		2025 TRIP data call	
	2022 DEP in TRIP-eligible lines	% of total	2023 DEP in TRIP-eligible lines	% of total	2024 DEP in TRIP-eligible lines	% of total
Alien Surplus Lines Ins	$16,954,356,655	6	$16,431,481,135	6	$18,900,204,836	6
Captive Insurers	11,992,422,807	4	13,952,931,340	5	17,539,853,510	5
Non-Small Insurers	209,307,242,717	78	227,192,745,100	78	247,384,609,294	78
Small Insurers	31,206,381,036	12	33,861,720,766	12	35,373,760,795	11
Total	269,460,403,215	100	291,438,878,341	100	319,198,428,435	100

Source: 2023–2025 TRIP Data Calls.

Treasury has used these reported premiums to calculate the IMARA for calendar year 2026. The average annual DEP figure for the combined period of 2022, 2023, and 2024 is $293,365,903,330 [($$269,460,403,215 + $291,438,878,341 + 319,198,428,435)/3 = $293,365,903,330]. The average aggregate deductible for the prior three years is 20 percent of $293,365,903,330, which equals $58,673,180,666.[9] Accordingly, the IMARA for purposes of calendar year 2026 is $58,673,180,666.

Dated: December 12, 2025.

Rachel Miller,

Executive Secretary.

[FR Doc. 2025–23274 Filed 12–17–25; 8:45 am]

BILLING CODE 4810–AK–P

DEPARTMENT OF VETERANS AFFAIRS

[Docket No. VA–2025–VACO–0002]

Response to Comments for the Department of Veterans Affairs to Assess the Current Scientific Literature and Historical Detailed Claims Data Regarding Exposure to Per- and Polyfluoroalkyl Substances (PFAS) and Kidney Cancer

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: On September 26, 2024, the Department of Veterans Affairs (VA) solicited public comments on VA's plan to assess the current scientific literature and historical claims data regarding exposure to Per- and polyfluoroalkyl substances (PFAS) and kidney cancer. The notice provided an opportunity for veterans, caregivers, survivors, and the public to share relevant information with VA to inform decisions regarding presumptive benefits that could impact veterans who may have experienced environmental and/or occupational exposures to PFAS during military service. Additionally, VA held a virtual public listening session on November 19, 2024, for the public to provide feedback on the planned assessment. This notice provides VA's responses to comments received from the public.

FOR FURTHER INFORMATION CONTACT: Erin Dursa, Ph.D., MPH, Director of Surveillance Military Environmental Exposures, Health Outcomes Military Exposures, Veterans Health Administration, (202) 461–7297.

SUPPLEMENTARY INFORMATION: On September 26, 2024, VA published a notice in the **Federal Register** to inform the public that it had plans to assess the relationship between exposure to PFAS and kidney cancer. 89 FR 78986. VA received 42 comments from veterans, family members, Veterans Service Organizations (VSOs), and other members of the public in response to the notice. Overall, comments supported VA's plan to assess the scientific literature and historical claims data to determine whether there is an association between PFAS and kidney cancer.

Thirty-six comments were positive and/or in agreement with VA's planned scientific assessment, while the remaining six were neutral. No comments disagreed with the planned scientific assessment. Seventeen comments provided veteran testimony, exposure experience, or personal medical history. Thirteen comments voiced concern that kidney cancer is a narrow scope of possible conditions associated with PFAS exposure. Ten comments were requests to establish kidney cancer as a presumptive service-connected condition due to possible PFAS exposure. The remaining two comments requested benefits consideration. Twenty-two comments spoke to exposures at a specific location or in an occupation; of those, nine comments discussed firefighting foam/gear as the chief exposure concern. Eight comments discussed medical conditions other than kidney cancer. Three comments dealt with exposures other than PFAS. Of the remaining nine comments, six dealt with personal medical histories, two provided scientific evidence, and one was unclear.

Discussion on Comments

With the enactment of Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022 (PACT Act), VA enhanced the presumptive decision-making process to align with 38 U.S.C. 1171–1176 and implement recommendations from National Academies of Science, Engineering, and Medicine's (NASEM) review of the process. Under the current enhanced process, every year VA announces in the **Federal Register** plans for formal evaluations. VA also invites comments and holds an open meeting for the public to provide input.

In accordance with this process, VA established a working group called the Military Environmental Exposure Sub-Council to conduct ongoing surveillance and scientific assessments that may lead to a recommendation for formal evaluation. The duration of a scientific assessment is dependent on the availability, volume, and complexity of relevant literature and data. VA is required to complete formal evaluations within 120 days in accordance with the requirements in 38 U.S.C. 1173.

At this time, VA will focus solely on the possibility of a relationship between

[8] The figures from the 2023 and 2024 TRIP data calls were previously reported in the IMARA calculation for calendar year 2025. *See* 89 FR 105688 (December 27, 2024). The figures from the 2025 TRIP data call were previously reported in FIO's June 2025 Study of Small Insurer Competitiveness in the Terrorism Risk Insurance Marketplace (June 2025), 13 (Figure 1), *https://home.treasury.gov/system/files/311/2025%20Small%20Insurer%20Study%20FINAL%20508.pdf,* and have been updated to include data received by FIO after the reporting deadline. Some figures may not add up on account of rounding.

[9] *See* note 7.

PFAS exposure and kidney cancer for the current scientific assessment. Other conditions that are possibly associated with PFAS exposure may be considered for future assessments. The scientific assessment committee will be provided the details from the comments that include veteran testimonies and exposure experiences. If the assessment results in a formal evaluation, the veteran testimonies and exposure experiences will also be provided to the formal evaluation team for consideration.

VA agrees that the NASEM report ''Guidance on PFAS Exposure, Testing, and Clinical Follow-up'' (2022) is an important resource, and it will be one of several resources VA uses to inform its scientific assessment. However, under the PACT Act and 38 U.S.C. 1172, VA follows a specific process to support any decisions regarding creating new presumptions of service-connection. This process generally includes a scientific assessment, which requires convening an interagency expert panel and reviewing relevant peer-reviewed scientific literature and historical claims data across multiple evidence streams. The panel will make recommendations to VA leadership regarding whether the evidence supports conducting a formal evaluation. The panel will not make any recommendations regarding future studies, as that is outside of the scope of the scientific assessment.

This current assessment will focus on kidney cancer because it is the disability identified in the NASEM report as having the strongest evidence linking it to PFAS exposure. The other outcomes categorized as having ''sufficient evidence of an association'' were either clinical indicators (not disabilities) or were conditions that occur in children. VA only has the authority to create presumptions for disabilities in veterans; policies related to care/compensation for children would require Congressional mandate and appropriations. Other disabilities, such as those included in other categories identified by NASEM, may be assessed in future assessments as additional data becomes available. VA remains committed to transparency, scientific integrity, and supporting the health of all veterans affected by PFAS and other military environmental exposures.

VA agrees that it is important to ensure that the scientific assessment includes PFAS compounds and exposure routes specific to military settings, such as those involving fire-fighting foams or aqueous film-forming foam used to extinguish jet fuel in military and commercial settings. The assessment will examine all peer-reviewed studies involving relevant PFAS compounds, including those with known military applications. The Department of War is still in the process of identifying all of its uses of PFAS; therefore, not all potential exposure routes related to military service are known. To ensure that the assessment allows for as broad of a review on the potential relationship between PFAS and kidney cancer as possible, any published data on this relationship in any population will be considered.

Regarding potential exposures at Fort McClellan, Alabama, section 801 of the PACT Act required a Congressionally mandated epidemiological study to conduct analyses of morbidity and mortality vis-à-vis veterans who served at this location between January 1, 1935, and May 20, 1999. VA is currently conducting this research and will disseminate the results upon completion.

VA does not currently offer PFAS blood testing. This is because PFAS blood tests have limited clinical value in that they can detect levels of certain PFAS in an individual's body at one point in time, but they cannot be used to determine when an individual was exposed, the source of exposure, or whether it could affect an individual's health now or in the future. These tests also do not guide treatment decisions. Veterans who are still interested in testing may choose to do so through private laboratories outside the VA health care system. If an individual has concerns about PFAS exposure, they can speak with their primary care provider, who can review the individual's health history and determine if additional evaluations are needed.

VA does not plan to create a PFAS registry, since self-reported registries have limited scientific value. Instead, VA is conducting epidemiologic studies to try to improve our understanding of the impact of PFAS exposures in military populations. Further, under the PACT Act, VA is conducting a review of the current evidence linking PFAS exposure to kidney cancer as the first step in the presumptive decision process. Additional conditions may be considered in future phases of review. The findings of this and all presumptive decision process reviews will be shared in the **Federal Register**.

VA cannot comment on veteran medical histories or claims shared through the public comment process. VA encourages all veterans who feel their military service has negatively impacted their health to submit a claim for disability compensation. VA will review the claims on a case-by-case basis. Veterans who have evidence of an in-service toxic exposure and developed a non-presumptive disability related to that exposure may be entitled to receive compensation benefits under the direct service connection provisions if a medical opinion provides a causal link between the two. VA is unable to grant benefits if a link between the veteran's medical conditions and military service is not found. When determining eligibility for benefits, VA considers all avenues of service connection, which includes direct service connection, secondary service connection, and presumptive service connection. Service connection is not limited to potential exposures and may be warranted for chronic conditions manifesting to a compensable degree within the recognized time. If a claimant disagrees with a claim decision, they can choose from the following decision review options: Supplemental Claim, Higher-Level Review, or Board Appeal, to continue their case. Visit *www.va.gov* or call (800) MYVA411 to learn about the options available.

Moving Forward

VA will provide status updates on the scientific assessment at the PACT Act Quarterly Briefing for VSOs and stakeholders. Additionally, VA will publish the annual notice for fiscal year (FY) 2025 as required by 38 U.S.C. 1172. The FY 2025 notice will announce plans and details for the annual listening session. The quarterly briefings, annual notice, and listening session will provide the opportunity for veterans, family members, VSOs, stakeholders, and the public to provide their input.

Signing Authority

Douglas A. Collins, Secretary of Veterans Affairs, approved this document on December 15, 2025 and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Nicole R. Cherry,

Alternate Federal Register Liaison Officer, Department of Veterans Affairs.

[FR Doc. 2025–23311 Filed 12–17–25; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Minority Veterans, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C.

Ch.10, that the Advisory Committee on Minority Veterans will meet virtually on January 14, 2026. The meeting sessions will begin and end as follows:

Date	Time	Location	Open session
January 14, 2026	10:30 a.m.–5:15 p.m. Eastern Standard Time.	Join the meeting now *Meeting ID:* 257 160 302 901 48. *Passcode:* 7Xz6ow7e. *Dial in by phone:* +1 872–701–0185,868874843#. *Phone conference ID:* 868 874 843#.	Yes.

This meeting is open to the public.

The Committee on Minority Veterans advises the Secretary of Veterans Affairs with respect to the administration of benefits by the Department for Veterans who are minority group members, by reviewing reports and studies on compensation, health care, rehabilitation, outreach, and other benefits and services administered by the Department.

On January 14, 2026, the Committee will receive briefings and updates from the Office of Health Equity, Veterans Benefits Administration, National Cemetery Administration, Veterans Experience Office, Office of Rural Health, and Office of Survivor Assistance.

The Committee will receive public comments on January 14, from 4:45 p.m. to 5:15 p.m. The comment period may end sooner if no comments are presented or they are exhausted before the end time. Individuals who speak are invited to submit a 1–2-page summary of their comments at the time of the meeting for inclusion in the official meeting record. Members of the public may also submit written statements for the Committee's review to Mr. Dwayne E. Campbell, Department of Veterans Affairs, Center for Minority Veterans (00M), 810 Vermont Avenue NW, Washington, DC 20420, or email at *Dwayne.Campbell3@va.gov.* Any member of the public seeking additional information should contact Mr. Campbell or Mr. Ronald Sagudan at (202) 461–6191, or fax at (202) 273–7092.

Dated: December 16, 2025.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2025–23269 Filed 12–17–25; 8:45 am]

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Part II

Department of Commerce

National Oceanic and Atmospheric Administration

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to a Marine Geophysical Survey of the East Pacific Rise in the Eastern Tropical Pacific Ocean; Notice

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF213]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to a Marine Geophysical Survey of the East Pacific Rise in the Eastern Tropical Pacific Ocean

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

ACTION: Notice; proposed incidental harassment authorization; request for comments on proposed authorization and possible renewal.

SUMMARY: NMFS has received a request from the Lamont-Doherty Earth Observatory (L–DEO) for authorization to take marine mammals incidental to a marine geophysical survey of the East Pacific Rise in the Eastern Tropical Pacific Ocean (ETP). Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-time, 1-year renewal that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorization and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than January 20, 2026.

ADDRESSES: Comments should be addressed to the Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service and should be submitted via email to *ITP.harlacher@noaa.gov.* Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities.* In case of problems accessing these documents, please call the contact listed below.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Jenna Harlacher, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Section 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking; other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to as ''mitigation''); and requirements pertaining to the monitoring and reporting of the takings. The definitions of all applicable MMPA statutory terms used above are included in the relevant sections below (*see also* 16 U.S.C. 1362; 50 C.F.R 216.3, 216.103).

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 any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review.

Summary of Request

On June 16, 2025, NMFS received a request from L–DEO for an IHA to take marine mammals incidental to a marine geophysical survey of the East Pacific Rise in the ETP. After review of the application and confirming details with the applicant, the application was deemed adequate and complete on September 10, 2025. L–DEO's request is for take of 28 species of marine mammals, by Level B harassment only. Neither L–DEO nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

Description of Proposed Activity

Overview

Researchers from the University of California, San Diego, and Woods Hole Oceanographic Institution, with funding from the National Science Foundation (NSF), and in collaboration with the Institut de Physique du Globe de Paris, propose to conduct a three-dimensional (3–D) seismic survey, using airguns as the acoustic source, from the research vessel (R/V) *Marcus G. Langseth* (*Langseth*), which is owned and operated by L–DEO. The proposed survey would occur off Western Mexico in the ETP from approximately February 2026 to March 2026. The proposed survey would occur within international waters, in water depths ranging from approximately 2,500 to 3,200 meters (m). To complete this 3–D survey, the *Langseth* would tow 2 18-airgun arrays with a total discharge volume of approximately 3,300 cubic inch (in^3) (54,077 cubic centimeters (cc)) each, at a depth of 7.5 m. The airgun array receiver would consist of four 5,850 m long solid-state hydrophone streamer. The airguns would fire at a shot interval

of 37.5 m. Approximately 3,110 kilometers (km) of seismic acquisition is planned. Airgun arrays would introduce underwater sound that may result in take of marine mammals.

The purpose of the proposed survey is to obtain information that would be used to address the evolution of fast-spreading mid-ocean ridge magmatic systems and volcanic cycles at the East Pacific Rise in the ETP. The main goal of the proposed seismic surveys is to collect 3–D multi-channel seismic (MCS) reflection data in the ETP, repeating the same experiment conducted in 2008 on board *Langseth*. The two datasets would be processed together, in order to obtain high-resolution imagery that would be used to investigate how the magmatic and hydrothermal plumbing systems beneath this submarine volcanic ridge have changed since 2008, thereby allowing for a unique four-dimensional (4–D) time-lapse study. The time-lapse imagery would allow scientists to test long-debated hypotheses about the eruption cycle for the first time, by distinguishing characteristic changes in the shape and melt content of the magmatic system.

Dates and Duration

The proposed IHA would be valid for the statutory maximum of 1 year from the date of effectiveness. It will become effective upon written notification from the applicant to NMFS, but not beginning later than 1 year from the date of issuance or extending beyond 2 years from the date of issuance. The expected timing of the survey is February through March 2026, lasting 35 days, which includes approximately 20 days of seismic operations, 3.5 days of Ocean Bottom Seismometers deployment, 4 days of equipment deployment/recovery, 6 days contingency, and 5 days of transit.

Specific Geographic Region

The proposed survey would occur within approximately 10.2° N lat., 104.5° W long.; 10.2° N lat., 104.1° W long.; 8.3° N lat., 104.1° W long.; and 8.3° N lat., 104.5° W long., off the Pacific coast of Mexico in international waters, in water depths ranging from approximately 2,500 to 3,200 m. The region where the survey is proposed to occur is depicted in figure 1. Representative survey tracklines are shown; however, some deviation in actual tracklines, including the order of survey operations, could be necessary for reasons such as science drivers, poor data quality, inclement weather, or mechanical issues with the research vessel and/or equipment. Therefore, for the proposed survey, the tracklines could occur anywhere within the coordinates noted above. The *Langseth* would likely leave out of and return to port in Manzanilla, Mexico (approximately 1,000 km north of the survey area).

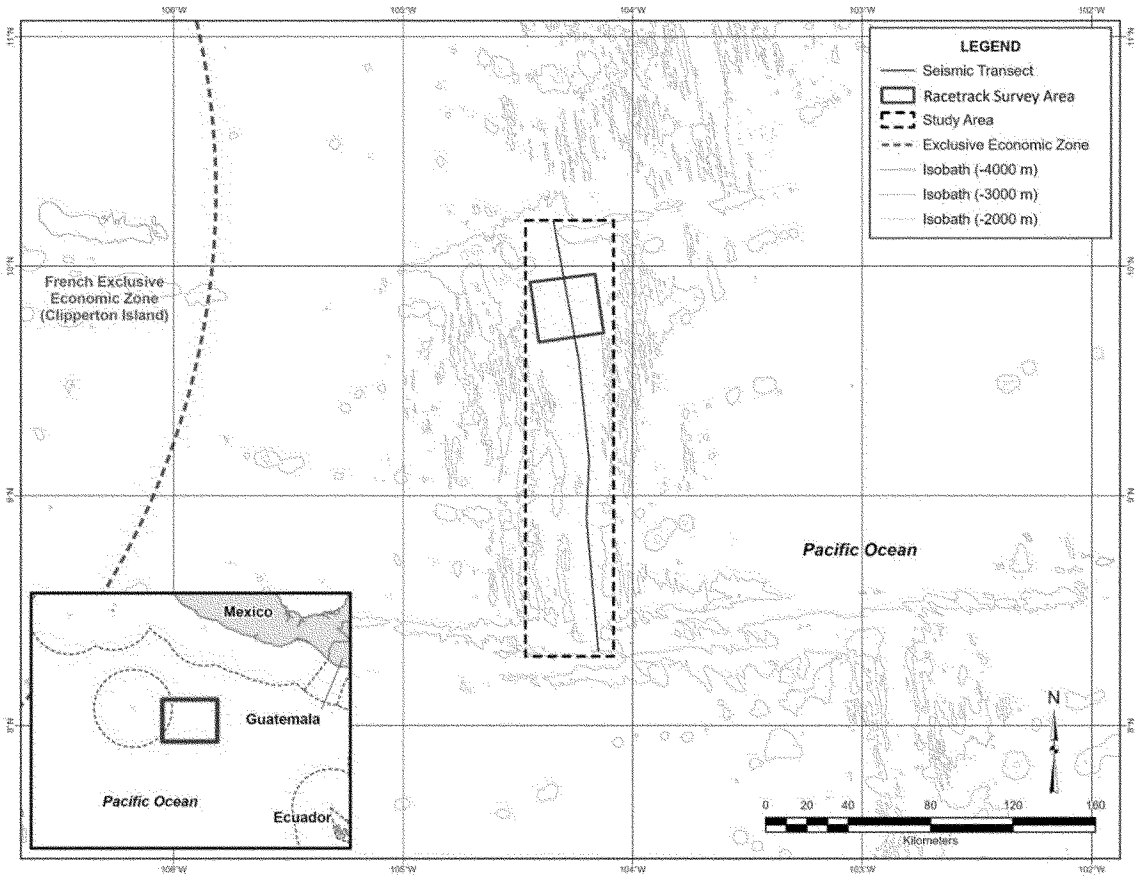

Figure 1 -- Location of the Proposed Seismic Survey in the ETP

Detailed Description of the Specified Activity

The procedures to be used for the proposed survey would be similar to those used during previous seismic surveys conducted by L–DEO and would use conventional seismic methodology. The survey would involve one source vessel, *Langseth,* which is owned and operated by L–DEO. During the 3–D seismic survey, *Langseth* would tow 4 strings (each ~16 m long) with 36 airguns (plus 4 spares); however, only 18 airguns in 2 strings would be firing at 1 time. During the surveys, the 2 18-airgun arrays would fire in an alternate ''flip-flop'' mode every 37.5 m (16 seconds (s)). The total discharge volume would be 3300 in^3, and the array would be towed at a depth of 7.5 m. The 2 strings in each 18-airgun array would be separated by 8 m, and the two ''flip-flop'' arrays would be spaced 75 m apart. The airgun strings would be towed ~265 m behind the *Langseth.*

The airgun arrays consist of a mixture of Bolt 1500LL and Bolt 1900LLX airguns. The airgun array configurations are illustrated in figure 2–11 of NSF and the U.S. Geological Survey's (USGS) Programmatic Environmental Impact Statement (PEIS; NSF–USGS, 2011). The PEIS is available online at: *https://www.nsf.gov/geo/oce/envcomp/usgs-nsf-marine-seismic-research/nsf-usgs-final-eis-oeis_3june2011.pdf.* The main receiving system would consist of four 5,850 m long solid-state hydrophone streamers, separated by 150 m (solid flexible polymer—neither gel nor oil filled). As the airgun arrays are towed along the survey lines, the hydrophone streamers will receive the returning acoustic signals and transfer the data to the on-board processing system.

The 3–D survey would be acquired in a racetrack formation, a pattern whereby the next acquisition line is several kilometers away from and traversed in the opposite direction of the trackline just completed. The 3–D surveys would consist of 2 racetracks; one with 49 cross-axis transect lines and one with 40 cross-axis transect lines. There would be a total of 89 lines, spaced ~300 m apart. Each line would be 26 km long, for a total of 2,314 line km; however, with infill or repeat acquisition along some transects, the total for the racetrack survey is expected to be approximately 2,900 km. Data would not be acquired during turns; thus, turns are not included in the total. In addition, one single long-axis transect, 210 km long, would also be acquired (figure 1). Thus, the total survey effort would consist of approximately 3,110 km of seismic acquisition.

In addition to the operations of the airgun array, the ocean floor would be mapped with the Kongsberg EM 122 multibeam echosounder (MBES) and a Knudsen Chirp 3260 sub bottom profiler (SBP). A Teledyne RDI 75 kilohertz (kHz) Ocean Surveyor acoustic doppler current profiler (ADCP) would be used to measure water current velocities. Take of marine mammals is not expected to occur incidental to use of the MBES, SBP, and ADCP operations whether or not the airguns are operating simultaneously with the other sources. Given their characteristics (*e.g.,* narrow downward-directed beam), marine mammals would experience no more than one or two brief ping exposures, if any exposure were to occur (Ruppel *et al.,* 2022).

Proposed mitigation, monitoring, and reporting measures are described in detail later in this Notice (please see Proposed Mitigation and Proposed Monitoring and Reporting).

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species. NMFS fully considered all of this information, and we refer the reader to these descriptions, instead of reprinting the information. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS' website (*https://www.fisheries.noaa.gov/find-species).*

Most populations of marine mammals found in the survey area do not occur within the U.S. EEZ and therefore, are not assessed in NMFS' Stock Assessment Reports (SARs). For these populations, NMFS is evaluating impacts at the population level and ranges are considered to be the Eastern Tropical Pacific. As such, information on potential biological removal level (PBR; defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population) and annual levels of serious injury and mortality from anthropogenic sources are not available for these marine mammal populations.

For marine mammal populations that occur within the U.S. EEZ and are assessed in a SAR, table 1 summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known (as described in NMFS' SARs). While no serious injury or mortality is anticipated or proposed to be authorized here, PBR and annual serious injury and mortality (M/SI) from anthropogenic sources are included here as gross indicators of the status of the species or stocks and other threats. All values presented in Table 1 for populations that are assessed in the SARs are the most recent available at the time of publication and are available in the draft 2024 SARs (available online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/draft-marine-mammal-stock-assessment-reports*).

Abundance estimates for marine mammals in the survey location are based on a variety of sources, including Gerrodette *et al.,* 2008, Wade and Gerrodette 1993 and Gerrodette and Forcada 2002. The modeled abundance is considered the best scientific information available on the abundance of marine mammal populations in the survey area.

TABLE 1—SPECIES LIKELY IMPACTED BY THE SPECIFIED ACTIVITIES

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]	ETP abundance [4]
Order Artiodactyla—Cetacea—Mysticeti (baleen whales)							
Family Balaenopteridae (rorquals):							
Humpback Whale	*Megaptera novaeangliae.*	Central America/Southern Mexico-California-Oregon-Washington.	E, D, Y	1,496 (0.2, 1,284, 2021)	3.5	14.9	2,566
Minke whale	*Balaenoptera acutorostrata.*	N/A	-, -, N	N/A	N/A	N/A	115
Bryde's whale	*Balaenoptera edeni.*	Eastern Tropical Pacific.	-, -, N	Unknown (Unknown, Unknown, N/A).	Undetermined	Unknown	10,411
Sei whale	*Balaenoptera borealis.*	Eastern N Pacific	E, D, Y	864 (0.4, 625, 2014)	1.25	0	0
Blue whale	*Balaenoptera musculus.*	Eastern N Pacific	E, D, Y	1,898 (0.085, 1,767, 2018)	4.1	≥18.6	1,415
Fin whale	*Balaenoptera physalus.*	N/A	E, D, Y	N/A	N/A	N/A	574
Odontoceti (toothed whales, dolphins, and porpoises)							
Family Physeteridae:							
Sperm whale	*Physeter macrocephalus.*	N/A	E, D, Y	N/A	N/A	N/A	4,145
Family Kogiidae:							
Dwarf Sperm Whale	*Kogia sima*	N/A	N/A	N/A	N/A	N/A	[6] 11,200
Pygmy Sperm Whale	*Kogia breviceps*	N/A	-, -, N	N/A	N/A	N/A	[6] 11,200
Family Ziphiidae (beaked whales):							
Goose-Beaked Whale	*Ziphius cavirostris*	N/A	-, -, N	N/A	N/A	N/A	[7] 20,000
Longman's beaked whale.	*Indopacetus pacificus.*	N/A	-, -, N	N/A	N/A	N/A	1,007
Blainville's beaked whale	*Mesoplodon densirostris.*	N/A	-, -, N	N/A	N/A	N/A	[9] 25,300
Ginkgo-toothed beaked whale.	*M. ginkgodens*	N/A	-, -, N	N/A	N/A	N/A	[9] 25,300
Deraniyagala's beaked whale.	*M. hotaula*	N/A	-, -, N	N/A	N/A	N/A	[9] 25,300
Pygmy beaked whale	*M. peruvianus*	N/A	-, -, N	N/A	N/A	N/A	[9] 25,300
Family Delphinidae:							
Risso's dolphin	*Grampus griseus*	N/A	-, -, N	N/A	N/A	N/A	110,457
Rough-toothed dolphin	*Steno bredanensis*	N/A	-, -, N	N/A	N/A	N/A	107,663
Common bottlenose dolphin.	*Tursiops truncatus*	N/A	-, -, N	N/A	N/A	N/A	335,834
Pantropical spotted dolphin.	*Stenella attenuata*	N/A	-, D, N	N/A	N/A	N/A	857,884
Spinner dolphin	*Stenella longirostris.*	N/A	-, D, N	N/A	N/A	N/A	[10] 1,797,716
Striped dolphin	*Stenella coeruleoalba.*	N/A	-, -, N	N/A	N/A	N/A	964,362
Short-beaked common dolphin.	*Delphinus delphis*	N/A	-, -, N	N/A	N/A	N/A	3,127,203
Fraser's dolphin	*Lagenodelphis hosei.*	N/A	-, -, N	N/A	N/A	N/A	[7] 289,300
Short-finned pilot whale	*Globicephala macrorhynchus.*	N/A	-, -, N	N/A	N/A	N/A	[11] 589,315
Killer whale	*Orcinus orca*	N/A	-, -, N	N/A	N/A	N/A	[7] 8,500
False killer whale	*Pseudorca crassidens.*	N/A	-, -, N	N/A	N/A	N/A	[7] 39,800
Pygmy killer whale	*Feresa attenuata*	N/A	-, -, N	N/A	N/A	N/A	[7] 38,900
Melon-headed whale	*Peponocephala electra.*	N/A	-, -, N	N/A	N/A	N/A	[7] 45,400

[1] ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports.* CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable.

[3] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

[4] From Gerrodette *et al.,* 2008 unless otherwise noted.

[5] Pacific Mexico excluding the Gulf of California (from Gerrodette and Palacios (1996) unless otherwise noted).

[6] Estimate for ETP is mostly for *K. sima* but may also include some *K. breviceps* (Wade and Gerrodette 1993).

[7] Wade and Gerrodette 1993.

[8] Abundance for all ziphiids.

[9] This estimate for the ETP includes all species of the genus *Mesoplodon.*

[10] Includes abundance of several stocks added together.

[11] Based on surveys in 2000 (Gerrodette and Forcada 2002).

As indicated above, all 28 species in table 1 temporally and spatially co-occur with the activity to the degree that take could occur. Although the ETP abundance for Sei whale is zero, they were sighted in a previous seismic survey in the ETP and therefore, could occur in or nearby the action area.

Some species could occur in the proposed survey area but are not likely to be encountered due to the rarity of their occurrence. These species are the North Pacific right whale (*Eubalaena japonica*), gray whale (*Eschrichtius robustus*), Hubbs' beaked whale (*Mesoplodon carlhubbsi*), Stejneger's beaked whale (*M. stejnegeri*), Perrin's beaked whale (*M. perrini*), Baird's beaked whale (*Berardius bairdii*), harbor porpoise (*Phocoena phocoena*), Dall's porpoise (*Phocoenoides dalli*), Pacific white-sided dolphin (*Lagenorhynchus obliquidens*), and northern right whale dolphin (*Lissodelphis borealis*), which all generally occur well outside or north of the proposed survey area (*e.g.,* north of the Baja peninsula). Although there are seven species of pinnipeds known to occur in the ETP including the California sea lion (*Zalophus californianus californianus*), Galápagos sea lion (*Zalophus wollebaeki*), Galápagos fur seal (*Arctocephalus galapagoensis*), Guadalupe fur seal (*Arctocephalus townsendi*), South American fur seal (*A. australis*), South American sea lion (*Otaria flavescens*), and northern elephant seal (*Mirounga angustirostris*), pinnipeds are not likely to be encountered during the proposed seismic surveys. Neither Jackson *et al.* (2004), Smultea and Holst (2003), nor Hauser *et al.* (2008) encountered any pinnipeds in offshore waters near the proposed study area.

In addition to what is included in sections 3 and 4 of the IHA application, and NMFS' website, further detail informing the regional occurrence for select species of particular or unique vulnerability (*i.e.,* information regarding ESA listed or MMPA depleted species) is provided below.

Humpback Whale

The Central America distinct population segment (DPS) equates to the Central America/Southern Mexico-CA/OR/WA stock designated under the MMPA and shown in table 1. The endangered Central America DPS may occur within the proposed survey area, based on the timing of the proposed survey (February–March). Humpbacks from the Central America DPS could be migrating through the survey area at the time of the proposed survey.

Whales in the Central America/Southern Mexico-CA/OR/WA stock winter off the coasts of Nicaragua, Honduras, El Salvador, Guatemala, Panama, Costa Rica, and southern Mexico including the states of Oaxaca and Guerrero, with some animals ranging even farther north (Taylor *et al.,* 2021); they summer off California, Oregon, and Washington (Calambokidis *et al.,* 2000).

Nine sightings were made during surveys off the Pacific coast of Mexico in November 2019 (Oedekoven *et al.,* 2021). The central coast of Oaxaca is thought to be a migratory corridor during winter, with whales typically migrating up to 4 km from shore (Heckel *et al.,* 2020). In 2012, 45 sightings were made off Oaxaca (Castillejos-Moguel and Villegas-Zurita 2014 in Heckel *et al.,* 2020) including feeding behavior (Villegas-Zurita and Castillejos-Moguel 2013 in Heckel *et al.,* 2020). Feeding has also been observed in Banderas Bay, which is known to be an aggregation area for humpbacks during the winter months (Frish-Jordán *et al.,* 2019). One sighting was made during an L–DEO survey off Guerrero and Michoacán in May–June 2022 (RPS 2022). Although sightings are regularly made within the region during winter, sightings during the proposed spring survey in deep offshore waters are likely to be less common.

Although there are other stocks of humpback whales found in Mexico near the project area, it's likely that humpbacks from the Mexico DPS (Mexico-North Pacific Stock and Mainland Mexico-CA/OR/WA Stock) are not found in the survey area. The Mexico DPS's winter breeding grounds are north of the proposed survey area in the Revillagigedos Islands. Therefore, we assume that all humpback whales that may be taken by the proposed survey activities would be from the Central America/Southern Mexico-CA/OR/WA stock.

Sei Whale

Sei whales are less common in the survey area but there have been some reports as summarized below. Sei whales are known to occasionally occur in the Gulf of California (Urbán *et al.,* 2014 in Heckel *et al.,* 2020), as well as off the west coast of the Baja California Peninsula (Heckel *et al.,* 2020). One sighting has been reported for waters off Nayarit (Urbán *et al.,* 1997, Guerrero *et al.,* 2006 in Heckel *et al.,* 2020), and another sighting was made near the northern part of the proposed survey area, off Jalisco (Heckel *et al.,* 2020). González *et al.* (2008) also reported the presence of sei whales off west coast of Mexico south of 23° N lat. However, neither Ferguson and Barlow (2001) nor Jackson *et al.* (2004) positively identified any sei whales in Mexican waters during surveys conducted during July–December. RPS (2022) reported two sightings of single sei whales during an L–DEO survey off Guerrero and Michoacán in May–June 2022.

Fin Whale

Fin whale calls are recorded in the North Pacific year-round (*e.g.,* Moore *et al.,* 2006; Stafford *et al.,* 2007, 2009; Edwards *et al.,* 2015). However, fin whales are considered rare in the proposed survey area. No sightings were made in the proposed survey area during July–December surveys during 1986–1996, 2003, or 2019 (Ferguson and Barlow 2001; Jackson *et al.,* 2004; Oedekoven *et al.,* 2021). Similarly, Edwards *et al.,* (2015) reported no sightings or acoustic detections for the proposed survey area, although sightings have been reported for the Gulf of California and a few sightings exist for offshore waters far west of Mexico. However, González *et al.* (2008) reported the presence of this species off the west coast of Mexico south of 23° N lat., and a sighting has been reported for Banderas Bay (Arroyo 2017). RPS (2022) reported one fin whale sighting during an L–DEO survey off Guerrero and Michoacán in May–June 2022.

Blue Whale

In the Northeast Pacific Ocean, including the ETP, blue whale calls are detected year-round (Stafford *et al.,* 1999, 2001, 2009; Monnahan *et al.,* 2014). In the ETP, blue whales have been sighted mainly off the Baja California Peninsula, near Costa Rica, at and near the Galápagos Islands, and along the coasts of Ecuador and northern Peru (Clarke 1980; Donovan 1984; Reilly and Thayer 1990; Mate *et al.,* 1999; Palacios 1999; Palacios *et al.,* 2005; Branch *et al.,* 2006). Sightings have also been made off the mainland coast of Mexico (Fiedler 2002; Arroyo 2017). In Mexican waters, blue whales generally occur from December to April (Rice 1974; Yochem and Leatherwood 1985; Gendron 2002 in Heckel *et al.,* 2020), after which time they migrate northward; a large proportion occurs off California during the summer (Sears and Perrin 2018).

During surveys within the EEZ of Pacific Mexico, 30 sightings of blue whales were reported by Gerrodette and Palacios (1996). The density of blue whales in the proposed study area was zero based on July–December surveys during 1986–1996 (Ferguson and Barlow 2001). However, sightings have been made just east of the proposed

study area (Ferguson and Barlow 2001; Jackson *et al.,* 2004; Forney *et al.,* 2012).

Sperm Whale

During summer and fall, sperm whales are widely distributed in the ETP, although they are generally more abundant in deeper ''nearshore'' waters than far offshore (*e.g.,* Polacheck 1987; Wade and Gerrodette 1993). More than 180 sightings have been reported for the ETP, with the highest concentrations at 10° N lat.–10° S lat., 80°–100° W long. (Guerrero *et al.,* 2006). Sightings for Pacific Mexico include records off the Baja California Peninsula and in the Gulf of California (Guerrero *et al.,* 2006; Heckel *et al.,* 2020). During 25,356 km of surveys (excluding the Gulf of California) within the EEZ of Pacific Mexico, during July–December 1986–1990, 1992 and 1993, 46 sightings of sperm whales were made (Gerrodette and Palacios 1996). No sightings were made along the mainland coast of Mexico during July–December surveys in 2003, although one sighting was made off the west coast of Baja California Sur (Jackson *et al.,* 2004). Records also exist for Banderas Bay (Arroyo 2017) and Oaxaca (Pérez and Gordillo 2002 in Heckel *et al.,* 2020).

Pantropical Spotted Dolphin

The pantropical spotted dolphin is one of the most abundant cetaceans and is distributed worldwide in tropical and some subtropical waters, between ~40° N and 40° S lat. (Jefferson *et al.,* 2015). In the ETP, this species ranges from 25° N lat. off the Baja California Peninsula to 17° S lat., off southern Peru (Perrin and Hohn 1994). There are two forms of pantropical spotted dolphin (Perrin 2018a): Coastal (*Stenella attenuata graffmani*) and offshore (*S. a. attenuata*), both of which could occur within the proposed survey area. Along the coast of Latin America, the coastal form typically occurs within 20 km from shore (Urbán 2008 in Heckel *et al.,* 2020). There are currently three recognized stocks of spotted dolphins in the ETP: the coastal stock and two offshore stocks—the northeast and the west/south stocks (Wade and Gerrodette 1993; Leslie *et al.,* 2019). Much of what is known about the pantropical spotted dolphin in the ETP is related to the historical tuna purse-seine fishery in that area (Perrin and Hohn 1994). There was an overall stock decline of spotted dolphins from 1960 to 1980 because of the fishery (Allen 1985). In 1979, the population size of spotted dolphins in the ETP was estimated at 2.9–3.3 million (Allen 1985). For 1986–1990, Wade and Gerrodette (1993) reported an estimate of 2.1 million. Gerrodette and Forcada (2005) noted that the population of offshore northeastern spotted dolphins had not yet recovered from the earlier population declines; possible reasons for the lack of growth were attributed to unreported bycatch, effects of fishing activity on survival and reproduction, and long-term changes in the ecosystem. The abundance estimate for 2006 was ~857,884 northeastern offshore spotted dolphins, and 439,208 western-southern offshore spotted dolphins; the coastal subspecies was estimated at 278,155 and was less affected by fishing activities (Gerrodette *et al.,* 2008). In 2004, the mortality rate in the tuna fishery was estimated at 0.03 percent (Bayliff 2004). Perrin (2018a) noted that for the last few years, hundreds of spotted dolphins have been taken in the fishery. Currently, there are ~640,000 northeastern offshore spotted dolphins inhabiting the ETP (Perrin 2018a). This stock is designated as depleted under the MMPA and may be slow to recover due to continued chase and encirclement by the tuna fishery, which may in turn affect reproductive rates (Cramer *et al.,* 2008; Kellar *et al.,* 2013). The northeastern offshore and coastal stocks of pantropical spotted dolphins are likely to be encountered during the proposed surveys.

Spinner Dolphin

The spinner dolphin is pantropical in distribution, including oceanic tropical and sub-tropical waters between 40° N and 40° S lat. (Jefferson *et al.,* 2015). It is generally considered a pelagic species, but it can also be found in coastal waters (Perrin 2018b). In the ETP, three types of spinner dolphins have been identified and two of those are recognized as subspecies: The eastern spinner dolphin (*Stenella longirostris orientalis*), considered an offshore species, the Central American spinner (*S. l. centroamericana;* also known as the Costa Rican spinner), considered a coastal species occurring from southern Mexico to Costa Rica (Perrin 1990; Dizon *et al.,* 1991), and the 'whitebelly' spinner which is thought to be a hybrid of the eastern spinner and Gray's spinner (*S. l. longirostris*). Gray's spinner dolphin is not expected to occur within the proposed study area. Although there is a great deal of overlap between the ranges of eastern and whitebelly spinner dolphins, the eastern form generally occurs in the northeastern portion of the ETP, whereas the whitebelly spinner occurs in the southern portion of the ETP, ranging farther offshore (Wade and Gerrodette 1993; Reilly and Fiedler 1994). Reilly and Fiedler (1994) noted that eastern spinners are associated with waters that have high surface temperatures and chlorophyll and shallow thermoclines, whereas whitebelly spinners are associated with cooler surface temperatures, lower chlorophyll levels, and deeper thermoclines. The eastern spinner dolphins are the most likely to occur in the proposed survey area (see Ferguson and Barlow 2001; Heckel *et al.,* 2020), as this subspecies occurs in the ETP, east of 145° W lat., between 24° N off the Baja California Peninsula and 10° S off Peru (Perrin 1990). Wade and Gerrodette (1993) reported an abundance estimate of 1.7 million, and Gerrodette *et al.* (2005) estimated the abundance at 1.1 million for 2003. Gerrodette and Forcada (2005) noted that the population of eastern spinner dolphins had not yet recovered from the earlier population declines due to the tuna fishery. The population estimate for eastern spinner dolphins in 2003 was 612,662 (Gerrodette *et al.,* 2005). In 2000, the whitebelly dolphin was estimated to number 801,000 in the ETP (Gerrodette *et al.,* 2005). Bayliff (2004) noted a spinner dolphin mortality rate in the tuna fishery of 0.03 percent for 2004. At the time, possible reasons why the population had not recovered include under-reported bycatch, effects of fishing activity on survival and reproduction, and long-term changes in the ecosystem (Gerrodette and Forcada, 2005).

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007, 2019) recommended that marine mammals be divided into hearing groups based on directly measured (behavioral or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, *etc.*). Generalized hearing ranges were chosen based on approximately 65 decibel (dB) threshold from composite audiograms, previous analyses in NMFS (2018), and/or data from Southall *et al.* (2007) and Southall *et al.* (2019). We note that the names of two hearing groups and the generalized hearing ranges of all marine mammal hearing groups have been recently

updated (NMFS 2024) as reflected below in table 2.

TABLE 2—MARINE MAMMAL HEARING GROUPS

[NMFS, 2024]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 36 kHz.
High-frequency (HF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
Very High-frequency (VHF) cetaceans (true porpoises, *Kogia,* river dolphins, Cephalorhynchid, *Lagenorhynchus cruciger* & *L. australis*).	200 Hz to 165 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	40 Hz to 90 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 68 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.,* all species within the group), where individual species' hearing ranges may not be as broad. Generalized hearing range chosen based on ~65 dB threshold from composite audiogram, previous analysis in NMFS 2018, and/or data from Southall *et al.,* 2007; Southall *et al.,* 2019. Additionally, animals are able to detect very loud sounds above and below that ''generalized'' hearing range.

For more detail concerning these groups and associated frequency ranges, please see NMFS (2024) for a review of available information.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section provides a discussion of the ways in which components of the specified activity may impact marine mammals and their habitat. The Estimated Take of Marine Mammals section later in this document includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The Negligible Impact Analysis and Determination section considers the content of this section, the Estimated Take of Marine Mammals section, and the Proposed Mitigation section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and whether those impacts are reasonably expected to, or reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Description of Active Acoustic Sound Sources

This section contains a brief technical background on sound, the characteristics of certain sound types, and on metrics used in this proposal inasmuch as the information is relevant to the specified activity and to a discussion of the potential effects of the specified activity on marine mammals found later in this document.

Sound travels in waves, the basic components of which are frequency, wavelength, velocity, and amplitude. Frequency is the number of pressure waves that pass by a reference point per unit of time and is measured in hertz (Hz) or cycles per second. Wavelength is the distance between two peaks or corresponding points of a sound wave (length of one cycle). Higher frequency sounds have shorter wavelengths than lower frequency sounds, and typically attenuate (decrease) more rapidly, except in certain cases in shallower water. Amplitude is the height of the sound pressure wave or the ''loudness'' of a sound and is typically described using the relative unit of the dB. A sound pressure level (SPL) in dB is described as the ratio between a measured pressure and a reference pressure (for underwater sound, this is 1 micropascal (μPa)) and is a logarithmic unit that accounts for large variations in amplitude; therefore, a relatively small change in dB corresponds to large changes in sound pressure. The source level (SL) represents the SPL referenced at a distance of 1 m from the source (referenced to 1 μPa) while the received level is the SPL at the listener's position (referenced to 1 μPa).

Root mean square (RMS) is the quadratic mean sound pressure over the duration of an impulse. Root mean square is calculated by squaring all of the sound amplitudes, averaging the squares, and then taking the square root of the average (Urick, 1983). Root mean square accounts for both positive and negative values; squaring the pressures makes all values positive so that they may be accounted for in the summation of pressure levels (Hastings and Popper, 2005). This measurement is often used in the context of discussing behavioral effects, in part because behavioral effects, which often result from auditory cues, may be better expressed through averaged units than by peak pressures.

Sound exposure level (SEL; represented as dB re 1 μPa^2–s) represents the total energy contained within a pulse and considers both intensity and duration of exposure. Peak sound pressure (also referred to as zero-to-peak sound pressure or 0-p) is the maximum instantaneous sound pressure measurable in the water at a specified distance from the source and is represented in the same units as the RMS sound pressure. Another common metric is peak-to-peak sound pressure (pk-pk), which is the algebraic difference between the peak positive and peak negative sound pressures. Peak-to-peak pressure is typically approximately 6 dB higher than peak pressure (Southall *et al.,* 2007).

When underwater objects vibrate or activity occurs, sound-pressure waves are created. These waves alternately compress and decompress the water as the sound wave travels. Underwater sound waves radiate in a manner similar to ripples on the surface of a pond and may be either directed in a beam or beams or may radiate in all directions (omnidirectional sources), as is the case for pulses produced by the airgun array considered here. The compressions and decompressions associated with sound waves are detected as changes in pressure by aquatic life and man-made sound receptors such as hydrophones.

Even in the absence of sound from the specified activity, the underwater environment is typically loud due to ambient sound. Ambient sound is defined as environmental background sound levels lacking a single source or point (Richardson *et al.,* 1995), and the sound level of a region is defined by the total acoustical energy being generated by known and unknown sources. These sources may include physical (*e.g.,* wind and waves, earthquakes, ice, atmospheric sound), biological (*e.g.,* sounds produced by marine mammals, fish, and invertebrates), and anthropogenic (*e.g.,* vessels, dredging, construction) sound. A number of sources contribute to ambient sound, including the following (Richardson *et al.,* 1995):

Wind and waves—The complex interactions between wind and water surface, including processes such as breaking waves and wave-induced bubble oscillations and cavitation, are a main source of naturally occurring ambient sound for frequencies between 200 Hz and 50 kHz (Mitson, 1995). In general, ambient sound levels tend to increase with increasing wind speed and wave height. Surf sound becomes important near shore, with measurements collected at a distance of 8.5 km from shore showing an increase of 10 dB in the 100 to 700 Hz band during heavy surf conditions;

Precipitation—Sound from rain and hail impacting the water surface can become an important component of total sound at frequencies above 500 Hz, and possibly down to 100 Hz during quiet times;

Biological—Marine mammals can contribute significantly to ambient sound levels, as can some fish and snapping shrimp. The frequency band for biological contributions is from approximately 12 Hz to over 100 kHz; and

Anthropogenic—Sources of anthropogenic sound related to human activity include transportation (surface vessels), dredging and construction, oil and gas drilling and production, seismic surveys, sonar, explosions, and ocean acoustic studies. Vessel noise typically dominates the total ambient sound for frequencies between 20 and 300 Hz. In general, the frequencies of anthropogenic sounds are below 1 kHz and, if higher frequency sound levels are created, they attenuate rapidly. Sound from identifiable anthropogenic sources other than the activity of interest (*e.g.,* a passing vessel) is sometimes termed background sound, as opposed to ambient sound.

The sum of the various natural and anthropogenic sound sources at any given location and time—which comprise ''ambient'' or ''background'' sound—depends not only on the source levels (as determined by current weather conditions and levels of biological and human activity) but also on the ability of sound to propagate through the environment. In turn, sound propagation is dependent on the spatially and temporally varying properties of the water column and sea floor, and is frequency-dependent. As a result of this dependence on a large number of varying factors, ambient sound levels can be expected to vary widely over both coarse and fine spatial and temporal scales. Sound levels at a given frequency and location can vary by 10–20 dB from day to day (Richardson *et al.,* 1995). The result is that, depending on the source type and its intensity, sound from a given activity may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals. Details of source types are described in the following text.

Sounds are often considered to fall into one of two general types: Pulsed and non-pulsed. The distinction between these two sound types is important because they have differing potential to cause physical effects, particularly with regard to hearing (*e.g.,* NMFS, 2018; Ward, 1997 in Southall *et al.,* 2007). Please see Southall *et al.* (2007) for an in-depth discussion of these concepts.

Pulsed sound sources (*e.g.,* airguns, explosions, gunshots, sonic booms, impact pile driving) produce signals that are brief (typically considered to be less than 1 s), broadband, atonal transients (American National Standards Institute (ANSI), 1986, 2005; Harris, 1998; National Institute for Occupational Health and Safety (NIOSH), 1998; International Organization for Standardization (ISO), 2003) and occur either as isolated events or repeated in some succession. Pulsed sounds are all characterized by a relatively rapid rise from ambient pressure to a maximal pressure value followed by a rapid decay period that may include a period of diminishing, oscillating maximal and minimal pressures, and generally have an increased capacity to induce physical injury as compared with sounds that lack these features.

Non-pulsed sounds can be tonal, narrowband, or broadband, brief or prolonged, and may be either continuous or non-continuous (ANSI, 1995; NIOSH, 1998). Some of these non-pulsed sounds can be transient signals of short duration but without the essential properties of pulses (*e.g.,* rapid rise time). Examples of non-pulsed sounds include those produced by vessels, aircraft, machinery operations such as drilling or dredging, vibratory pile driving, and active sonar systems (such as those used by the U.S. Navy). The duration of such sounds, as received at a distance, can be greatly extended in a highly reverberant environment.

Airgun arrays produce pulsed signals with energy in a frequency range from about 10 to 2,000 Hz, with most energy radiated at frequencies below 200 Hz. The amplitude of the acoustic wave emitted from the source is equal in all directions (*i.e.,* omnidirectional), but airgun arrays do possess some directionality due to different phase delays between guns in different directions. Airgun arrays are typically tuned to maximize functionality for data acquisition purposes, meaning that sound transmitted in horizontal directions and at higher frequencies is minimized to the extent possible.

Acoustic Effects

Here, we discuss the effects of active acoustic sources on marine mammals.

Potential Effects of Underwater Sound [1]—Anthropogenic sounds cover a broad range of frequencies and sound levels and can have a range of highly variable impacts on marine life, from none or minor to potentially severe responses, depending on received levels, duration of exposure, behavioral context, and various other factors. The potential effects of underwater sound from active acoustic sources can potentially result in one or more of the following: Temporary or permanent hearing impairment; non-auditory physical or physiological effects; behavioral disturbance; stress; and masking (Richardson *et al.,* 1995; Gordon *et al.,* 2004; Nowacek *et al.,* 2007; Southall *et al.,* 2007; Götz *et al.,* 2009). The degree of effect is intrinsically related to the signal characteristics, received level, distance from the source, and duration of the sound exposure. In general, sudden, high level sounds can cause hearing loss, as can longer exposures to lower level sounds. Temporary or permanent loss of hearing, if it occurs at all, will occur almost exclusively in cases where a noise is within an animal's hearing frequency range. We first describe specific manifestations of acoustic effects before providing discussion specific to the use of airgun arrays.

Richardson *et al.* (1995) described zones of increasing intensity of effect that might be expected to occur, in relation to distance from a source and assuming that the signal is within an animal's hearing range. First is the area within which the acoustic signal would be audible (potentially perceived) to the animal, but not strong enough to elicit any overt behavioral or physiological response. The next zone corresponds with the area where the signal is audible to the animal and of sufficient intensity to elicit behavioral or physiological response. Third is a zone within which, for signals of high intensity, the received level is sufficient to potentially cause discomfort or tissue damage to auditory or other systems. Overlaying these zones to a certain extent is the

[1] Please refer to the information given previously (*Description of Active Acoustic Sound Sources*) regarding sound, characteristics of sound types, and metrics used in this document.

area within which masking (*i.e.,* when a sound interferes with or masks the ability of an animal to detect a signal of interest that is above the absolute hearing threshold) may occur; the masking zone may be highly variable in size.

We describe the more severe effects of certain non-auditory physical or physiological effects only briefly as we do not expect that use of airgun arrays are reasonably likely to result in such effects (see below for further discussion). Potential effects from impulsive sound sources can range in severity from effects such as behavioral disturbance or tactile perception to physical discomfort, slight injury of the internal organs and the auditory system, or mortality (Yelverton *et al.,* 1973). Non-auditory physiological effects or injuries that theoretically might occur in marine mammals exposed to high level underwater sound or as a secondary effect of extreme behavioral reactions (*e.g.,* change in dive profile as a result of an avoidance reaction) caused by exposure to sound include neurological effects, bubble formation, resonance effects, and other types of organ or tissue damage (Cox *et al.,* 2006; Southall *et al.,* 2007; Zimmer and Tyack, 2007; Tal *et al.,* 2015). The survey activities considered here do not involve the use of devices such as explosives or mid-frequency tactical sonar that are associated with these types of effects.

Marine mammals, like all mammals, develop increased hearing thresholds over time due to age-related degeneration of auditory pathways and sensory cells of the inner ear. This natural, age-related hearing loss is contrasted by noise-induced hearing loss (Møller, 2012). Marine mammals exposed to high-intensity sound or to lower-intensity sound for prolonged periods can experience a noise-induced hearing threshold shift (TS), which NMFS defines as a change, usually an increase, in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level as a result of noise exposure (NMFS, 2018, 2024). The amount of TS is customarily expressed in dB. Noise-induced hearing TS can be temporary (TTS) or permanent (PTS), and higher-level sound exposures are more likely to cause PTS or other Auditory Injury (AUD INJ). As described in NMFS (2018, 2024) there are numerous factors to consider when examining the consequence of TS, including, but not limited to, the signal temporal pattern (*e.g.,* impulsive or non-impulsive), likelihood an individual would be exposed for a long enough duration or to a high enough level to induce a TS, the magnitude of the TS, time to recovery (seconds to minutes or hours to days), the frequency range of the exposure (*i.e.,* spectral content), the hearing frequency range of the exposed species relative to the signal's frequency spectrum (*i.e.,* how animal uses sound within the frequency band of the signal; *e.g.,* Kastelein *et al.,* 2014), and the overlap between the animal and the source (*e.g.,* spatial, temporal, and spectral).

Auditory Injury (AUD INJ)

NMFS (2024) defines AUD INJ as damage to the inner ear that can result in destruction of tissue, such as the loss of cochlear neuron synapses or auditory neuropathy (Houser 2021; Finneran 2024). AUD INJ may or may not result in a PTS. PTS is subsequently defined as a permanent, irreversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2024). PTS does not generally affect more than a limited frequency range, and an animal that has incurred PTS has some level of hearing loss at the relevant frequencies; typically animals with PTS or other AUD INJ are not functionally deaf (Au and Hastings, 2008; Finneran, 2016). For marine mammals, AUD INJ is considered to be possible when sound exposures are sufficient to produce 40 dB of TTS measured after exposure (Southall *et al.,* 2007, 1019). AUD INJ levels for marine mammals are estimates, as with the exception of a single study unintentionally inducing PTS in a harbor seal (*Phoca vitulina*) (Kastak *et al.,* 2008; Reichmuth *et al.,* 2019), there are no empirical data measuring AUD INJ in marine mammals largely due to the fact that, for various ethical reasons, experiments involving anthropogenic noise exposure at levels inducing AUD INJ are not typically pursued or authorized (NMFS, 2024).

Temporary Threshold Shift (TTS)

TTS is the mildest form of hearing impairment that can occur during exposure to sound. TTS is a temporary, reversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2024) that represents primarily tissue fatigue (Henderson *et al.,* 2008), and is not considered an AUD INJ. Based on data from marine mammal TTS measurements (see Southall *et al.,* 2007, 2019), a TTS of 6 dB is considered the minimum threshold shift clearly larger than any day-to-day or session-to-session variation in a subject's normal hearing ability (Finneran *et al.,* 2000, 2002; Schlundt *et al.,* 2000). While experiencing TTS, the hearing threshold rises, and a sound must be at a higher level in order to be heard.

In terrestrial and marine mammals, TTS can last from minutes or hours to days (*i.e.,* there is recovery back to baseline/pre-exposure levels), can occur within a specific frequency range (*i.e.,* an animal might only have a temporary loss of hearing sensitivity within a limited frequency band of its auditory range), and can be of varying amounts (*e.g.,* an animal's hearing sensitivity might be reduced by only 6 dB or reduced by 30 dB). In many cases, hearing sensitivity recovers rapidly after exposure to the sound ends. While there are data on sound levels and durations necessary to elicit mild TTS for marine mammals, recovery is complicated to predict and dependent on multiple factors.

Relationships between TTS and AUD INJ thresholds have not been studied in marine mammals, and there are no measured PTS data for cetaceans, but such relationships are assumed to be similar to those in humans and other terrestrial mammals. AUD INJ typically occurs at exposure levels at least several dB above that inducing mild TTS (*e.g.,* a 40-dB threshold shift approximates AUD INJ onset (Kryter *et al.,* 1966; Miller, 1974), while a 6-dB threshold shift approximates TTS onset (Southall *et al.,* 2007, 2019). Based on data from terrestrial mammals, a precautionary assumption is that the AUD INJ thresholds for impulsive sounds (such as airgun pulses as received close to the source) are at least 6 dB higher than the TTS threshold on a peak sound pressure level (PK SPL) basis and AUD INJ cumulative SEL (SEL_{24h}) thresholds are 15 (impulsive sound criteria) to 20 dB (non-impulsive criteria) higher than TTS cumulative SEL thresholds (Southall *et al.,* 2007, 2019). Given the higher level of sound or longer exposure duration necessary to cause AUD INJ as compared with TTS, it is considerably less likely that AUD INJ could occur.

Marine mammal hearing plays a critical role in communication with conspecifics, and interpretation of environmental cues for purposes such as predator avoidance and prey capture. Depending on the degree (elevation of threshold in dB), duration (*i.e.,* recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious. For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that

occurs during a time where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more serious impacts.

Finneran *et al.* (2015) measured hearing thresholds in 3 captive bottlenose dolphins before and after exposure to 10 pulses produced by a seismic airgun in order to study TTS induced after exposure to multiple pulses. Exposures began at relatively low levels and gradually increased over a period of several months, with the highest exposures at peak SPLs from 196 to 210 dB and cumulative (unweighted) SELs from 193 to 195 dB. No substantial TTS was observed. In addition, behavioral reactions were observed that indicated that animals can learn behaviors that effectively mitigate noise exposures (although exposure patterns must be learned, which is less likely in wild animals than for the captive animals considered in this study). The authors note that the failure to induce more significant auditory effects was likely due to the intermittent nature of exposure, the relatively low peak pressure produced by the acoustic source, and the low-frequency energy in airgun pulses as compared with the frequency range of best sensitivity for dolphins and other high-frequency cetaceans.

Currently, TTS data only exist for four species of cetaceans (bottlenose dolphin, beluga whale (*Delphinapterus leucas*), harbor porpoise, and Yangtze finless porpoise (*Neophocaena asiaeorientalis*)) exposed to a limited number of sound sources (*i.e.,* mostly tones and octave-band noise) in laboratory settings (Finneran, 2015). In general, harbor porpoises have a lower TTS onset than other measured cetacean species (Finneran, 2015). Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species.

Critical questions remain regarding the rate of TTS growth and recovery after exposure to intermittent noise and the effects of single and multiple pulses. Data at present are also insufficient to construct generalized models for recovery and determine the time necessary to treat subsequent exposures as independent events. More information is needed on the relationship between auditory evoked potential and behavioral measures of TTS for various stimuli. For summaries of data on TTS in marine mammals or for further discussion of TTS onset thresholds, please see Southall *et al.* (2007, 2019), Finneran and Jenkins (2012), Finneran (2015), and NMFS (2018, 2024).

Behavioral Effects—Behavioral disturbance may include a variety of effects, including subtle changes in behavior (*e.g.,* minor or brief avoidance of an area or changes in vocalizations), more conspicuous changes in similar behavioral activities, and more sustained and/or potentially severe reactions, such as displacement from or abandonment of high-quality habitat. Behavioral responses to sound are highly variable and context-specific, and any reactions depend on numerous intrinsic and extrinsic factors (*e.g.,* species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors (*e.g.,* Richardson *et al.,* 1995; Wartzok *et al.,* 2003; Southall *et al.,* 2007, 2019; Weilgart, 2007; Archer *et al.,* 2010). Behavioral reactions can vary not only among individuals but also within an individual, depending on previous experience with a sound source, context, and numerous other factors (Ellison *et al.,* 2012), and can vary depending on characteristics associated with the sound source (*e.g.,* whether it is moving or stationary, number of sources, distance from the source). Please see appendices B–C of Southall *et al.* (2007) for a review of studies involving marine mammal behavioral responses to sound.

Habituation can occur when an animal's response to a stimulus wanes with repeated exposure, usually in the absence of unpleasant associated events (Wartzok *et al.,* 2003). Animals are most likely to habituate to sounds that are predictable and unvarying. It is important to note that habituation is appropriately considered as a ''progressive reduction in response to stimuli that are perceived as neither aversive nor beneficial,'' rather than as, more generally, moderation in response to human disturbance (Bejder *et al.,* 2009). The opposite process is sensitization, when an unpleasant experience leads to subsequent responses, often in the form of avoidance, at a lower level of exposure. As noted, behavioral state may affect the type of response. For example, animals that are resting may show greater behavioral change in response to disturbing sound levels than animals that are highly motivated to remain in an area for feeding (Richardson *et al.,* 1995; National Research Council (NRC), 2003; Wartzok *et al.,* 2003). Controlled experiments with captive marine mammals have shown pronounced behavioral reactions, including avoidance of loud sound sources (Ridgway *et al.,* 1997). Observed responses of wild marine mammals to loud pulsed sound sources (typically seismic airguns or acoustic harassment devices) have been varied but often consist of avoidance behavior or other behavioral changes suggesting discomfort (Morton and Symonds, 2002; see also Richardson *et al.,* 1995; Nowacek *et al.,* 2007). However, many delphinids approach acoustic source vessels with no apparent discomfort or obvious behavioral change (*e.g.,* Barkaszi *et al.,* 2012, Barkaszi and Kelly, 2018).

Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal. If a marine mammal does react briefly to an underwater sound by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone the stock or population. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (*e.g.,* Lusseau and Bejder, 2007; Weilgart, 2007; NRC, 2005). There are broad categories of potential response, which we describe in greater detail here, that include alteration of dive behavior, alteration of foraging behavior, effects to breathing, interference with or alteration of vocalization, avoidance, and flight.

Changes in dive behavior can vary widely, and may consist of increased or decreased dive times and surface intervals as well as changes in the rates of ascent and descent during a dive (*e.g.,* Frankel and Clark, 2000; Ng and Leung, 2003; Nowacek *et al.,* 2004; Goldbogen *et al.,* 2013a, b). Variations in dive behavior may reflect disruptions in biologically significant activities (*e.g.,* foraging) or they may be of little biological significance. The impact of an alteration to dive behavior resulting from an acoustic exposure depends on what the animal is doing at the time of the exposure and the type and magnitude of the response.

Disruption of feeding behavior can be difficult to correlate with anthropogenic sound exposure, so it is usually inferred by observed displacement from known foraging areas, the appearance of secondary indicators (*e.g.,* bubble nets or sediment plumes), or changes in dive behavior. As for other types of behavioral response, the frequency, duration, and temporal pattern of signal presentation, as well as differences in

species sensitivity, are likely contributing factors to differences in response in any given circumstance (*e.g.,* Croll *et al.,* 2001; Nowacek *et al.,* 2004; Madsen *et al.,* 2006; Yazvenko *et al.,* 2007a, b). A determination of whether foraging disruptions affect fitness consequences would require information on or estimates of the energetic requirements of the affected individuals and the relationship between prey availability, foraging effort and success, and the life history stage of the animal.

Visual tracking, passive acoustic monitoring (PAM), and movement recording tags were used to quantify sperm whale behavior prior to, during, and following exposure to airgun arrays at received levels in the range 140–160 dB at distances of 7–13 km, following a phase-in of sound intensity and full array exposures at 1–13 km (Madsen *et al.,* 2006; Miller *et al.,* 2009). Sperm whales did not exhibit horizontal avoidance behavior at the surface. However, foraging behavior may have been affected. The sperm whales exhibited 19 percent less vocal, or buzz, rate during full exposure relative to post exposure, and the whale that was approached most closely had an extended resting period and did not resume foraging until the airguns had ceased firing. The remaining whales continued to execute foraging dives throughout exposure; however, swimming movements during foraging dives were 6 percent lower during exposure than control periods (Miller *et al.,* 2009). These data raise concerns that seismic surveys may impact foraging behavior in sperm whales, although more data are required to understand whether the differences were due to exposure or natural variation in sperm whale behavior (Miller *et al.,* 2009).

Changes in respiration naturally vary with different behaviors and alterations to breathing rate as a function of acoustic exposure can be expected to co-occur with other behavioral reactions, such as a flight response or an alteration in diving. However, respiration rates in and of themselves may be representative of annoyance or an acute stress response. Various studies have shown that respiration rates may either be unaffected or could increase, depending on the species and signal characteristics, again highlighting the importance in understanding species differences in the tolerance of underwater noise when determining the potential for impacts resulting from anthropogenic sound exposure (*e.g.,* Kastelein *et al.,* 2001, 2005, 2006; Gailey *et al.,* 2007, 2016).

Marine mammals vocalize for different purposes and across multiple modes, such as whistling, echolocation click production, calling, and singing. Changes in vocalization behavior in response to anthropogenic noise can occur for any of these modes and may result from a need to compete with an increase in background noise or may reflect increased vigilance or a startle response. For example, in the presence of potentially masking signals, humpback whales and killer whales have been observed to increase the length of their songs or amplitude of calls (Miller *et al.,* 2000; Fristrup *et al.,* 2003; Foote *et al.,* 2004; Holt *et al.,* 2012), while right whales have been observed to shift the frequency content of their calls upward while reducing the rate of calling in areas of increased anthropogenic noise (Parks *et al.,* 2007). In some cases, animals may cease sound production during production of aversive signals (Bowles *et al.,* 1994).

Cerchio *et al.* (2014) used PAM to document the presence of singing humpback whales off the coast of northern Angola and to opportunistically test for the effect of seismic survey activity on the number of singing whales. Two recording units were deployed between March and December 2008 in the offshore environment; numbers of singers were counted every hour. Generalized additive mixed models were used to assess the effect of survey day (seasonality), hour (diel variation), moon phase, and received levels of noise (measured from a single pulse during each 10 minutes sampled period) on singer number. The number of singers significantly decreased with increasing received level of noise, suggesting that humpback whale communication was disrupted to some extent by the survey activity.

Castellote *et al.* (2012) reported acoustic and behavioral changes by fin whales in response to shipping and airgun noise. Acoustic features of fin whale song notes recorded in the Mediterranean Sea and northeast Atlantic Ocean were compared for areas with different shipping noise levels and traffic intensities and during a seismic airgun survey. During the first 72 hours of the survey, a steady decrease in song received levels and bearings to singers indicated that whales moved away from the acoustic source and out of the study area. This displacement persisted for a time period well beyond the 10-day duration of seismic airgun activity, providing evidence that fin whales may avoid an area for an extended period in the presence of increased noise. The authors hypothesize that fin whale acoustic communication is modified to compensate for increased background noise and that a sensitization process may play a role in the observed temporary displacement.

Seismic pulses at average received levels of 131 dB re 1 μPa^2-s caused blue whales to increase call production (Di Iorio and Clark, 2009). In contrast, McDonald *et al.* (1995) tracked a blue whale with seafloor seismometers and reported that it stopped vocalizing and changed its travel direction at a range of 10 km from the acoustic source vessel (estimated received level 143 dB pk-pk). Blackwell *et al.* (2013) found that bowhead whale call rates dropped significantly at onset of airgun use at sites with a median distance of 41–45 km from the survey. Blackwell *et al.* (2015) expanded this analysis to show that whales actually increased calling rates as soon as airgun signals were detectable before ultimately decreasing calling rates at higher received levels (*i.e.,* 10-minute cumulative SEL (SEL_{cum}) of ~127 dB). Overall, these results suggest that bowhead whales may adjust their vocal output in an effort to compensate for noise before ceasing vocalization effort and ultimately deflecting from the acoustic source (Blackwell *et al.,* 2013, 2015). These studies demonstrate that even low levels of noise received far from the source can induce changes in vocalization and/or behavior for mysticetes.

Avoidance is the displacement of an individual from an area or migration path as a result of the presence of sound or other stressors, and is one of the most obvious manifestations of disturbance in marine mammals (Richardson *et al.,* 1995). For example, gray whales are known to change direction—deflecting from customary migratory paths—in order to avoid noise from seismic surveys (Malme *et al.,* 1984). Humpback whales show avoidance behavior in the presence of an active seismic array during observational studies and controlled exposure experiments in western Australia (McCauley *et al.,* 2000). Avoidance may be short-term, with animals returning to the area once the noise has ceased (*e.g.,* Bowles *et al.,* 1994; Goold, 1996; Stone *et al.,* 2000; Morton and Symonds, 2002; Gailey *et al.,* 2007). Longer-term displacement is possible, however, which may lead to changes in abundance or distribution patterns of the affected species in the affected region if habituation to the presence of the sound does not occur (*e.g.,* Bejder *et al.,* 2006; Teilmann *et al.,* 2006).

Forney *et al.* (2017) detail the potential effects of noise on marine mammal populations with high site fidelity, including displacement and auditory masking, noting that a lack of

observed response does not imply absence of fitness costs and that apparent tolerance of disturbance may have population-level impacts that are less obvious and difficult to document. Avoidance of overlap between disturbing noise and areas and/or times of particular importance for sensitive species may be critical to avoiding population-level impacts because (particularly for animals with high site fidelity) there may be a strong motivation to remain in the area despite negative impacts. Forney *et al.* (2017) state that, for these animals, remaining in a disturbed area may reflect a lack of alternatives rather than a lack of effects.

Forney *et al.* (2017) specifically discuss beaked whales, stating that until recently most knowledge of beaked whales was derived from strandings, as they have been involved in atypical mass stranding events associated with mid-frequency active (MFA) sonar training operations. Given these observations and recent research, beaked whales appear to be particularly sensitive and vulnerable to certain types of acoustic disturbance relative to most other marine mammal species. Individual beaked whales reacted strongly to experiments using simulated MFA sonar at low received levels, by moving away from the sound source and stopping foraging for extended periods. These responses, if on a frequent basis, could result in significant fitness costs to individuals (Forney *et al.,* 2017). Additionally, difficulty in detection of beaked whales due to their cryptic surfacing behavior and silence when near the surface pose problems for mitigation measures employed to protect beaked whales. Forney *et al.* (2017) specifically states that failure to consider both displacement of beaked whales from their habitat and noise exposure could lead to more severe biological consequences.

A flight response is a dramatic change in normal movement to a directed and rapid movement away from the perceived location of a sound source. The flight response differs from other avoidance responses in the intensity of the response (*e.g.,* directed movement, rate of travel). Relatively little information on flight responses of marine mammals to anthropogenic signals exist, although observations of flight responses to the presence of predators have occurred (Connor and Heithaus, 1996). The result of a flight response could range from brief, temporary exertion and displacement from the area where the signal provokes flight to, in extreme cases, marine mammal strandings (Evans and England, 2001). However, it should be noted that response to a perceived predator does not necessarily invoke flight (Ford and Reeves, 2008), and whether individuals are solitary or in groups may influence the response.

Behavioral disturbance can also impact marine mammals in more subtle ways. Increased vigilance may result in costs related to diversion of focus and attention (*i.e.,* when a response consists of increased vigilance, it may come at the cost of decreased attention to other critical behaviors such as foraging or resting). These effects have generally not been demonstrated for marine mammals, but studies involving fish and terrestrial animals have shown that increased vigilance may substantially reduce feeding rates (*e.g.,* Beauchamp and Livoreil, 1997; Fritz *et al.,* 2002; Purser and Radford, 2011). In addition, chronic disturbance can cause population declines through reduction of fitness (*e.g.,* decline in body condition) and subsequent reduction in reproductive success, survival, or both (*e.g.,* Harrington and Veitch, 1992; Daan *et al.,* 1996; Bradshaw *et al.,* 1998). However, Ridgway *et al.* (2006) reported that increased vigilance in bottlenose dolphins exposed to sound over a 5-day period did not cause any sleep deprivation or stress effects.

Many animals perform vital functions, such as feeding, resting, traveling, and socializing, on a diel cycle (24-hour cycle). Disruption of such functions resulting from reactions to stressors, such as sound exposure, are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall *et al.,* 2007). Consequently, a behavioral response lasting less than 1 day and not recurring on subsequent days is not considered particularly severe unless it could directly affect reproduction or survival (Southall *et al.,* 2007). Note that there is a difference between multi-day substantive behavioral reactions and multi-day anthropogenic activities. For example, just because an activity lasts for multiple days does not necessarily mean that individual animals are either exposed to activity-related stressors for multiple days or, further, exposed in a manner resulting in sustained multi-day substantive behavioral responses.

Stone (2015) reported data from at-sea observations during 1,196 seismic surveys from 1994 to 2010. When large arrays of airguns (considered to be 500 in^3 (8,294 cc) or more in that study) were firing, lateral displacement, more localized avoidance, or other changes in behavior were evident for most odontocetes. However, significant responses to large arrays were found only for the minke whale and fin whale. Behavioral responses observed included changes in swimming or surfacing behavior, with indications that cetaceans remained near the water surface at these times. Cetaceans were recorded as feeding less often when large arrays were active. Behavioral observations of gray whales during a seismic survey monitored whale movements and respirations pre-, during, and post-seismic survey (Gailey *et al.,* 2016). Behavioral state and water depth were the best ''natural'' predictors of whale movements and respiration and, after considering natural variation, none of the response variables were significantly associated with seismic survey or vessel sounds.

Stress Responses—An animal's perception of a threat may be sufficient to trigger stress responses consisting of some combination of behavioral responses, autonomic nervous system responses, neuroendocrine responses, or immune responses (*e.g.,* Seyle, 1950; Moberg, 2000). In many cases, an animal's first and sometimes most economical (in terms of energetic costs) response is behavioral avoidance of the potential stressor. Autonomic nervous system responses to stress typically involve changes in heart rate, blood pressure, and gastrointestinal activity. These responses have a relatively short duration and may or may not have a significant long-term effect on an animal's fitness.

Neuroendocrine stress responses often involve the hypothalamus-pituitary-adrenal system. Virtually all neuroendocrine functions that are affected by stress—including immune competence, reproduction, metabolism, and behavior—are regulated by pituitary hormones. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction, altered metabolism, reduced immune competence, and behavioral disturbance (*e.g.,* Moberg, 1987; Blecha, 2000). Increases in the circulation of glucocorticoids are also equated with stress (Romano *et al.,* 2004).

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and distress is the cost of the response. During a stress response, an animal uses glycogen stores that can be quickly replenished once the stress is alleviated. In such circumstances, the cost of the stress response would not pose serious fitness consequences. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, energy resources must be diverted from other functions. This state of distress will last until the animal replenishes its

energetic reserves sufficiently to restore normal function.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses are well-studied through controlled experiments and for both laboratory and free-ranging animals (*e.g.,* Holberton *et al.,* 1996; Hood *et al.,* 1998; Jessop *et al.,* 2003; Krausman *et al.,* 2004; Lankford *et al.,* 2005). Stress responses due to exposure to anthropogenic sounds or other stressors and their effects on marine mammals have also been reviewed (Fair and Becker, 2000; Romano *et al.,* 2002b) and, more rarely, studied in wild populations (*e.g.,* Romano *et al.,* 2002a). For example, Rolland *et al.* (2012) found that noise reduction from reduced ship traffic in the Bay of Fundy was associated with decreased stress in North Atlantic right whales. These and other studies lead to a reasonable expectation that some marine mammals will experience physiological stress responses upon exposure to acoustic stressors and that it is possible that some of these would be classified as ''distress.'' In addition, any animal experiencing TTS would likely also experience stress responses (NRC, 2003).

Auditory Masking—Sound can disrupt behavior through masking, or interfering with, an animal's ability to detect, recognize, or discriminate between acoustic signals of interest (*e.g.,* those used for intraspecific communication and social interactions, prey detection, predator avoidance, navigation) (Richardson *et al.,* 1995; Erbe *et al.,* 2016). Masking occurs when the receipt of a sound is interfered with by another coincident sound at similar frequencies and at similar or higher intensity, and may occur whether the sound is natural (*e.g.,* snapping shrimp, wind, waves, precipitation) or anthropogenic (*e.g.,* shipping, sonar, seismic exploration) in origin. The ability of a noise source to mask biologically important sounds depends on the characteristics of both the noise source and the signal of interest (*e.g.,* signal-to-noise ratio, temporal variability, direction), in relation to each other and to an animal's hearing abilities (*e.g.,* sensitivity, frequency range, critical ratios, frequency discrimination, directional discrimination, age or TTS hearing loss), and existing ambient noise and propagation conditions.

Under certain circumstances, significant masking could disrupt behavioral patterns, which in turn could affect fitness for survival and reproduction. It is important to distinguish TTS and PTS, which persist after the sound exposure, from masking, which occurs during the sound exposure. Because masking (without resulting in a TS) is not associated with abnormal physiological function, it is not considered a physiological effect, but rather a potential behavioral effect.

The frequency range of the potentially masking sound is important in predicting any potential behavioral impacts. For example, low-frequency signals may have less effect on high-frequency echolocation sounds produced by odontocetes but are more likely to affect detection of mysticete communication calls and other potentially important natural sounds such as those produced by surf and some prey species. The masking of communication signals by anthropogenic noise may be considered as a reduction in the communication space of animals (*e.g.,* Clark *et al.,* 2009) and may result in energetic or other costs as animals change their vocalization behavior (*e.g.,* Miller *et al.,* 2000; Foote *et al.,* 2004; Parks *et al.,* 2007; Di Iorio and Clark, 2010; Holt *et al.,* 2009). Masking may be less in situations where the signal and noise come from different directions (Richardson *et al.,* 1995), through amplitude modulation of the signal, or through other compensatory behaviors (Houser and Moore, 2014). Masking can be tested directly in captive species (*e.g.,* Erbe, 2008), but in wild populations it must be either modeled or inferred from evidence of masking compensation. There are few studies addressing real-world masking sounds likely to be experienced by marine mammals in the wild (*e.g.,* Branstetter *et al.,* 2013).

Masking affects both senders and receivers of acoustic signals and can potentially have long-term chronic effects on marine mammals at the population level as well as at the individual level. Low-frequency ambient sound levels have increased by as much as 20 dB (more than three times in terms of SPL) in the world's ocean from pre-industrial periods, with most of the increase from distant commercial shipping (Hildebrand, 2009). All anthropogenic sound sources, but especially chronic and lower-frequency signals (*e.g.,* from vessel traffic), contribute to elevated ambient sound levels, thus intensifying masking.

Masking effects of pulsed sounds (even from large arrays of airguns) on marine mammal calls and other natural sounds are expected to be limited, although there are few specific data on this. Because of the intermittent nature and low duty cycle of seismic pulses, animals can emit and receive sounds in the relatively quiet intervals between pulses. However, in exceptional situations, reverberation occurs for much or all of the interval between pulses (*e.g.,* Simard *et al.,* 2005; Clark and Gagnon 2006), which could mask calls. Situations with prolonged strong reverberation are infrequent. However, it is common for reverberation to cause some lesser degree of elevation of the background level between airgun pulses (*e.g.,* Gedamke 2011; Guerra *et al.,* 2011, 2016; Klinck *et al.,* 2012; Guan *et al.,* 2015), and this weaker reverberation presumably reduces the detection range of calls and other natural sounds to some degree. Guerra *et al.* (2016) reported that ambient noise levels between seismic pulses were elevated as a result of reverberation at ranges of 50 km from the seismic source. Based on measurements in deep water of the Southern Ocean, Gedamke (2011) estimated that the slight elevation of background noise levels during intervals between seismic pulses reduced blue and fin whale communication space by as much as 36–51 percent when a seismic survey was operating 450–2,800 km away. Based on preliminary modeling, Wittekind *et al.* (2016) reported that airgun sounds could reduce the communication range of blue and fin whales 2,000 km from the seismic source. Nieukirk *et al.* (2012) and Blackwell *et al.* (2013) noted the potential for masking effects from seismic surveys on large whales.

Some baleen and toothed whales are known to continue calling in the presence of seismic pulses, and their calls usually can be heard between the pulses (*e.g.,* Nieukirk *et al.,* 2012; Thode *et al.,* 2012; Bröker *et al.,* 2013; Sciacca *et al.,* 2016). Cerchio *et al.* (2014) suggested that the breeding display of humpback whales off Angola could be disrupted by seismic sounds, as singing activity declined with increasing received levels. In addition, some cetaceans are known to change their calling rates, shift their peak frequencies, or otherwise modify their vocal behavior in response to airgun sounds (*e.g.,* Di Iorio and Clark 2010; Castellote *et al.,* 2012; Blackwell *et al.,* 2013, 2015). The hearing systems of baleen whales are more sensitive to low-frequency sounds than are the ears of the small odontocetes that have been studied directly (*e.g.,* MacGillivray *et al.,* 2014). The sounds important to small odontocetes are predominantly at much higher frequencies than are the dominant components of airgun sounds, thus limiting the potential for masking. In general, masking effects of seismic

pulses are expected to be minor, given the normally intermittent nature of seismic pulses.

Vessel Noise

Vessel noise from the *Langseth* could affect marine animals in the proposed survey areas. Houghton *et al.* (2015) proposed that vessel speed is the most important predictor of received noise levels, and Putland *et al.* (2017) also reported reduced sound levels with decreased vessel speed. However, some energy is also produced at higher frequencies (Hermannsen *et al.,* 2014); low levels of high-frequency sound from vessels has been shown to elicit responses in harbor porpoise (Dyndo *et al.,* 2015).

Vessel noise, through masking, can reduce the effective communication distance of a marine mammal if the frequency of the sound source is close to that used by the animal, and if the sound is present for a significant fraction of time (*e.g.,* Richardson *et al.,* 1995; Clark *et al.,* 2009; Jensen *et al.,* 2009; Gervaise *et al.,* 2012; Hatch *et al.,* 2012; Rice *et al.,* 2014; Dunlop 2015; Jones *et al.,* 2017; Putland *et al.,* 2017). In addition to the frequency and duration of the masking sound, the strength, temporal pattern, and location of the introduced sound also play a role in the extent of the masking (Branstetter *et al.,* 2013, 2016; Finneran and Branstetter 2013; Sills *et al.,* 2017). Branstetter *et al.* (2013) reported that time-domain metrics are also important in describing and predicting masking.

Baleen whales are thought to be more sensitive to sound at these low frequencies than are toothed whales (*e.g.,* MacGillivray *et al.,* 2014), possibly causing localized avoidance of the proposed survey area during seismic operations. Many odontocetes show considerable tolerance of vessel traffic, although they sometimes react at long distances if confined by ice or shallow water, if previously harassed by vessels, or have had little or no recent exposure to vessels (Richardson *et al.,* 1995). Pirotta *et al.* (2015) noted that the physical presence of vessels, not just ship noise, disturbed the foraging activity of bottlenose dolphins. There is little data on the behavioral reactions of beaked whales to vessel noise, though they seem to avoid approaching vessels (*e.g.,* Würsig *et al.,* 1998) or dive for an extended period when approached by a vessel (*e.g.,* Kasuya, 1986).

In summary, project vessel sounds would not be at levels expected to cause anything more than possible localized and temporary behavioral changes in marine mammals, and would not be expected to result in significant negative effects on individuals or at the population level. In addition, in all oceans of the world, large vessel traffic is currently so prevalent that it is commonly considered a usual source of ambient sound (NSF–USGS, 2011).

Vessel Strike

Vessel collisions with marine mammals, or vessel strikes, can result in death or serious injury of the animal. Wounds resulting from vessel strike may include massive trauma, hemorrhaging, broken bones, or propeller lacerations (Knowlton and Kraus, 2001). An animal at the surface may be struck directly by a vessel, a surfacing animal may hit the bottom of a vessel, or an animal just below the surface may be cut by a vessel's propeller. Superficial strikes may not kill or result in the death of the animal. These interactions are typically associated with large whales (*e.g.,* fin whales), which are occasionally found draped across the bulbous bow of large commercial vessels upon arrival in port. Although smaller cetaceans are more maneuverable in relation to large vessels than are large whales, they may also be susceptible to strike. The severity of injuries typically depends on the size and speed of the vessel, with the probability of death or serious injury increasing as vessel speed increases (Knowlton and Kraus, 2001; Laist *et al.,* 2001; Vanderlaan and Taggart, 2007; Conn and Silber, 2013). Impact forces increase with speed, as does the probability of a strike at a given distance (Silber *et al.,* 2010; Gende *et al.,* 2011).

Pace and Silber (2005) also found that the probability of death or serious injury increased rapidly with increasing vessel speed. Specifically, the predicted probability of serious injury or death increased from 45 to 75 percent as vessel speed increased from 10 to 14 knots (kn, 26 kilometer per hour (kph)), and exceeded 90 percent at 17 kn (31 kph). Higher speeds during collisions result in greater force of impact, but higher speeds also appear to increase the chance of severe injuries or death through increased likelihood of collision by pulling whales toward the vessel (Clyne, 1999; Knowlton *et al.,* 1995). In a separate study, Vanderlaan and Taggart (2007) analyzed the probability of lethal mortality of large whales at a given speed, showing that the greatest rate of change in the probability of a lethal injury to a large whale as a function of vessel speed occurs between 8.6 and 15 kn (28 kph). The chances of a lethal injury decline from approximately 80 percent at 15 kn (28 kph) to approximately 20 percent at 8.6 kn (16 kph). At speeds below 11.8 kn (22 kph), the chances of lethal injury drop below 50 percent, while the probability asymptotically increases toward one hundred percent above 15 kn (28 kph).

The *Langseth* will travel at a speed of 5 kn (9 kph) while towing seismic survey gear. At this speed, both the possibility of striking a marine mammal and the possibility of a strike resulting in serious injury or mortality are discountable. At average transit speed, the probability of serious injury or mortality resulting from a strike is less than 50 percent. However, the likelihood of a strike actually happening is again discountable. Vessel strikes, as analyzed in the studies cited above, generally involve commercial shipping, which is much more common in both space and time than is geophysical survey activity. Jensen and Silber (2004) summarized vessel strikes of large whales worldwide from 1975 to 2003 and found that most collisions occurred in the open ocean and involved large vessels (*e.g.,* commercial shipping). No such incidents were reported for geophysical survey vessels during that time period.

It is possible for vessel strikes to occur while traveling at slow speeds. For example, a hydrographic survey vessel traveling at low speed (5.5 kn (10 kph)) while conducting mapping surveys off the central California coast struck and killed a blue whale in 2009. The State of California determined that the whale had suddenly and unexpectedly surfaced beneath the hull, with the result that the propeller severed the whale's vertebrae, and that this was an unavoidable event. This strike represents the only such incident in approximately 540,000 hours of similar coastal mapping activity ($p = 1.9 \times 10^{-6}$; 95 percent confidence interval = 0–5.5 $\times 10^{-6}$; NMFS, 2013). In addition, a research vessel reported a fatal strike in 2011 of a dolphin in the Atlantic, demonstrating that it is possible for strikes involving smaller cetaceans to occur. In that case, the incident report indicated that an animal apparently was struck by the vessel's propeller as it was intentionally swimming near the vessel. While indicative of the type of unusual events that cannot be ruled out, neither of these instances represents a circumstance that would be considered reasonably foreseeable or that would be considered preventable.

Although the likelihood of the vessel striking a marine mammal is low, we propose a robust vessel strike avoidance protocol (see Proposed Mitigation), which we believe eliminates any foreseeable risk of vessel strike during transit. We anticipate that vessel

collisions involving a seismic data acquisition vessel towing gear, while not impossible, represent unlikely, unpredictable events for which there are no preventive measures. Given the proposed mitigation measures, the relatively slow speed of the vessel towing gear, the presence of bridge crew watching for obstacles at all times (including marine mammals), and the presence of marine mammal observers, the possibility of vessel strike is discountable and, further, were a strike of a large whale to occur, it would be unlikely to result in serious injury or mortality. No incidental take resulting from vessel strike is anticipated, and this potential effect of the specified activity will not be discussed further in the following analysis.

Stranding—When a living or dead marine mammal swims or floats onto shore and becomes ''beached'' or incapable of returning to sea, the event is a ''stranding'' (Geraci *et al.,* 1999; Perrin and Geraci, 2002; Geraci and Lounsbury, 2005; NMFS, 2007). The legal definition for a stranding under the MMPA is that a marine mammal is dead and is on a beach or shore of the United States; or in waters under the jurisdiction of the United States (including any navigable waters); or a marine mammal is alive and is on a beach or shore of the United States and is unable to return to the water; on a beach or shore of the United States and, although able to return to the water, is in need of apparent medical attention; or in the waters under the jurisdiction of the United States (including any navigable waters), but is unable to return to its natural habitat under its own power or without assistance.

Marine mammals strand for a variety of reasons, such as infectious agents, biotoxicosis, starvation, fishery interaction, vessel strike, unusual oceanographic or weather events, sound exposure, or combinations of these stressors sustained concurrently or in series. However, the cause or causes of most strandings are unknown (Geraci *et al.,* 1976; Eaton, 1979; Odell *et al.,* 1980; Best, 1982). Numerous studies suggest that the physiology, behavior, habitat relationships, age, or condition of cetaceans may cause them to strand or might predispose them to strand when exposed to another phenomenon. These suggestions are consistent with the conclusions of numerous other studies that have demonstrated that combinations of dissimilar stressors commonly combine to kill an animal or dramatically reduce its fitness, even though one exposure without the other does not produce the same result (Chroussos, 2000; Creel, 2005; DeVries *et al.,* 2003; Fair and Becker, 2000; Foley *et al.,* 2001; Moberg, 2000; Relyea, 2005a; 2005b, Romero, 2004; Sih *et al.,* 2004).

There is no conclusive evidence that exposure to airgun noise results in behaviorally-mediated forms of injury. Behaviorally-mediated injury (*i.e.,* mass stranding events) has been primarily associated with beaked whales exposed to MFA sonar. MFA sonar and the alerting stimulus used in Nowacek *et al.* (2004) are very different from the noise produced by airguns. One should therefore not expect the same reaction to airgun noise as to these other sources. As explained below, military MFA sonar is very different from airguns, and one should not assume that airguns will cause the same effects as MFA sonar (including strandings).

To understand why military MFA sonar affects beaked whales differently than airguns do, it is important to note the distinction between behavioral sensitivity and susceptibility to auditory injury. To understand the potential for auditory injury in a particular marine mammal species in relation to a given acoustic signal, the frequency range the species is able to hear is critical, as well as the species' auditory sensitivity to frequencies within that range. Current data indicate that not all marine mammal species have equal hearing capabilities across all frequencies and, therefore, species are grouped into hearing groups with generalized hearing ranges assigned on the basis of available data (Southall *et al.,* 2007, 2019). Hearing ranges as well as auditory sensitivity/susceptibility to frequencies within those ranges vary across the different groups. For example, in terms of hearing range, the very high-frequency cetaceans (*e.g., Kogia* spp.) have a generalized hearing range of frequencies between 200 Hz and 165 kHz, while high-frequency cetaceans—such as dolphins and beaked whales—have a generalized hearing range between 150 Hz to 160 kHz. Regarding auditory susceptibility within the hearing range, while high-frequency cetaceans and very high-frequency cetaceans have roughly similar hearing ranges, the high-frequency group is much more susceptible to noise-induced hearing loss during sound exposure, *i.e.,* these species have lower thresholds for these effects than other hearing groups (NMFS, 2018, 2024). Referring to a species as behaviorally sensitive to noise simply means that an animal of that species is more likely to respond to lower received levels of sound than an animal of another species that is considered less behaviorally sensitive. So, while dolphin species and beaked whale species—both in the high-frequency cetacean hearing group—are assumed to generally hear the same sounds equally well and be equally susceptible to noise-induced hearing loss (auditory injury), the best available information indicates that a beaked whale is more likely to behaviorally respond to that sound at a lower received level compared to an animal from other high-frequency cetacean species that are less behaviorally sensitive. This distinction is important because, while beaked whales are more likely to respond behaviorally to sounds than are many other species (even at lower levels), they cannot hear the predominant, lower frequency sounds from seismic airguns as well as sounds that have more energy at frequencies that beaked whales can hear better (such as military MFA sonar).

Military MFA sonar effects beaked whales differently than airguns do because it produces energy at different frequencies than airguns. High-frequency cetacean hearing is generically thought to be best between 8.8 and 110 kHz, *i.e.,* these cutoff values define the range above and below which a species in the group is assumed to have declining auditory sensitivity, until reaching frequencies that cannot be heard (NMFS, 2018, 2024). However, beaked whale hearing is likely best within a higher, narrower range (20–80 kHz, with best sensitivity around 40 kHz), based on a few measurements of hearing in stranded beaked whales (Cook *et al.,* 2006; Finneran *et al.,* 2009; Pacini *et al.,* 2011) and several studies of acoustic signals produced by beaked whales (*e.g.,* Frantzis *et al.,* 2002; Johnson *et al.,* 2004, 2006; Zimmer *et al.,* 2005). While precaution requires that the full range of audibility be considered when assessing risks associated with noise exposure (Southall *et al.,* 2007, 2019), animals typically produce sound at frequencies where they hear best. More recently, Southall *et al.* (2019) suggested that certain species in the historical high-frequency hearing group (beaked whales, sperm whales, and killer whales) are likely more sensitive to lower frequencies within the group's generalized hearing range than are other species within the group, and state that the data for beaked whales suggest sensitivity to approximately 5 kHz. However, this information is consistent with the general conclusion that beaked whales (and other high-frequency cetaceans) are relatively insensitive to the frequencies where most energy of an airgun signal is found. Military MFA sonar is typically considered to operate

in the frequency range of approximately 3–14 kHz (D'Amico *et al.,* 2009), *i.e.,* outside the range of likely best hearing for beaked whales but within or close to the lower bounds, whereas most energy in an airgun signal is radiated at much lower frequencies, below 500 Hz (Dragoset, 1990).

It is important to distinguish between energy (loudness, measured in dB) and frequency (pitch, measured in Hz). In considering the potential impacts of mid-frequency components of airgun noise (1–10 kHz, where beaked whales can be expected to hear) on marine mammal hearing, one needs to account for the energy associated with these higher frequencies and determine what energy is truly ''significant.'' Although there is mid-frequency energy associated with airgun noise (as expected from a broadband source), airgun sound is predominantly below 1 kHz (Breitzke *et al.,* 2008; Tashmukhambetov *et al.,* 2008; Tolstoy *et al.,* 2009). As stated by Richardson *et al.* (1995), ''[. . .] most emitted [seismic airgun] energy is at 10–120 Hz, but the pulses contain some energy up to 500–1,000 Hz.'' Tolstoy *et al.* (2009) conducted empirical measurements, demonstrating that sound energy levels associated with airguns were at least 20 dB lower at 1 kHz (considered ''mid-frequency'') compared to higher energy levels associated with lower frequencies (below 300 Hz) (''all but a small fraction of the total energy being concentrated in the 10–300 Hz range'' (Tolstoy *et al.,* 2009), and at higher frequencies (*e.g.,* 2.6–4 kHz), power might be less than 10 percent of the peak power at 10 Hz. Energy levels measured by Tolstoy *et al.* (2009) were even lower at frequencies above 1 kHz. In addition, as sound propagates away from the source, it tends to lose higher-frequency components faster than low-frequency components (*i.e.,* low-frequency sounds typically propagate longer distances than high-frequency sounds) (Diebold *et al.,* 2010). Although higher-frequency components of airgun signals have been recorded, it is typically in surface-ducting conditions (*e.g.,* DeRuiter *et al.,* 2006; Madsen *et al.,* 2006) or in shallow water, where there are advantageous propagation conditions for the higher frequency (but low-energy) components of the airgun signal (Hermannsen *et al.,* 2015). This should not be of concern because the likely behavioral reactions of beaked whales that can result in acute physical injury would result from noise exposure at depth (because of the potentially greater consequences of severe behavioral reactions). In summary, the frequency content of airgun signals is such that beaked whales will not be able to hear the signals well (compared to MFA sonar), especially at depth where we expect the consequences of noise exposure could be more severe.

Aside from frequency content, there are other significant differences between MFA sonar signals and the sounds produced by airguns that minimize the risk of severe behavioral reactions that could lead to strandings or deaths at sea, *e.g.,* significantly longer signal duration, horizontal sound direction, typical fast and unpredictable source movement. All of these characteristics of MFA sonar tend towards greater potential to cause severe behavioral or physiological reactions in exposed beaked whales that may contribute to stranding. Although both sources are powerful, MFA sonar contains significantly greater energy in the mid-frequency range, where beaked whales hear better. Short-duration, high energy pulses—such as those produced by airguns—have greater potential to cause damage to auditory structures (though this is unlikely for high-frequency cetaceans, as explained later in this document), but it is longer duration signals that have been implicated in the vast majority of beaked whale strandings. Faster, less predictable movements in combination with multiple source vessels are more likely to elicit a severe, potentially anti-predator response. Of additional interest in assessing the divergent characteristics of MFA sonar and airgun signals and their relative potential to cause stranding events or deaths at sea is the similarity between the MFA sonar signals and stereotyped calls of beaked whales' primary predator: the killer whale (Zimmer and Tyack, 2007). Although generic disturbance stimuli—as airgun noise may be considered in this case for beaked whales—may also trigger antipredator responses, stronger responses should generally be expected when perceived risk is greater, as when the stimulus is confused for a known predator (Frid and Dill, 2002). In addition, because the source of the perceived predator (*i.e.,* MFA sonar) will likely be closer to the whales (because attenuation limits the range of detection of mid-frequencies) and moving faster (because it will be on faster-moving vessels), any antipredator response would be more likely to be severe (with greater perceived predation risk, an animal is more likely to disregard the cost of the response; Frid and Dill, 2002). Indeed, when analyzing movements of a beaked whale exposed to playback of killer whale predation calls, Allen *et al.* (2014) found that the whale engaged in a prolonged, directed avoidance response, suggesting a behavioral reaction that could pose a risk factor for stranding. Overall, these significant differences between sound from MFA sonar and the mid-frequency sound component from airguns and the likelihood that MFA sonar signals will be interpreted in error as a predator are critical to understanding the likely risk of behaviorally-mediated injury due to seismic surveys.

The available scientific literature also provides a useful contrast between airgun noise and MFA sonar regarding the likely risk of behaviorally-mediated injury. There is strong evidence for the association of beaked whale stranding events with MFA sonar use, and particularly detailed accounting of several events is available (*e.g.,* a 2000 Bahamas stranding event for which investigators concluded that MFA sonar use was responsible; Evans and England, 2001). D'Amico *et al.,* (2009) reviewed 126 beaked whale mass stranding events over the period from 1950 (*i.e.,* from the development of modern MFA sonar systems) through 2004. Of these, there were two events where detailed information was available on both the timing and location of the stranding and the concurrent nearby naval activity, including verification of active MFA sonar usage, with no evidence for an alternative cause of stranding. An additional 10 events were at minimum spatially and temporally coincident with naval activity likely to have included MFA sonar use and, despite incomplete knowledge of timing and location of the stranding or the naval activity in some cases, there was no evidence for an alternative cause of stranding. The U.S. Navy has publicly stated agreement that five such events since 1996 were associated in time and space with MFA sonar use, either by the U.S. Navy alone or in joint training exercises with the North Atlantic Treaty Organization. The U.S. Navy additionally noted that, as of 2017, a 2014 beaked whale stranding event in Crete coincident with naval exercises was under review and had not yet been determined to be linked to sonar activities (U.S. Navy, 2017). Separately, the International Council for the Exploration of the Sea reported in 2005 that, worldwide, there have been about 50 known strandings, consisting mostly of beaked whales, with a potential causal link to MFA sonar (International Council for the Exploration for the Sea, 2005). In contrast, very few such associations have been made to seismic surveys, despite widespread use of

airguns as a geophysical sound source in numerous locations around the world.

A review of possible stranding associations with seismic surveys (Castellote and Llorens, 2016) states that, ''[s]peculation concerning possible links between seismic survey noise and cetacean strandings is available for a dozen events but without convincing causal evidence.'' The authors' search of available information found 10 events worth further investigation via a ranking system representing a rough metric of the relative level of confidence offered by the data for inferences about the possible role of the seismic survey in a given stranding event. Only three of these events involved beaked whales. Whereas D'Amico *et al.,* (2009) used a 1–5 ranking system, in which ''1'' represented the most robust evidence connecting the event to MFA sonar use, Castellote and Llorens (2016) used a 1–6 ranking system, in which ''6'' represented the most robust evidence connecting the event to the seismic survey. As described above, D'Amico *et al.* (2009) found that two events were ranked ''1'' and 10 events were ranked ''2'' (*i.e.,* 12 beaked whale stranding events were found to be associated with MFA sonar use). In contrast, Castellote and Llorens (2016) found that none of the three beaked whale stranding events achieved their highest ranks of 5 or 6. Of the 10 total events, none achieved the highest rank of 6. Two events were ranked as 5: one stranding in Peru involving dolphins and porpoises and a 2008 stranding in Madagascar. This latter ranking can only be broadly associated with the survey itself, as opposed to use of seismic airguns. An investigation of this stranding event, which did not involve beaked whales, concluded that use of a high-frequency mapping system (12-kHz multibeam echosounder) was the most plausible and likely initial behavioral trigger of the event, which was likely exacerbated by several site- and situation-specific secondary factors. The review panel found that seismic airguns were used after the initial strandings and animals entering a lagoon system, that airgun use clearly had no role as an initial trigger, and that there was no evidence that airgun use dissuaded animals from leaving (Southall *et al.,* 2013).

However, one of these stranding events, involving two Cuvier's beaked whales, was contemporaneous with and reasonably associated spatially with a 2002 seismic survey in the Gulf of California conducted by L–DEO, as was the case for the 2007 Gulf of Cadiz seismic survey discussed by Castellote and Llorens (also involving two Cuvier's beaked whales). Neither event was considered a ''true atypical mass stranding'' (according to Frantzis (1998)) as used in the analysis of Castellote and Llorens (2016). While we agree with the authors that this lack of evidence should not be considered conclusive, it is clear that there is very little evidence that seismic surveys should be considered as posing a significant risk of acute harm to beaked whales or other high-frequency cetaceans. We have considered the potential for the proposed surveys to result in marine mammal stranding and, based on the best available information, do not expect a stranding to occur.

Entanglement—Entanglements occur when marine mammals become wrapped around cables, lines, nets, or other objects suspended in the water column. During seismic operations, numerous cables, lines, and other objects primarily associated with the airgun array and hydrophone streamers will be towed behind the *Langseth* near the water's surface. However, we are not aware of any cases of entanglement of marine mammals in seismic survey equipment. No incidents of entanglement of marine mammals with seismic survey gear have been documented in over 54,000 nautical miles (100,000 km) of previous NSF-funded seismic surveys when observers were aboard (*e.g.,* Smultea and Holst 2003; Haley and Koski 2004; Holst 2004; Smultea *et al.,* 2004; Holst *et al.,* 2005; Haley and Ireland 2006; SIO and NSF 2006; Hauser *et al.,* 2008; Holst and Smultea 2008). Although entanglement with the streamer is theoretically possible, it has not been documented during tens of thousands of miles of NSF-sponsored seismic cruises or, to our knowledge, during hundreds of thousands of miles of industrial seismic cruises. There are relatively few deployed devices, and no interaction between marine mammals and any such device has been recorded during prior NSF surveys using the devices. There are no meaningful entanglement risks posed by the proposed survey, and entanglement risks are not discussed further in this document.

Anticipated Effects on Marine Mammal Habitat

Effects to Prey—Marine mammal prey varies by species, season, and location and, for some, is not well documented. Fish react to sounds which are especially strong and/or intermittent low-frequency sounds, and behavioral responses such as flight or avoidance are the most likely effects. However, the reaction of fish to airguns depends on the physiological state of the fish, past exposures, motivation (*e.g.,* feeding, spawning, migration), and other environmental factors. Several studies have demonstrated that airgun sounds might affect the distribution and behavior of some fishes, potentially impacting foraging opportunities or increasing energetic costs (*e.g.,* Fewtrell and McCauley, 2012; Pearson *et al.,* 1992; Skalski *et al.,* 1992; Santulli *et al.,* 1999; Paxton *et al.,* 2017), though the bulk of studies indicate no or slight reaction to noise (*e.g.,* Miller and Cripps, 2013; Dalen and Knutsen, 1987; Peña *et al.,* 2013; Chapman and Hawkins, 1969; Wardle *et al.,* 2001; Jorgenson and Gyselman, 2009; Blaxter *et al.,* 1981; Cott *et al.,* 2012; Boeger *et al.,* 2006), and that, most commonly, while there are likely to be impacts to fish as a result of noise from nearby airguns, such effects will be temporary. For example, investigators reported significant, short-term declines in commercial fishing catch rate of gadid fishes during and for up to 5 days after seismic survey operations, but the catch rate subsequently returned to normal (Engås *et al.,* 1996; Engås and Lokkeborg, 2002). Other studies have reported similar findings (Hassel *et al.,* 2004).

Skalski *et al.* (1992) also found a reduction in catch rates—for rockfish (*Sebastes* spp.) in response to controlled airgun exposure—but suggested that the mechanism underlying the decline was not dispersal but rather decreased responsiveness to baited hooks associated with an alarm behavioral response. A companion study showed that alarm and startle responses were not sustained following the removal of the sound source (Pearson *et al.,* 1992). Therefore, Skalski *et al.* (1992) suggested that the effects on fish abundance may be transitory, primarily occurring during the sound exposure itself. In some cases, effects on catch rates are variable within a study, which may be more broadly representative of temporary displacement of fish in response to airgun noise (*i.e.,* catch rates may increase in some locations and decrease in others) than any long-term damage to the fish themselves (Streever *et al.,* 2016).

SPLs of sufficient strength have been known to cause injury to fish and fish mortality and, in some studies, fish auditory systems have been damaged by airgun noise (McCauley *et al.,* 2003; Popper *et al.,* 2005; Song *et al.,* 2008). However, in most fish species, hair cells in the ear continuously regenerate and loss of auditory function likely is restored when damaged cells are replaced with new cells. Halvorsen *et al.* (2012) showed that a TTS of 4–6 dB was

recoverable within 24 hours for one species. Impacts would be most severe when the individual fish is close to the source and when the duration of exposure is long; both of which are conditions unlikely to occur for this survey that is necessarily transient in any given location and likely result in brief, infrequent noise exposure to prey species in any given area. For this survey, the sound source is constantly moving, and most fish would likely avoid the sound source prior to receiving sound of sufficient intensity to cause physiological or anatomical damage. In addition, ramp-up may allow certain fish species the opportunity to move further away from the sound source.

A comprehensive review (Carroll *et al.,* 2017) found that results are mixed as to the effects of airgun noise on the prey of marine mammals. While some studies suggest a change in prey distribution and/or a reduction in prey abundance following the use of seismic airguns, others suggest no effects or even positive effects in prey abundance. As one specific example, Paxton *et al.* (2017), which describes findings related to the effects of a 2014 seismic survey on a reef off of North Carolina, showed a 78 percent decrease in observed nighttime abundance for certain species. It is important to note that the evening hours during which the decline in fish habitat use was recorded (via video recording) occurred on the same day that the seismic survey passed, and no subsequent data is presented to support an inference that the response was long-lasting. Additionally, given that the finding is based on video images, the lack of recorded fish presence does not support a conclusion that the fish actually moved away from the site or suffered any serious impairment. In summary, this particular study corroborates prior studies indicating that a startle response or short-term displacement should be expected.

Available data suggest that cephalopods are capable of sensing the particle motion of sounds and detect low frequencies up to 1–1.5 kHz, depending on the species, and so are likely to detect airgun noise (Kaifu *et al.,* 2008; Hu *et al.,* 2009; Mooney *et al.,* 2010; Samson *et al.,* 2014). Auditory injuries (lesions occurring on the statocyst sensory hair cells) have been reported upon controlled exposure to low-frequency sounds, suggesting that cephalopods are particularly sensitive to low-frequency sound (André *et al.,* 2011; Solé *et al.,* 2013). Behavioral responses, such as inking and jetting, have also been reported upon exposure to low-frequency sound (McCauley *et al.,* 2000b; Samson *et al.,* 2014). Similar to fish, however, the transient nature of the survey leads to an expectation that effects will be largely limited to behavioral reactions and would occur as a result of brief, infrequent exposures.

With regard to potential impacts on zooplankton, McCauley *et al.* (2017) found that exposure to airgun noise resulted in significant depletion for more than half the taxa present and that there were two to three times more dead zooplankton after airgun exposure compared with controls for all taxa, within 1 km of the airguns. However, the authors also stated that in order to have significant impacts on r-selected species (*i.e.,* those with high growth rates and that produce many offspring) such as plankton, the spatial or temporal scale of impact must be large in comparison with the ecosystem concerned, and it is possible that the findings reflect avoidance by zooplankton rather than mortality (McCauley *et al.,* 2017). In addition, the results of this study are inconsistent with a large body of research that generally finds limited spatial and temporal impacts to zooplankton as a result of exposure to airgun noise (*e.g.,* Dalen and Knutsen, 1987; Payne, 2004; Stanley *et al.,* 2011). Most prior research on this topic, which has focused on relatively small spatial scales, has showed minimal effects (*e.g.,* Kostyuchenko, 1973; Booman *et al.,* 1996; Sætre and Ona, 1996; Pearson *et al.,* 1994; Bolle *et al.,* 2012).

A modeling exercise was conducted as a follow-up to the McCauley *et al.* (2017) study (as recommended by McCauley *et al.*), in order to assess the potential for impacts on ocean ecosystem dynamics and zooplankton population dynamics (Richardson *et al.,* 2017). Richardson *et al.* (2017) found that for copepods with a short life cycle in a high-energy environment, a full-scale airgun survey would impact copepod abundance up to 3 days following the end of the survey, suggesting that effects such as those found by McCauley *et al.* (2017) would not be expected to be detectable downstream of the survey areas, either spatially or temporally.

Notably, a more recently described study produced results inconsistent with those of McCauley *et al.* (2017). Researchers conducted a field and laboratory study to assess if exposure to airgun noise affects mortality, predator escape response, or gene expression of the copepod *Calanus finmarchicus* (Fields *et al.,* 2019). Immediate mortality of copepods was significantly higher, relative to controls, at distances of 5 m or less from the airguns. Mortality 1 week after the airgun blast was significantly higher in the copepods placed 10 m from the airgun but was not significantly different from the controls at a distance of 20 m from the airgun. The increase in mortality, relative to controls, did not exceed 30 percent at any distance from the airgun. Moreover, the authors caution that even this higher mortality in the immediate vicinity of the airguns may be more pronounced than what would be observed in free-swimming animals due to increased flow speed of fluid inside bags containing the experimental animals. There were no sublethal effects on the escape performance or the sensory threshold needed to initiate an escape response at any of the distances from the airgun that were tested. Whereas McCauley *et al.* (2017) reported an SEL of 156 dB at a range of 509–658 m, with zooplankton mortality observed at that range, Fields *et al.* (2019) reported an SEL of 186 dB at a range of 25 m, with no reported mortality at that distance. Regardless, if we assume a worst-case likelihood of severe impacts to zooplankton within approximately 1 km of the acoustic source, the brief time to regeneration of the potentially affected zooplankton populations does not lead us to expect any meaningful follow-on effects to the prey base for marine mammals.

A review article concluded that, while laboratory results provide scientific evidence for high-intensity and low-frequency sound-induced physical trauma and other negative effects on some fish and invertebrates, the sound exposure scenarios in some cases are not realistic to those encountered by marine organisms during routine seismic operations (Carroll *et al.,* 2017). The review finds that there has been no evidence of reduced catch or abundance following seismic activities for invertebrates, and that there is conflicting evidence for fish with catch observed to increase, decrease, or remain the same. Further, where there is evidence for decreased catch rates in response to airgun noise, these findings provide no information about the underlying biological cause of catch rate reduction (Carroll *et al.,* 2017).

In summary, impacts of the specified activity on marine mammal prey species will likely generally be limited to behavioral responses, the majority of prey species will be capable of moving out of the area during the survey, a rapid return to normal recruitment, distribution, and behavior for prey species is anticipated, and, overall, impacts to prey species will be minor and temporary. Prey species exposed to sound might move away from the sound

source, experience TTS, experience masking of biologically relevant sounds, or show no obvious direct effects. Mortality from decompression injuries is possible in close proximity to a sound, but only limited data on mortality in response to airgun noise exposure are available (Hawkins *et al.,* 2014). The most likely impacts for most prey species in the survey area would be temporary avoidance of the area. The proposed survey would move through an area relatively quickly, limiting exposure to multiple impulsive sounds. In all cases, sound levels would return to ambient once the survey moves out of the area or ends and the noise source is shut down and, when exposure to sound ends, behavioral and/or physiological responses are expected to end relatively quickly (McCauley *et al.,* 2000). The duration of fish avoidance of a given area after survey effort stops is unknown, but a rapid return to normal recruitment, distribution, and behavior is anticipated. While the potential for disruption of spawning aggregations or schools of important prey species can be meaningful on a local scale, the mobile and temporary nature of this survey and the likelihood of temporary avoidance behavior suggest that impacts would be minor.

Acoustic Habitat—Acoustic habitat is the soundscape—which encompasses all of the sound present in a particular location and time, as a whole—when considered from the perspective of the animals experiencing it. Animals produce sound for, or listen for sounds produced by, conspecifics (communication during feeding, mating, and other social activities), other animals (finding prey or avoiding predators), and the physical environment (finding suitable habitats, navigating). Together, sounds made by animals and the geophysical environment (*e.g.,* produced by earthquakes, lightning, wind, rain, waves) make up the natural contributions to the total acoustics of a place. These acoustic conditions, termed acoustic habitat, are one attribute of an animal's total habitat.

Soundscapes are also defined by, and acoustic habitat influenced by, the total contribution of anthropogenic sound. This may include incidental emissions from sources such as vessel traffic, or may be intentionally introduced to the marine environment for data acquisition purposes (as in the use of airgun arrays). Anthropogenic noise varies widely in its frequency content, duration, and loudness and these characteristics greatly influence the potential habitat-mediated effects to marine mammals (please see also the previous discussion on masking under *Acoustic Effects*), which may range from local effects for brief periods of time to chronic effects over large areas and for long durations. Depending on the extent of effects to habitat, animals may alter their communications signals (thereby potentially expending additional energy) or miss acoustic cues (either conspecific or adventitious). For more detail on these concepts see, *e.g.,* Barber *et al.,* 2010; Pijanowski *et al.,* 2011; Francis and Barber, 2013; Lillis *et al.,* 2014.

Problems arising from a failure to detect cues are more likely to occur when noise stimuli are chronic and overlap with biologically relevant cues used for communication, orientation, and predator/prey detection (Francis and Barber, 2013). Although the signals emitted by seismic airgun arrays are generally low frequency, they would also likely be of short duration and transient in any given area due to the nature of these surveys. As described previously, exploratory surveys such as these cover a large area but would be transient rather than focused in a given location over time and therefore would not be considered chronic in any given location.

Based on the information discussed herein, we conclude that impacts of the specified activity are not likely to have more than short-term adverse effects on any prey habitat or populations of prey species. Further, any impacts to marine mammal habitat are not expected to result in significant or long-term consequences for individual marine mammals, or to contribute to adverse impacts on their populations.

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes proposed for authorization through the IHA, which will inform NMFS' consideration of ''small numbers,'' and the negligible impact determinations.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would be by Level B harassment only, in the form of behavioral reactions and/or TTS, for individual marine mammals resulting from exposure to noise from the use of seismic airguns. Based on the nature of the activity and the anticipated effectiveness of the mitigation measures (*i.e.,* shutdown) discussed in detail below in the Proposed Mitigation section, Level A harassment is neither anticipated nor proposed to be authorized. As described previously, no serious injury or mortality is anticipated or proposed to be authorized for this activity. Below we describe how the proposed take numbers are estimated.

For acoustic impacts, generally speaking, we estimate take by considering: (1) acoustic criteria above which NMFS believes there is some reasonable potential for marine mammals to be behaviorally harassed or incur some degree of AUD INJ; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) the number of days of activities. We note that while these factors can contribute to a basic calculation to provide an initial prediction of potential takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the proposed take estimates.

Acoustic Criteria

NMFS recommends the use of acoustic criteria that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur AUD INJ of some degree (equated to Level A harassment). We note that the criteria for AUD INJ, as well as the names of two hearing groups, have been recently updated (NMFS 2024) as reflected below in the Level A harassment section.

Level B Harassment—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source or exposure context (*e.g.,* frequency, predictability, duty cycle, duration of the exposure, signal-to-noise ratio, distance to the source), the environment (*e.g.,* bathymetry, other noises in the area, predators in the area), and the receiving animals (hearing, motivation, experience, demography, life stage, depth) and can be difficult to predict (*e.g.,* Southall *et al.,* 2007, 2021, Ellison

et al., 2012). Based on what the available science indicates and the practical need to use a threshold based on a metric that is both predictable and measurable for most activities, NMFS typically uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS generally predicts that marine mammals are likely to be behaviorally harassed in a manner considered to be Level B harassment when exposed to underwater anthropogenic noise above root-mean-squared pressure received levels (RMS SPL) of 120 dB (referenced to 1 micropascal (re 1 μPa)) for continuous (*e.g.,* vibratory pile driving, drilling) and above RMS SPL 160 dB re 1 μPa for non-explosive impulsive (*e.g.,* seismic airguns) or intermittent (*e.g.,* scientific sonar) sources. Generally speaking, Level B harassment take estimates based on these behavioral harassment thresholds are expected to include any likely takes by TTS as, in most cases, the likelihood of TTS occurs at distances from the source less than those at which behavioral harassment is likely. TTS of a sufficient degree can manifest as behavioral harassment, as reduced hearing sensitivity and the potential reduced opportunities to detect important signals (conspecific communication, predators, prey) may result in changes in behavior patterns that would not otherwise occur. L–DEO's proposed activity includes the use of impulsive seismic sources (*i.e.,* airguns), and therefore the RMS SPL thresholds of 160 dB re 1 μPa is applicable.

Level A Harassment—NMFS' Updated Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 3.0) (NMFS, 2024) identifies dual criteria to assess AUD INJ (Level A harassment) to five different underwater marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). L–DEO's proposed activity includes the use of impulsive seismic sources (*i.e.,* airguns).

The 2024 Updated Technical Guidance criteria include both updated thresholds and updated weighting functions for each hearing group. The thresholds are provided in the table below. The references, analysis, and methodology used in the development of the criteria are described in NMFS' 2024 Updated Technical Guidance, which may be accessed at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance-other-acoustic-tools.*

TABLE 3—THRESHOLDS IDENTIFYING THE ONSET OF AUDITORY INJURY

Hearing group	AUD INJ onset acoustic thresholds* (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	*Cell 1:* $L_{pk,flat}$*:* 222 dB; $L_{E,LF,24h}$*:* 183 dB	*Cell 2:* $L_{E,LF,24h}$*:* 197 dB.
High-Frequency (HF) Cetaceans	*Cell 3:* $L_{pk,flat}$*:* 230 dB; $L_{E,HF,24h}$*:* 193 dB	*Cell 4:* $L_{E,HF,24h}$*:* 201 dB.
Very High-Frequency (VHF) Cetaceans	*Cell 5:* $L_{pk,flat}$*:* 202 dB; $L_{E,VHF,24h}$*:* 159 dB	*Cell 6:* $L_{E,VHF,24h}$*:* 181 dB.
Phocid Pinnipeds (PW) (Underwater)	*Cell 7:* $L_{pk,flat}$*:* 223 dB; $L_{E,PW,24h}$*:* 183 dB	*Cell 8:* $L_{E,PW,24h}$*:* 195 dB.
Otariid Pinnipeds (OW) (Underwater)	*Cell 9:* $L_{pk,flat}$*:* 230 dB; $L_{E,OW,24h}$*:* 185 dB	*Cell 10:* $L_{E,OW,24h}$*:* 199 dB.

* Dual metric criteria for impulsive sounds: Use whichever criteria results in the larger isopleth for calculating AUD INJ onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level criteria associated with impulsive sounds, the PK SPL criteria are recommended for consideration for non-impulsive sources.

Note: Peak sound pressure level ($L_{p,0\text{-}pk}$) has a reference value of 1 μPa, and weighted cumulative sound exposure level ($L_{E,p}$) has a reference value of 1 μPa^2s. In this table, criteria are abbreviated to be more reflective of International Organization for Standardization standards (ISO 2017). The subscript "flat" is being included to indicate peak sound pressure are flat weighted or unweighted within the generalized hearing range of marine mammals underwater (*i.e.,* 7 Hz to 165 kHz). The subscript associated with cumulative sound exposure level criteria indicates the designated marine mammal auditory weighting function (LF, HF, and VHF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The weighted cumulative sound exposure level criteria could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these criteria will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that are used in estimating the area ensonified above the acoustic thresholds, including source levels and transmission loss coefficient.

The ensonified area associated with Level A harassment is more technically challenging to predict due to the need to account for a duration component. Therefore, NMFS developed an optional User Spreadsheet tool to accompany the 2024 Updated Technical Guidance that can be used to relatively simply predict an isopleth distance for use in conjunction with marine mammal density or occurrence to help predict potential takes. We note that because of some of the assumptions included in the methods underlying this optional tool, we anticipate that the resulting isopleth estimates are typically going to be overestimates of some degree, which may result in an overestimate of potential take by Level A harassment. However, this optional tool offers the best way to estimate isopleth distances when more sophisticated modeling methods are not available or practical.

The proposed survey would entail the use of a cluster of 2 18-airgun array with a total discharge volume of 3,300 in^3 at a tow depth of 7.5 m. L–DEO model results are used to determine the 160 dB RMS radius for the airgun source down to a maximum depth of 2,000 m. Received sound levels have been predicted by L–DEO's model (Diebold *et al.,* 2010) as a function of distance from the airgun array. This modeling approach uses ray tracing for the direct wave traveling from the array to the receiver and its associated source ghost (reflection at the air-water interface in the vicinity of the array), in a constant-velocity half-space (infinite homogeneous ocean layer, unbounded by a seafloor). In addition, propagation measurements of pulses from the 36-airgun array at a tow depth of 6 m have been reported in deep water (~1,600 m), intermediate water depth on the slope (~600–1,100 m), and shallow water (~50 m) in the Gulf of America (previously Gulf of Mexico) (Tolstoy *et al.,* 2009; Diebold *et al.,* 2010).

For deep and intermediate water cases, the field measurements cannot be used readily to derive the harassment isopleths, as at those sites the calibration hydrophone was located at a roughly constant depth of 350–550 m, which may not intersect all the SPL isopleths at their widest point from the

sea surface down to the assumed maximum relevant water depth (~2,000 m) for marine mammals. At short ranges, where the direct arrivals dominate and the effects of seafloor interactions are minimal, the data at the deep sites are suitable for comparison with modeled levels at the depth of the calibration hydrophone. At longer ranges, the comparison with the model—constructed from the maximum SPL through the entire water column at varying distances from the airgun array—is the most relevant.

In deep and intermediate water depths at short ranges, sound levels for direct arrivals recorded by the calibration hydrophone and L–DEO model results for the same array tow depth are in good alignment (see figures 12 and 14 in Diebold *et al.,* 2010). Consequently, isopleths falling within this domain can be predicted reliably by the L–DEO model, although they may be imperfectly sampled by measurements recorded at a single depth. At greater distances, the calibration data show that seafloor-reflected and sub-seafloor-refracted arrivals dominate, whereas the direct arrivals become weak and/or incoherent (see figures 11, 12, and 16 in Diebold *et al.,* 2010). Aside from local topography effects, the region around the critical distance is where the observed levels rise closest to the model curve. However, the observed sound levels are found to fall almost entirely below the model curve. Thus, analysis of the Gulf of America calibration measurements demonstrates that although simple, the L–DEO model is a robust tool for conservatively estimating isopleths.

The proposed geophysical survey would acquire data with the 18-airgun array at a tow depth of 7.5 m. For deep water (>1,000 m), we use the deep-water radii obtained from the L–DEO model results down to a maximum water depth of 2,000 m for the airgun array.

L–DEO's modeling methodology is described in greater detail in their application. The estimated distances to the Level B harassment isopleth for the proposed airgun configuration are shown in table 4.

TABLE 4—PREDICTED RADIAL DISTANCES FROM THE LANGSETH SEISMIC SOURCE TO ISOPLETH CORRESPONDING TO LEVEL B HARASSMENT THRESHOLD

[In m]

Airgun configuration	Tow depth	Water depth	Predicted distances to the Level B harassment threshold
2 strings, 18 airguns, 3,300 in^3	7.5	>1,000	3,526

TABLE 5—MODELED RADIAL DISTANCE TO ISOPLETHS CORRESPONDING TO LEVEL A HARASSMENT THRESHOLDS

[In m]

	Low frequency cetaceans	High frequency cetaceans	Very high frequency cetaceans
PTS SEL_{cum}	157.5	0.1	0.6
PTS Peak	23.4	13.4	164.6

Note: The largest distance (in bold) of the dual criteria (SEL_{cum} or Peak) was used to estimate threshold distances and potential takes by Level A harassment.

Table 5 presents the modeled Level A harassment isopleths for each marine mammal hearing group based on L–DEO modeling incorporated in the companion user spreadsheet, for the low-energy surveys with the shortest shot interval (*i.e.,* greatest potential to cause PTS based on accumulated sound energy) (NMFS 2018, 2024).

Predicted distances to Level A harassment isopleths, which vary based on marine mammal hearing groups, were calculated based on modeling performed by L–DEO using the Nucleus software program and the NMFS user spreadsheet, described below. The acoustic thresholds for impulsive sounds contained in the NMFS Technical Guidance were presented as dual metric acoustic thresholds using both SEL_{cum} and peak sound pressure metrics (NMFS, 2016). As dual metrics, NMFS considers onset of PTS (Level A harassment) to have occurred when either one of the two metrics is exceeded (*i.e.,* metric resulting in the largest isopleth). The SEL_{cum} metric considers both level and duration of exposure, as well as auditory weighting functions by marine mammal hearing group.

The SEL_{cum} for the 18-airgun array is derived from calculating the modified farfield signature. The farfield signature is often used as a theoretical representation of the source level. To compute the farfield signature, the source level is estimated at a large distance (right) below the array (*e.g.,* 9 km), and this level is back projected mathematically to a notional distance of 1 m from the array's geometrical center. However, it has been recognized that the source level from the theoretical farfield signature is never physically achieved at the source when the source is an array of multiple airguns separated in space (Tolstoy *et al.,* 2009). Near the source (at short ranges, distances <1 km), the pulses of sound pressure from each individual airgun in the source array do not stack constructively as they do for the theoretical farfield signature. The pulses from the different airguns spread out in time such that the source levels observed or modeled are the result of the summation of pulses from a few airguns, not the full array (Tolstoy *et al.,* 2009). At larger distances, away from the source array center, sound pressure of all the airguns in the array stack coherently, but not within one time sample, resulting in smaller source levels (a few dB) than the source level derived from the farfield signature. Because the farfield signature does not take into account the large array effect near the source and is calculated as a point source, the farfield signature is not an appropriate measure of the sound source level for large arrays. See L–DEO's application for further detail on acoustic modeling.

In consideration of the received sound levels in the near-field as described above, we expect the potential for Level A harassment of any species to be de minimis, even before the likely

moderating effects of aversion and/or other compensatory behaviors (*e.g.,* Nachtigall *et al.,* 2018) are considered. We do not anticipate that auditory injury or Level A harassment is a likely outcome for any species and do not propose to authorize any take by Level A harassment for any species, given the small modeled zones of injury for those species (estimated zones are less than 165 m for all species), in context of distributed source dynamics.

The Level B harassment estimates are based on a consideration of the number of marine mammals that could be within the area around the operating airgun array where received levels of sound ≥160 dB re 1 μPa RMS are predicted to occur. The estimated numbers are based on the densities (numbers per unit area) of marine mammals expected to occur in the area in the absence of seismic surveys. To the extent that marine mammals tend to move away from seismic sources before the sound level reaches the criterion level and tend not to approach an operating airgun array, these estimates likely overestimate the numbers actually exposed to the specified level of sound.

Marine Mammal Occurrence

In this section we provide information about the occurrence of marine mammals, including density or other relevant information which will inform the take calculations.

L–DEO used habitat-based stratified marine mammal densities for summer (July–December) for the ETP when available (Barlow *et al.,* 2009), and densities for the ETP from Gerrodette *et al.* (2008) for all other species (See table 3 in L–DEO's application). Barlow *et al.* (2009) used data from 16 NMFS Southwest Fisheries Science Center (SWFSC) ship-based cetacean and ecosystem assessment surveys between 1986 and 2006 to develop habitat models to predict density for 15 cetacean species in the ETP. Model predictions were then used in standard line-transect formulae to estimate density for each transect segment for each survey year. Predicted densities for each year were smoothed with geospatial methods to obtain a continuous grid of density estimates for the surveyed area in the ETP. These annual grids were then averaged to obtain a composite grid that represents our best estimates of cetacean density over the past 20 years in the ETP. The models developed by Barlow *et al.* (2009) have been incorporated into a web-based geographic information system (GIS) software system developed by Duke University's Strategic Environmental Research and Development Program. The habitat-based density models consist of 100 km x 100 km grid cells. Densities in the grid cells that overlapped the survey area were averaged for each of the three water depth categories (shallow, intermediate, deep).

The NMFS SWFSC also developed density estimates for species in the ETP that may be affected by their own fisheries research activities (NMFS 2015a). These estimates were derived from abundance estimates using ship-based surveys of marine mammals in the ETP, as reported by Gerrodette *et al.* (2008). While the SWFSC developed volumetric density estimates (animals/km^3) to account for typical dive depth of each species (0–200 m and >200 m), L–DEO used the area density (animals/km^2) to represent expected density across all water depth strata.

For the sei whale, for which Gerrodette *et al.* (2008) reported a density of zero, L–DEO used the spring density for Baja from U.S. Navy (2024). This was done because even though there is a modeled density of zero, we do expect there is some potential for sei whale to be in the project area during the proposed survey. No densities were available for Blainville's beaked whale, ginkgo-toothed beaked whale, Deraniyagala's beaked whale, or pygmy beaked whale so density for Mesoplodon species was used.

Take Estimation

Here we describe how the information provided above is synthesized to produce a quantitative estimate of the take that is reasonably likely to occur and proposed for authorization.

In order to estimate the number of marine mammals predicted to be exposed to sound levels that would result in Level A or Level B harassment, radial distances from the airgun array to the predicted isopleth corresponding to the Level A harassment and Level B harassment thresholds are calculated, as described above. Those radial distances were then used to calculate the area(s) around the airgun array predicted to be ensonified to sound levels that exceed the harassment thresholds. The distance for the 160-dB Level B harassment threshold and auditory injury (Level A harassment) thresholds (based on L–DEO model results) was used to draw a buffer around the area expected to be ensonified (*i.e.,* the survey area). The ensonified areas were then increased by 25 percent to account for potential delays, which is equivalent to adding 25 percent to the proposed line km to be surveyed. The density for each species was then multiplied by the daily ensonified areas (increased as described above) and then multiplied by the number of survey days (seven) to estimate potential takes (see appendix B of L–DEO's application for more information).

L–DEO assumed that their estimates of marine mammal exposures above harassment thresholds equate to take and requested authorization of those takes. Those estimates in turn form the basis for our proposed take authorization numbers. Based on the nature of the activity and due to the unlikelihood of the calculated Level A harassment exposures because of the small Level A harassment zones (158 m for LF and <15 m for HF species) and the need for individuals to stay in the Level A harassment zone for 24-hours to incur AUD INJ, Level A harassment is neither anticipated nor proposed to be authorized. For some species (LF and HF) we have added L–DEO's estimated exposures above Level A harassment thresholds to their estimated exposures above the Level B harassment threshold to produce a total number of incidents of take by Level B harassment that is proposed for authorization.

Additionally, for three species (minke whale, fin whale, and *Kogia spp*) there are zero calculated takes. NMFS proposes to authorize a group size given observations reported during a previous survey in the project area in 2022 (RPS 2022) and based on sightings in the OBIS database for the waters in and adjacent to the proposed study area (OBIS 2025). Estimated exposures and proposed take numbers for authorization are shown in table 6.

TABLE 6—ESTIMATED TAKE PROPOSED FOR AUTHORIZATION

Species	Estimated takes		Proposed takes by Level B harassment	Population abundance [d]	Percent of population
	Level A	Level B			
Humpback whale [1]	0	2	2	2,566	0.07
Minke whale	0	0	[a] 1	115	0.87
Bryde's whale	1	5	6	10,411	0.06
Fin whale	0	0	[a] 2	574	0.17
Sei whale	0	1	[a] 2	[e] 29,600	<0.01
Blue whale	0	1	[a] 2	1,415	0.14
Sperm whale	0	3	[a] 8	4,145	0.19
Goose-beaked whale	0	12	12	[f] 20,000	0.06
Longman's beaked whale	0	1	[b] 20	1,007	1.99
Mesoplodon beaked whales [2]	0	5	5	[f] 25,300	0.02
Risso's dolphin	0	66	66	110,457	0.06
Rough-toothed dolphin	1	69	70	107,663	0.07
Bottlenose dolphin	1	148	149	335,834	0.04
Pantropical spotted dolphin	7	1,050	1,057	857,884	0.12
Spinner dolphin [3]	9	1,286	1,295	1,797,716	0.07
Striped dolphin	8	1,171	1,179	964,362	0.12
Common dolphin	4	576	580	3,127,203	0.02
Fraser's dolphin	1	196	[b] 395	[f] 289,300	0.14
Short-finned pilot whales	1	125	126	[g] 589,315	0.02
Killer whale	0	6	[a] 7	[f] 8,500	0.07
False killer whale	0	27	27	[f] 39,600	0.07
Pygmy killer whale	0	26	26	[f] 38,900	0.07
Melon-headed whale	0	30	[b] 200	[f] 45,400	0.44
Kogia spp [4]	0	0	[a] 2	[f] 11,200	0.02

[1] Takes are assumed to be from the Central America/Southern Mexico Stock.
[2] Includes: Blainville's, ginkgo-toothed, Deraniyagala's, and pygmy beaked whales.
[3] Includes both whitebelly and eastern population.
[4] Includes pygmy and dwarf sperm whales.
[a] Increased to a group size from Oliveira and DeAngelis (2024).
[b] Increased to a group size from Wade and Gerrodette (1993).
[d] Population in ETP or wider Pacific (Gerrodette *et al.,* 2008) unless otherwise noted.
[e] Central and Eastern North Pacific (IWC 2025).
[f] Wade and Gerrodette (1993).
[g] Based on surveys in 2000 (Gerrodette and Forcada 2002).

Proposed Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, and impact on operations.

The proposed mitigation requirements described in the following were proposed by L–DEO in its adequate and complete application or are the result of subsequent coordination between NMFS and L–DEO. L–DEO has agreed that all of the mitigation measures are practicable. NMFS has fully reviewed the specified activities and the mitigation measures to determine if the mitigation measures would result in the least practicable adverse impact on marine mammals and their habitat, as required by the MMPA, and has determined the proposed measures are appropriate. NMFS describes these below as proposed mitigation requirements, and has included them in the proposed IHA.

Vessel-Based Visual Mitigation Monitoring

Visual monitoring requires the use of trained observers (herein referred to as visual protected species observers (PSOs)) to scan the ocean surface for the presence of marine mammals. The area to be scanned visually includes primarily the shutdown zone (SZ), within which observation of certain marine mammals requires shutdown of the acoustic source, a buffer zone, and to the extent possible depending on conditions, the surrounding waters. The buffer zone means an area beyond the SZ to be monitored for the presence of marine mammals that may enter the SZ. During pre-start clearance monitoring

(*i.e.,* before ramp-up begins), the buffer zone also acts as an extension of the SZ in that observations of marine mammals within the buffer zone would also prevent airgun operations from beginning (*i.e.,* ramp-up). The buffer zone encompasses the area at and below the sea surface from the edge of the 0–500 m SZ, out to a radius of 1,000 m from the edges of the airgun array (500–1,000 m). This 1,000-m zone (SZ plus buffer) represents the pre-start clearance zone. Visual monitoring of the SZ and adjacent waters (buffer plus surrounding waters) is intended to establish and, when visual conditions allow, maintain zones around the sound source that are clear of marine mammals, thereby reducing or eliminating the potential for injury and minimizing the potential for more severe behavioral reactions for animals occurring closer to the vessel. Visual monitoring of the buffer zone is intended to (1) provide additional protection to marine mammals that may be in the vicinity of the vessel during pre-start clearance, and (2) during airgun use, aid in establishing and maintaining the SZ by alerting the visual observer and crew of marine mammals that are outside of, but may approach and enter, the SZ.

During survey operations (*e.g.,* any day on which use of the airgun array is planned to occur and whenever the airgun array is in the water, whether activated or not), a minimum of two visual PSOs must be on duty and conducting visual observations at all times during daylight hours (*i.e.,* from 30 minutes prior to sunrise through 30 minutes following sunset). Visual monitoring of the pre-start clearance zone must begin no less than 30 minutes prior to ramp-up and monitoring must continue until 1 hour after use of the airgun array ceases or until 30 minutes past sunset. Visual PSOs shall coordinate to ensure 360° visual coverage around the vessel from the most appropriate observation posts and shall conduct visual observations using binoculars and the naked eye while free from distractions and in a consistent, systematic, and diligent manner.

PSOs shall establish and monitor the SZ and buffer zone. These zones shall be based upon the radial distance from the edges of the airgun array (rather than being based on the center of the array or around the vessel itself). During use of the airgun array (*i.e.,* anytime airguns are active, including ramp-up), detections of marine mammals within the buffer zone (but outside the SZ) shall be communicated to the operator to prepare for the potential shutdown of the airgun array. Visual PSOs will immediately communicate all observations to the on duty acoustic PSO(s), including any determination by the visual PSO regarding species identification, distance, and bearing and the degree of confidence in the determination. Any observations of marine mammals by crew members shall be relayed to the PSO team. During good conditions (*e.g.,* daylight hours; Beaufort sea state (BSS) 3 or less), visual PSOs shall conduct observations when the airgun array is not operating for comparison of sighting rates and behavior with and without use of the airgun array and between acquisition periods, to the maximum extent practicable.

Visual PSOs may be on watch for a maximum of 4 consecutive hours followed by a break of at least 1 hour between watches and may conduct a maximum of 12 hours of observation per 24-hour period. Combined observational duties (visual and acoustic but not at same time) may not exceed 12 hours per 24-hour period for any individual PSO.

Passive Acoustic Monitoring

Passive acoustic monitoring means the use of trained personnel (sometimes referred to as PAM operators, herein referred to as acoustic PSOs) to operate PAM equipment to acoustically detect the presence of marine mammals. Acoustic monitoring involves acoustically detecting marine mammals regardless of distance from the source, as localization of animals may not always be possible. Acoustic monitoring is intended to further support visual monitoring (during daylight hours) in maintaining a SZ around the sound source that is clear of marine mammals. In cases where visual monitoring is not effective (*e.g.,* due to weather, nighttime), acoustic monitoring may be used to allow certain activities to occur, as further detailed below.

PAM would take place in addition to the visual monitoring program. Visual monitoring typically is not effective during periods of poor visibility or at night and even with good visibility, is unable to detect marine mammals when they are below the surface or beyond visual range. Acoustic monitoring can be used in addition to visual observations to improve detection, identification, and localization of cetaceans. The acoustic monitoring would serve to alert visual PSOs (if on duty) when vocalizing cetaceans are detected. It is only useful when marine mammals vocalize, but it can be effective either by day or by night and does not depend on good visibility. It would be monitored in real time so that the visual observers can be advised when cetaceans are detected.

The *Langseth* will use a towed PAM system, which must be monitored by at a minimum one on duty acoustic PSO beginning at least 30 minutes prior to ramp-up and at all times during use of the airgun array. Acoustic PSOs may be on watch for a maximum of 4 consecutive hours followed by a break of at least 1 hour between watches and may conduct a maximum of 12 hours of observation per 24-hour period. Combined observational duties (acoustic and visual but not at same time) may not exceed 12 hours per 24-hour period for any individual PSO.

Survey activity may continue for 30 minutes when the PAM system malfunctions or is damaged, while the PAM operator diagnoses the issue. If the diagnosis indicates that the PAM system must be repaired to solve the problem, operations may continue for an additional 10 hours without acoustic monitoring during daylight hours only under the following conditions:

- Sea state is less than or equal to BSS 4;
- No marine mammals (excluding delphinids) detected solely by PAM in the SZ in the previous 2 hours;
- NMFS is notified via email as soon as practicable with the time and location in which operations began occurring without an active PAM system; and
- Operations with an active airgun array, but without an operating PAM system, do not exceed a cumulative total of 10 hours in any 24-hour period.

Establishment of Shutdown and Pre-Start Clearance Zones

A SZ is a defined area within which occurrence of a marine mammal triggers mitigation action intended to reduce the potential for certain outcomes (*e.g.,* auditory injury, disruption of critical behaviors). The PSOs would establish a minimum SZ with a 500-m radius. The 500-m SZ would be based on radial distance from the edge of the airgun array (rather than being based on the center of the array or around the vessel itself). With certain exceptions (described below), if a marine mammal appears within or enters this zone, the airgun array would be shut down.

The pre-start clearance zone is defined as the area that must be clear of marine mammals prior to beginning ramp-up of the airgun array and includes the SZ plus the buffer zone. Detections of marine mammals within the pre-start clearance zone would prevent airgun operations from beginning (*i.e.,* ramp-up).

The 500-m SZ is intended to be precautionary in the sense that it would be expected to contain sound exceeding

the injury criteria for all cetacean hearing groups, (based on the dual criteria of SEL_{cum} and peak SPL), while also providing a consistent, reasonably observable zone within which PSOs would typically be able to conduct effective observational effort. Additionally, a 500-m SZ is expected to minimize the likelihood that marine mammals will be exposed to levels likely to result in more severe behavioral responses. Although significantly greater distances may be observed from an elevated platform under good conditions, we expect that 500 m is likely regularly attainable for PSOs using the naked eye during typical conditions. The pre-start clearance zone simply represents the addition of a buffer to the SZ, doubling the SZ size during pre-clearance.

An extended SZ of 1,500 m must be enforced for all beaked whales, *Kogia* spp, a large whale with a calf, and groups of six or more large whales. No buffer of this extended SZ is required, as NMFS concludes that this extended SZ is sufficiently protective to mitigate harassment to these groups.

Pre-Start Clearance and Ramp-Up

Ramp-up (sometimes referred to as ''soft start'') means the gradual and systematic increase of emitted sound levels from an airgun array. Ramp-up begins by first activating a single airgun of the smallest volume, followed by doubling the number of active elements in stages until the full complement of an array's airguns are active. Each stage should be approximately the same duration, and the total duration should not be less than approximately 20 minutes. The intent of pre-start clearance observation (30 minutes) is to ensure no marine mammals are observed within the pre-start clearance zone (or extended SZ, for beaked whales, *Kogia* spp, a large whale with a calf, and groups of six or more large whales) prior to the beginning of ramp-up. During the pre-start clearance period is the only time observations of marine mammals in the buffer zone would prevent operations (*i.e.,* the beginning of ramp-up). The intent of the ramp-up is to warn marine mammals of pending seismic survey operations and to allow sufficient time for those animals to leave the immediate vicinity prior to the sound source reaching full intensity. A ramp-up procedure, involving a stepwise increase in the number of airguns firing and total array volume until all operational airguns are activated and the full volume is achieved, is required at all times as part of the activation of the airgun array. All operators must adhere to the following pre-start clearance and ramp-up requirements:

- The operator must notify a designated PSO of the planned start of ramp-up as agreed upon with the lead PSO; the notification time should not be less than 60 minutes prior to the planned ramp-up in order to allow the PSOs time to monitor the pre-start clearance zone (and extended SZ) for 30 minutes prior to the initiation of ramp-up (pre-start clearance);
- Ramp-ups shall be scheduled so as to minimize the time spent with the source activated prior to reaching the designated run-in;
- One of the PSOs conducting pre-start clearance observations must be notified again immediately prior to initiating ramp-up procedures and the operator must receive confirmation from the PSO to proceed;
- Ramp-up may not be initiated if any marine mammal is within the applicable shutdown or buffer zone. If a marine mammal is observed within the pre-start clearance zone (or extended SZ, for beaked whales, a large whale with a calf, and groups of six or more large whales) during the 30 minute pre-start clearance period, ramp-up may not begin until the animal(s) has been observed exiting the zones or until an additional time period has elapsed with no further sightings (15 minutes for small odontocetes, and 30 minutes for all mysticetes and all other odontocetes, including sperm whales, beaked whales, and large delphinids);
- Ramp-up shall begin by activating a single airgun of the smallest volume in the array and shall continue in stages by doubling the number of active elements at the commencement of each stage, with each stage of approximately the same duration. Duration shall not be less than 20 minutes. The operator must provide information to the PSO documenting that appropriate procedures were followed;
- PSOs must monitor the pre-start clearance zone and extended SZ during ramp-up, and ramp-up must cease and the source must be shut down upon detection of a marine mammal within the applicable zone. Once ramp-up has begun, detections of marine mammals within the buffer zone do not require shutdown, but such observation shall be communicated to the operator to prepare for the potential shutdown;
- Ramp-up may occur at times of poor visibility, including nighttime, if appropriate acoustic monitoring has occurred with no detections in the 30 minutes prior to beginning ramp-up. Airgun array activation may only occur at times of poor visibility where operational planning cannot reasonably avoid such circumstances;
- If the airgun array is shut down for brief periods (*i.e.,* less than 30 minutes) for reasons other than implementation of prescribed mitigation (*e.g.,* mechanical difficulty), it may be activated again without ramp-up if PSOs have maintained constant visual and/or acoustic observation and no visual or acoustic detections of marine mammals have occurred within the pre-start clearance zone (or extended SZ, where applicable). For any longer shutdown, pre-start clearance observation and ramp-up are required; and
- Testing of the airgun array involving all elements requires ramp-up. Testing limited to individual source elements or strings does not require ramp-up but does require pre-start clearance watch of 30 minutes.

Shutdown

The shutdown of an airgun array requires the immediate de-activation of all individual airgun elements of the array. Any PSO on duty will have the authority to call for shutdown of the airgun array if a marine mammal is detected within the applicable SZ. The operator must also establish and maintain clear lines of communication directly between PSOs on duty and crew controlling the airgun array to ensure that shutdown commands are conveyed swiftly while allowing PSOs to maintain watch. When both visual and acoustic PSOs are on duty, all detections will be immediately communicated to the remainder of the on-duty PSO team for potential verification of visual observations by the acoustic PSO or of acoustic detections by visual PSOs. When the airgun array is active (*i.e.,* anytime one or more airguns is active, including during ramp-up) and (1) a marine mammal appears within or enters the applicable SZ and/or (2) a marine mammal (other than delphinids, see below) is detected acoustically and localized within the applicable SZ, the airgun array will be shut down. When shutdown is called for by a PSO, the airgun array will be immediately deactivated and any dispute resolved only following deactivation. Additionally, shutdown will occur whenever PAM alone (without visual sighting), confirms the presence of marine mammal(s) in the SZ. If the acoustic PSO cannot confirm presence within the SZ, visual PSOs will be notified but shutdown is not required.

Following a shutdown, airgun activity would not resume until the marine mammal has cleared the SZ. The animal would be considered to have cleared the

SZ if it is visually observed to have departed the SZ (*i.e.,* animal is not required to fully exit the buffer zone where applicable), or it has not been seen within the SZ for 15 minutes for small odontocetes or 30 minutes for all mysticetes and all other odontocetes, including sperm whales, beaked whales, and large delphinids.

The shutdown requirement is waived for specific genera of small dolphins if an individual is detected within the SZ. The small dolphin group is intended to encompass those members of the Family Delphinidae most likely to voluntarily approach the source vessel for purposes of interacting with the vessel and/or airgun array (*e.g.,* bow riding). This exception to the shutdown requirement applies solely to the specific genera of small dolphins (*Delphinus, Lagenodelphis, Stenella, Steno* and *Tursiops*).

We include this small dolphin exception because shutdown requirements for these species under all circumstances represent practicability concerns without likely commensurate benefits for the animals in question. Small dolphins are generally the most commonly observed marine mammals in the specific geographic region and would typically be the only marine mammals likely to intentionally approach the vessel. As described above, auditory injury is extremely unlikely to occur for high-frequency cetaceans (*e.g.,* delphinids), as this group is relatively insensitive to sound produced at the predominant frequencies in an airgun pulse while also having a relatively high threshold for the onset of auditory injury (*i.e.,* permanent threshold shift).

A large body of anecdotal evidence indicates that small dolphins commonly approach vessels and/or towed arrays during active sound production for purposes of bow riding with no apparent effect observed (*e.g.,* Barkaszi *et al.,* 2012, Barkaszi and Kelly, 2018). The potential for increased shutdowns resulting from such a measure would require the *Langseth* to revisit the missed track line to reacquire data, resulting in an overall increase in the total sound energy input to the marine environment and an increase in the total duration over which the survey is active in a given area. Although other mid-frequency hearing specialists (*e.g.,* large delphinids) are no more likely to incur auditory injury than are small dolphins, they are much less likely to approach vessels. Therefore, retaining a shutdown requirement for large delphinids would not have similar impacts in terms of either practicability for the applicant or corollary increase in sound energy output and time on the water. We do anticipate some benefit for a shutdown requirement for large delphinids in that it simplifies somewhat the total range of decision-making for PSOs and may preclude any potential for physiological effects other than to the auditory system as well as some more severe behavioral reactions for any such animals in close proximity to the *Langseth.*

Visual PSOs shall use best professional judgment in making the decision to call for a shutdown if there is uncertainty regarding identification (*i.e.,* whether the observed marine mammal(s) belongs to one of the delphinid genera for which shutdown is waived or one of the species with a larger SZ).

L–DEO must implement shutdown if a marine mammal species for which take was not authorized or a species for which authorization was granted but the authorized takes have been met approaches the Level A or Level B harassment zones. L–DEO must also implement an extended shutdown of 1,500 m if any large whale (defined as a sperm whale or any mysticete species) with a calf (defined as an animal less than two-thirds the body size of an adult observed to be in close association with an adult) and/or an aggregation of six or more large whales.

Vessel Strike Avoidance Mitigation Measures

Vessel personnel should use an appropriate reference guide that includes identifying information on all marine mammals that may be encountered. Vessel operators must comply with the below measures except under extraordinary circumstances when the safety of the vessel or crew is in doubt or the safety of life at sea is in question. These requirements do not apply in any case where compliance would create an imminent and serious threat to a person or vessel or to the extent that a vessel is restricted in its ability to maneuver and, because of the restriction, cannot comply.

Vessel operators and crews must maintain a vigilant watch for all marine mammals and slow down, stop their vessel, or alter course, as appropriate and regardless of vessel size, to avoid striking any marine mammal. A single marine mammal at the surface may indicate the presence of submerged animals in the vicinity of the vessel; therefore, precautionary measures should always be exercised. A visual observer aboard the vessel must monitor a vessel strike avoidance zone around the vessel (separation distances stated below). Visual observers monitoring the vessel strike avoidance zone may be third-party observers (*i.e.,* PSOs) or crew members, but crew members responsible for these duties must be provided sufficient training to (1) distinguish marine mammals from other phenomena and (2) broadly to identify a marine mammal as a large whale (defined in this context as sperm whales or baleen whales), or other marine mammals.

Vessel speeds must be reduced to 10 kn (18.5 kph) or less when mother/calf pairs, pods, or large assemblages of cetaceans are observed near a vessel. All vessels must maintain a minimum separation distance of 100 m from sperm whales and all other baleen whales. All vessels must, to the maximum extent practicable, attempt to maintain a minimum separation distance of 50 m from all other marine mammals, with an understanding that at times this may not be possible (*e.g.,* for animals that approach the vessel).

When marine mammals are sighted while a vessel is underway, the vessel shall take action as necessary to avoid violating the relevant separation distance (*e.g.,* attempt to remain parallel to the animal's course, avoid excessive speed or abrupt changes in direction until the animal has left the area). If marine mammals are sighted within the relevant separation distance, the vessel must reduce speed and shift the engine to neutral, not engaging the engines until animals are clear of the area. This does not apply to any vessel towing gear or any vessel that is navigationally constrained.

NMFS conducted an independent evaluation of the proposed measures, and has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical both to compliance as well as ensuring that the

most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the activity; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

The proposed monitoring and reporting requirements described in the following were proposed by L–DEO in its adequate and complete application and/or are the result of subsequent coordination between NMFS and L–DEO. L–DEO has agreed to the requirements. NMFS describes these below as requirements and has included them in the proposed IHA.

L–DEO must use dedicated, trained, and NMFS-approved PSOs. The PSOs must have no tasks other than to conduct observational effort, record observational data, and communicate with and instruct relevant vessel crew with regard to the presence of marine mammals and mitigation requirements. PSO resumes shall be provided to NMFS for advance approval (prior to embarking on the vessel).

At least one of the visual and two of the acoustic PSOs (discussed below) aboard the vessel must have a minimum of 90 days at-sea experience working in those roles, respectively, with no more than 18 months elapsed since the conclusion of the at-sea experience. One visual PSO with such experience shall be designated as the lead for the entire protected species observation team. The lead PSO shall serve as primary point of contact for the vessel operator and ensure all PSO requirements per the IHA are met. To the maximum extent practicable, the experienced PSOs should be scheduled to be on duty with those PSOs with appropriate training but who have not yet gained relevant experience.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the activity; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and,
- Mitigation and monitoring effectiveness.

Vessel-Based Visual Monitoring

As described above, PSO observations would take place during daytime airgun operations. During seismic survey operations, at least five visual PSOs would be based aboard the *Langseth.* Two visual PSOs would be on duty at all times during daytime hours. Monitoring shall be conducted in accordance with the following requirements:

- The operator shall provide PSOs with bigeye reticle binoculars (*e.g.,* 25 x 150; 2.7 view angle; individual ocular focus; height control) of appropriate quality solely for PSO use. These binoculars shall be pedestal-mounted on the deck at the most appropriate vantage point that provides for optimal sea surface observation, PSO safety, and safe operation of the vessel; and
- The operator will work with the selected third-party observer provider to ensure PSOs have all equipment (including backup equipment) needed to adequately perform necessary tasks, including accurate determination of distance and bearing to observed marine mammals.

PSOs must have the following requirements and qualifications:

- PSOs shall be independent, dedicated, trained visual and acoustic PSOs and must be employed by a third-party observer provider;
- PSOs shall have no tasks other than to conduct observational effort (visual or acoustic), collect data, and communicate with and instruct relevant vessel crew with regard to the presence of protected species and mitigation requirements (including brief alerts regarding maritime hazards);
- PSOs shall have successfully completed an approved PSO training course appropriate for their designated task (visual or acoustic). Acoustic PSOs are required to complete specialized training for operating PAM systems and are encouraged to have familiarity with the vessel with which they will be working;
- PSOs can act as acoustic or visual observers (but not at the same time) as long as they demonstrate that their training and experience are sufficient to perform the task at hand;
- NMFS must review and approve PSO resumes accompanied by a relevant training course information packet that includes the name and qualifications (*i.e.,* experience, training completed, or educational background) of the instructor(s), the course outline or syllabus, and course reference material as well as a document stating successful completion of the course;
- PSOs must successfully complete relevant training, including completion of all required coursework and passing (80 percent or greater) a written and/or oral examination developed for the training program;
- PSOs must have successfully attained a bachelor's degree from an accredited college or university with a major in one of the natural sciences, a minimum of 30 semester hours or equivalent in the biological sciences, and at least one undergraduate course in math or statistics; and
- The educational requirements may be waived if the PSO has acquired the relevant skills through alternate

experience. Requests for such a waiver shall be submitted to NMFS and must include written justification. Requests shall be granted or denied (with justification) by NMFS within 1 week of receipt of submitted information. Alternate experience that may be considered includes, but is not limited to (1) secondary education and/or experience comparable to PSO duties; (2) previous work experience conducting academic, commercial, or government-sponsored protected species surveys; or (3) previous work experience as a PSO; the PSO should demonstrate good standing and consistently good performance of PSO duties.

- For data collection purposes, PSOs shall use standardized electronic data collection forms. PSOs shall record detailed information about any implementation of mitigation requirements, including the distance of animals to the airgun array and description of specific actions that ensued, the behavior of the animal(s), any observed changes in behavior before and after implementation of mitigation, and if shutdown was implemented, the length of time before any subsequent ramp-up of the airgun array. If required mitigation was not implemented, PSOs should record a description of the circumstances. At a minimum, the following information must be recorded:
  - Vessel name, vessel size and type, maximum speed capability of vessel;
  - Dates (MM/DD/YYYY) of departures and returns to port with port name;
  - PSO names and affiliations, PSO ID (initials or other identifier);
  - Date (MM/DD/YYYY) and participants of PSO briefings;
  - Visual monitoring equipment used (description);
  - PSO location on vessel and height (meters) of observation location above water surface;
  - Watch status (description);
  - Dates (MM/DD/YYYY) and times (Greenwich Mean Time/UTC) of survey on/off effort and times (GMC/UTC) corresponding with PSO on/off effort;
  - Vessel location (decimal degrees) when survey effort began and ended and vessel location at beginning and end of visual PSO duty shifts;
  - Vessel location (decimal degrees) at 30-second intervals if obtainable from data collection software, otherwise at practical regular interval;
  - Vessel heading (compass heading) and speed (knots) at beginning and end of visual PSO duty shifts and upon any change;
  - Water depth (meters) (if obtainable from data collection software);
  - Environmental conditions while on visual survey (at beginning and end of PSO shift and whenever conditions changed significantly), including BSS and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon;
  - Factors that may have contributed to impaired observations during each PSO shift change or as needed as environmental conditions changed (description) (*e.g.,* vessel traffic, equipment malfunctions); and
  - Vessel/Survey activity information (and changes thereof) (description), such as airgun power output while in operation, number and volume of airguns operating in the array, tow depth of the array, and any other notes of significance (*i.e.,* pre-start clearance, ramp-up, shutdown, testing, shooting, ramp-up completion, end of operations, streamers, *etc.*).
- Upon visual observation of any marine mammals, the following information must be recorded:
  - Sighting ID (numeric);
  - Watch status (sighting made by PSO on/off effort, opportunistic, crew, alternate vessel/platform);
  - Location of PSO/observer (description);
  - Vessel activity at the time of the sighting (*e.g.,* deploying, recovering, testing, shooting, data acquisition, other);
  - PSO who sighted the animal/ID;
  - Time/date of sighting (GMT/UTC, MM/DD/YYYY);
  - Initial detection method (description);
  - Sighting cue (description);
  - Vessel location at time of sighting (decimal degrees);
  - Water depth (meters);
  - Direction of vessel's travel (compass direction);
  - Speed (knots) of the vessel from which the observation was made;
  - Direction of animal's travel relative to the vessel (description, compass heading);
  - Bearing to sighting (degrees);
  - Identification of the animal (*e.g.,* genus/species, lowest possible taxonomic level, or unidentified) and the composition of the group if there is a mix of species;
  - Species reliability (an indicator of confidence in identification) (1 = unsure/possible, 2 = probable, 3 = definite/sure, 9 = unknown/not recorded);
  - Estimated distance to the animal (meters) and method of estimating distance;
  - Estimated number of animals (high/low/best) (numeric);
  - Estimated number of animals by cohort (adults, yearlings, juveniles, calves, group composition, *etc.*);
  - Description (as many distinguishing features as possible of each individual seen, including length, shape, color, pattern, scars or markings, shape and size of dorsal fin, shape of head, and blow characteristics);
  - Detailed behavior observations (*e.g.,* number of blows/breaths, number of surfaces, breaching, spyhopping, diving, feeding, traveling; as explicit and detailed as possible; note any observed changes in behavior);
  - Animal's closest point of approach (meters) and/or closest distance from any element of the airgun array;
  - Description of any actions implemented in response to the sighting (*e.g.,* delays, shutdown, ramp-up) and time and location of the action.
  - Photos (Yes/No);
  - Photo Frame Numbers (List of numbers); and
  - Conditions at time of sighting (Visibility; Beaufort Sea State).

If a marine mammal is detected while using the PAM system, the following information should be recorded:

- An acoustic encounter identification number, and whether the detection was linked with a visual sighting;
- Date and time when first and last heard;
- Types and nature of sounds heard (*e.g.,* clicks, whistles, creaks, burst pulses, continuous, sporadic, strength of signal); and
- Any additional information recorded such as water depth of the hydrophone array, bearing of the animal to the vessel (if determinable), species or taxonomic group (if determinable), spectrogram screenshot, and any other notable information.

Reporting

L–DEO shall submit a draft comprehensive report on all activities and monitoring results within 90 days of the completion of the survey or expiration of the IHA, whichever comes sooner. The report must describe all activities conducted and sightings of marine mammals, must provide full documentation of methods, results, and interpretation pertaining to all monitoring, and must summarize the dates and locations of survey operations and all marine mammal sightings (dates, times, locations, activities, associated survey activities). The draft report shall also include geo-referenced time-stamped vessel tracklines for all time periods during which airgun arrays were operating. Tracklines should include points recording any change in

airgun array status (*e.g.,* when the sources began operating, when they were turned off, or when they changed operational status such as from full array to single gun or vice versa). Geographic Information System files shall be provided in Environmental Systems Research Institute shapefile format and include the UTC date and time, latitude in decimal degrees, and longitude in decimal degrees. All coordinates shall be referenced to the WGS84 geographic coordinate system. In addition to the report, all raw observational data shall be made available. The report must summarize data collected as described above. A final report must be submitted within 30 days following resolution of any comments on the draft report.

The report must include a validation document concerning the use of PAM, which should include necessary noise validation diagrams and demonstrate whether background noise levels on the PAM deployment limited achievement of the planned detection goals. Copies of any vessel self-noise assessment reports must be included with the report.

Reporting Injured or Dead Marine Mammals

Discovery of injured or dead marine mammals—In the event that personnel involved in the survey activities discover an injured or dead marine mammal, the L–DEO shall report the incident to the Office of Protected Resources (OPR) as soon as feasible. The report must include the following information:

- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);
- Observed behaviors of the animal(s), if alive;
- If available, photographs or video footage of the animal(s); and
- General circumstances under which the animal was discovered.

Vessel strike—In the event of a strike of a marine mammal by any vessel involved in the activities covered by the authorization, L–DEO shall report the incident to OPR as soon as feasible. The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Vessel's speed during and leading up to the incident;
- Vessel's course/heading and what operations were being conducted (if applicable);
- Status of all sound sources in use;
- Description of avoidance measures/requirements that were in place at the time of the strike and what additional measure were taken, if any, to avoid strike;
- Environmental conditions (*e.g.,* wind speed and direction, BSS, cloud cover, visibility) immediately preceding the strike;
- Species identification (if known) or description of the animal(s) involved;
- Estimated size and length of the animal that was struck;
- Description of the behavior of the marine mammal immediately preceding and following the strike;
- If available, description of the presence and behavior of any other marine mammals present immediately preceding the strike;
- Estimated fate of the animal (*e.g.,* dead, injured but alive, injured and moving, blood or tissue observed in the water, status unknown, disappeared); and
- To the extent practicable, photographs or video footage of the animal(s).

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (*e.g.,* intensity, duration), the context of any impacts or responses (*e.g.,* critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the discussion of our analysis applies to all the species listed in table 1, given that the anticipated effects of this activity on these different marine mammal stocks are expected to be similar. NMFS does not anticipate that serious injury or mortality would occur as a result of L–DEO's planned survey, even in the absence of mitigation, and no serious injury or mortality is proposed to be authorized. As discussed in the Potential Effects of Specified Activities on Marine Mammals and Their Habitat section above, non-auditory physical effects and vessel strike are not expected to occur. NMFS expects that all potential take would be in the form of Level B behavioral harassment in the form of temporary avoidance of the area or decreased foraging (if such activity was occurring), responses that are considered to be of low severity, and with no lasting biological consequences (*e.g.,* Southall *et al.,* 2007, 2021). These low-level impacts of behavioral harassment are not likely to impact the overall fitness of any individual or lead to population level effects of any species. As described above, Level A harassment is not expected to occur given the estimated small size of the Level A harassment zones and the unlikelihood that an individual would stay near the active source for 24 hours.

In addition, the maximum expected Level B harassment zone around the survey vessel is 3,526 m. Therefore, the ensonified area surrounding the vessel is relatively small compared to the overall distribution of animals in the area and their use of the habitat. Feeding behavior is not likely to be significantly impacted as prey species are mobile and are broadly distributed throughout the survey area; therefore, marine mammals that may be temporarily displaced during survey activities are expected to be able to resume foraging once they have moved away from areas with disturbing levels of underwater noise. Because of the short duration (35 total survey days with 20 days of seismic operations) and temporary nature of the disturbance and the availability of similar habitat and resources in the surrounding area, the impacts to marine mammals and marine mammal prey species are not expected to cause significant or long-term fitness consequences for individual marine mammals or their populations.

Additionally, the acoustic ''footprint'' of the proposed survey would be very small relative to the ranges of all marine mammals that would potentially be affected. Sound levels would increase in the marine environment in a relatively small area surrounding the vessel compared to the range of the marine mammals within the proposed survey area. The seismic array would be active 24 hours per day throughout the duration of the proposed survey. However, the very brief overall duration of the proposed survey (35 total survey days with 20 days of seismic operations) would further limit potential impacts that may occur as a result of the proposed activity.

Of the marine mammal species that are likely to occur in the project area, the following species are listed as endangered or threatened under the ESA: humpback whales (Central America DPS), fin whales, sei whales, blue whale, and sperm whales. The take numbers proposed for authorization for these species (table 6) are minimal relative to their modeled population sizes; therefore, we do not expect population-level impacts to any of these species. Moreover, the actual range of the populations extends past the area covered by the model, so modeled population sizes are likely smaller than their actual population size. Lastly, as previously described, meaningful impacts from the seismic survey are even less likely to occur for high-frequency cetaceans (*e.g.,* delphinids), as this group is relatively insensitive to sound produced at the predominant frequencies in an airgun pulse. The other marine mammal species that may be taken by harassment during L–DEO's seismic survey are not listed as threatened or endangered under the ESA. There is no designated critical habitat for any ESA-listed marine mammals within the project area.

There are no rookeries, mating, or calving grounds known to be biologically important to marine mammals within the survey area, and there are no feeding areas known to be biologically important to marine mammals within the survey area.

In summary and as described above, the following factors primarily support our preliminary determination that the impacts resulting from this activity are not expected to adversely affect any of the species or stocks through effects on annual rates of recruitment or survival:

- No Level A harassment, serious injury, or mortality is anticipated or authorized;
- The proposed activity is temporary and of relatively short duration (35 days total with 20 days of airgun activity);
- The anticipated impacts of the proposed activity on marine mammals would be temporary behavioral changes due to avoidance of the ensonified area, which is relatively small (see tables 4 and 5);
- The availability of alternative areas of similar habitat value for marine mammals to temporarily vacate the survey area during the proposed survey to avoid exposure to sounds from the activity is readily abundant;
- The potential adverse effects on fish or invertebrate species that serve as prey species for marine mammals from the proposed survey would be temporary and spatially limited and impacts to marine mammal foraging would be minimal; and,
- The proposed mitigation measures are expected to reduce the number and severity of takes, to the extent practicable, by visually and/or acoustically detecting marine mammals within the established zones and implementing corresponding mitigation measures (*e.g.,* delay; shutdown).

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted previously, only take of small numbers of marine mammals may be authorized under section 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or population in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or population abundance, the take is considered to be of small numbers (*see* 86 FR 5322, January 19, 2021). Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

The number of takes NMFS proposes to authorize is below one-third of the modeled abundance for all relevant populations (specifically, take of individuals is less than 2 percent of the modeled abundance of each affected population, see table 6). This is conservative because the modeled abundance represents a population of the species and we assume all takes are of different individual animals, which is likely not the case. Some individuals may be encountered multiple times in a day, but PSOs would count them as separate individuals if they cannot be identified.

Based on the analysis contained herein of the proposed activity (including the proposed mitigation and monitoring measures) and the estimated take of marine mammals, NMFS preliminarily finds that small numbers of marine mammals would be taken relative to the size of the affected species or population.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act

Section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensures that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of incidental take authorizations, NMFS consults internally whenever we propose to authorize take for ESA-listed species, in this case with the ESA Interagency Cooperation Division.

NMFS is proposing to authorize take of humpback whales (Central America DPS), fin whales, sei whales, sperm whales and blue whales, which are listed under the ESA. The NMFS OPR Permits and Conservation Division has requested initiation of section 7 consultation with the OPR ESA Interagency Cooperation Division for the issuance of this IHA. NMFS will conclude the ESA consultation prior to reaching a determination regarding the proposed issuance of the authorization.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to L–DEO for conducting a marine geophysical survey of the East Pacific Rise in the ETP, provided the

previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities.*

Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this notice of proposed IHA for the proposed marine geophysical survey. We also request comment on the potential renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform decisions on the request for this IHA or a subsequent renewal IHA.

On a case-by-case basis, NMFS may issue a one-time, 1-year renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical activities as described in the Description of Proposed Activity section of this notice is planned or (2) the activities as described in the Description of Proposed Activity section of this notice would not be completed by the time the IHA expires and a renewal would allow for completion of the activities beyond that described in the *Dates and Duration* section of this notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA).
- The request for renewal must include the following:

1. An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

2. A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

- Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: December 15, 2025.

Kimberly Damon-Randall,

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

[FR Doc. 2025–23268 Filed 12–17–25; 8:45 am]

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FEDERAL REGISTER

Vol. 90 Thursday,
No. 241 December 18, 2025

Part III

The President

Proclamation 10997—Bill of Rights Day, 2025
Executive Order 14367—Designating Fentanyl as a Weapon of Mass Destruction

Federal Register
Vol. 90, No. 241
Thursday, December 18, 2025

Presidential Documents

Title 3—

The President

Proclamation 10997 of December 15, 2025

Bill of Rights Day, 2025

By the President of the United States of America

A Proclamation

Two hundred and fifty years ago, our Nation was conceived in liberty, our freedom was wrested from the hands of tyranny, and our people courageously united as one Nation under God, committed to the immortal principles of sovereignty, justice, and self-determination. Today, we proudly celebrate the ratification of our Bill of Rights—the revolutionary document that enshrines in law the principles of freedom, human dignity, and due process upon which the United States was founded. On this Bill of Rights Day, we proudly carry forth the bold vision of our Founding Fathers. We recommit to the timeless freedoms enshrined in the Bill of Rights, and we vow to always preserve, protect, and defend our God-given rights, our glorious American heritage, and our constitutional way of life.

Following the Revolutionary War, the framers of our Constitution set aside 10 core protections from government authority that would ultimately become known as the ''Bill of Rights.'' After decades of oppression under British rule, James Madison—the Father of the Constitution—came to understand that it was necessary to clearly define what freedoms the law protected, setting the stage for the triumph of true self-government. Though Madison was once concerned that a written bill of rights would not succeed in fending off forces of tyranny and oppression, his friend Thomas Jefferson later convinced him: ''A bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse or rest on inference.''

In 1789, the First United States Congress drafted the first 10 amendments to the Constitution and later sent them to the States to ratify. In doing so, the States forever secured a series of freedoms that no tyrant could ever infringe—including the rights to speak and worship freely, to keep and bear arms, to resist unlawful arrest and seizure of private property, to be assured of a quick and fair trial, and to be protected against cruel and unusual punishment—and affirmed that the States hold all powers not granted to the Federal Government.

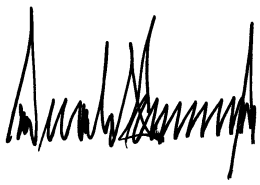
More than two centuries later, these foundational legal principles remain the lifeblood of our Republic and continue to stand at the heart of our laws, our system of government, and our livelihood. Our framers understood that codifying our rights in ink alone would not be sufficient and that our rights depended on the endurance of bedrock American principles like the separation of powers, due process, checks and balances, and States' rights. Above all, however, they knew that our rights would forever rely on a good and moral citizenry committed to the virtues that gave rise to our Republic and have sustained our liberty through victory and defeat, triumphs and setbacks, and times of peace and war since July 4, 1776.

Every day, my Administration is acting with strength and conviction to guard these freedoms, the meaning of American citizenship, and our constitutional heritage. We are restoring the rule of law, fighting back against left-wing lawfare, cleaning up our corrupt bureaucracies and draining the swamp, and forever ensuring that the American people do not answer to Washington, Washington answers to the American people.

As we approach 250 glorious years of American independence next year, we proudly carry forward the legacy forged by our Founders in the crucible of revolution. We renew our commitment to always upholding the common good and the dignity of the human person—and above all, we pledge to preserve the promise of a proud, free, self-governing Republic for ourselves and our posterity.

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 December 15, 2025, as Bill of Rights Day. I call upon the people of the United States, especially teachers, educators, and school administrators, to mark this observance with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of December, 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. 2025–23416
Filed 12–17–25; 11:15 am]
Billing code 3395–F4–P

Presidential Documents

Executive Order 14367 of December 15, 2025

Designating Fentanyl as a Weapon of Mass Destruction

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. *Purpose and Policy.* Illicit fentanyl is closer to a chemical weapon than a narcotic. Two milligrams, an almost undetectable trace amount equivalent to 10 to 15 grains of table salt, constitutes a lethal dose. Hundreds of thousands of Americans have died from fentanyl overdoses.

The manufacture and distribution of fentanyl, primarily performed by organized criminal networks, threatens our national security and fuels lawlessness in our hemisphere and at our borders. The production and sale of fentanyl by Foreign Terrorist Organizations and cartels fund these entities' operations—which include assassinations, terrorist acts, and insurgencies around the world—and allow these entities to erode our domestic security and the well-being of our Nation. The two cartels that are predominantly responsible for the distribution of fentanyl in the United States engage in armed conflict over territory and to protect their operations, resulting in large-scale violence and death that go beyond the immediate threat of fentanyl itself. Further, the potential for fentanyl to be weaponized for concentrated, large-scale terror attacks by organized adversaries is a serious threat to the United States.

As President of the United States, my highest duty is the defense of the country and its citizens. Accordingly, I hereby designate illicit fentanyl and its core precursor chemicals as Weapons of Mass Destruction (WMD).

Sec. 2. *Implementation*. The heads of relevant executive departments and agencies (agencies) shall take appropriate action to implement this order and eliminate the threat of illicit fentanyl and its core precursor chemicals to the United States. This includes the following actions:

(a) the Attorney General shall immediately pursue investigations and prosecutions into fentanyl trafficking, including through criminal charges as appropriate, sentencing enhancements, and sentencing variances;

(b) the Secretary of State and the Secretary of the Treasury shall pursue appropriate actions against relevant assets and financial institutions in accordance with applicable law for those involved in or supporting the manufacture, distribution, and sale of illicit fentanyl and its core precursor chemicals;

(c) the Secretary of War and the Attorney General shall determine whether the threats posed by illicit fentanyl and its impact on the United States warrant the provision of resources from the Department of War to the Department of Justice to aid in the enforcement of title 18 of the United States Code, as consistent with 10 U.S.C. 282;

(d) the Secretary of War, in consultation with the Secretary of Homeland Security, shall update all directives regarding the Armed Forces' response to chemical incidents in the homeland to include the threat of illicit fentanyl; and

(e) to ensure the United States uses the full array of appropriate counter-fentanyl tools, the Secretary of Homeland Security, as consistent with applicable law and in coordination with the heads of relevant agencies, as appropriate, shall identify threat networks related to fentanyl smuggling using

WMD- and nonproliferation-related threat intelligence to support the full spectrum of counter-fentanyl operations.

Sec. 3. *Definitions.* (a) ''Illicit fentanyl'' means fentanyl that is manufactured, distributed, or dispensed, or possessed with intent to manufacture, distribute, or dispense in violation of section 401 and 406 of the Controlled Substances Act (21 U.S.C. 841, 846).

(b) ''Core precursor chemicals'' means the core chemicals that create illicit fentanyl and its analogues, such as Piperidone or other Piperidone-based substances.

Sec. 4. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

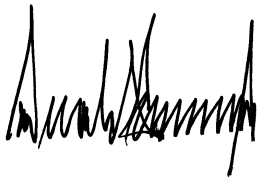
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The costs for publication of this order shall be borne by the Department of Justice.



THE WHITE HOUSE,
December 15, 2025.

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Federal Register

Vol. 90, No. 241

Thursday, December 18, 2025

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FEDERAL REGISTER PAGES AND DATE, DECEMBER

55041–55292	1
55293–55620	2
55621–55788	3
55789–55996	4
55997–56656	5
56657–56966	8
56967–57136	9
57137–57350	10
57351–57674	11
57675–57866	12
57867–58140	15
58141–58506	16
58507–59040	17
59041–59366	18

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
10994 55787
10995 57135
10996 57347
10997 59363

Executive Orders:
14364 57349
14365 58499
14366 58503
14367 59365

Administrative Orders:
Notices:
Notice of December 10, 2025 57863
Notice of December 10, 2025 57865
Presidential Permits:
Permit of December 10, 2025 58495

5 CFR

315 57137
575 57867
1201 59041
1655 59042

Proposed Rules:
412 59072

7 CFR

246 58507
5001 ..... 57351, 57675

Proposed Rules:
989 57384

10 CFR

2 55621
19 55621
20 55621
21 55621
25 55621
26 55621
30 55621
31 55621
32 55621
34 55621
35 55621
36 55621
37 55621
39 55621
40 55621
50 55621
51 55621
52 55621
54 55621
55 55621
60 55621
61 55621
62 55621
63 55621
70 55621
71 55621
72 ..... 55621, 56657
73 55621
74 55621
75 55621
76 55621
81 55621
95 55621
110 55621
140 55621
150 55621
160 55621
170 55621
171 55621
800 56966
1040 ..... 56966, 56967
1042 56967

Proposed Rules:
2 55699
19 55699
20 55699
21 55699
25 55699
26 55699
30 55699
31 55699
32 55699
34 55699
35 55699
36 55699
37 55699
39 55699
40 55699
50 55699
51 55699
52 55699
54 55699
55 55699
60 55699
61 55699
62 55699
63 55699
70 55699
71 55699
72 ..... 55699, 56697
73 55699
74 55699
75 55699
76 55699
81 55699
95 55699
110 55699
140 55699
150 55699
160 55699
170 55699
171 55699

12 CFR

3 55248
6 55248
34 58141
208 55248
213 57878

217.....55248
226.....57882, 58141
252.....55248
303.....55789
314.....55789
324.....55248
335.....55789
340.....55789
347.....55789
363.....55789
380.....55789
1013.....57878
1022.....57888
1026 .....57882, 57890, 58141

Proposed Rules:

3.....55048
217.....55048
324.....55048
621.....56066
704.....57391
715.....57393
748.....57397, 57399

13 CFR

107.....55997

14 CFR

25.....56662
33.....57896
39 .....56663, 56666, 56668, 56670, 56673, 56677, 56679, 56968, 56971, 56973, 56976, 56979, 56981, 56985, 56987, 56989, 57675, 57678, 57680, 57683, 57685, 57688, 58145, 58512, 58515, 58519
71 .....55634, 55636, 55639, 55640, 55641, 56682, 57352, 57898, 58148
73.....58522
97 .....55293, 55294, 57353, 57354
141.....58523, 58524
259.....57138
260.....55999
399.....55999

Proposed Rules:

39 .....55817, 56070, 56072, 56699, 57011, 57168, 57170, 59078
61.....56701
71 .....55819, 56711, 57014, 57173, 57401, 57721, 57722, 57724, 59081, 59083

15 CFR

774.....56001

16 CFR

1112.....57820, 58096
1218.....57691
1250.....57820, 58096

Proposed Rules:

425.....55701
1241.....55701

17 CFR

Ch. I.....58149
1.....57899
10.....55642
11.....55642
230.....59043
249.....57355
270.....59043
274.....59043

Proposed Rules:

Ch. I.....58525

18 CFR

2.....59046

21 CFR

801.....55978
803.....55978
812.....55978
860.....55978
862.....55978
864.....55978
866.....55978
868.....55978
872.....55978
874.....55978
876.....55978
878.....55978
880.....55978
882.....55978
886.....55978
888.....55978
890.....55978
892.....55978
1308 .....57356, 57542, 58149

Proposed Rules:

1308 .....57534, 57924, 58174

23 CFR

630.....55646
633.....55648

24 CFR

5.....56683
888.....56683
903.....56683
982.....56683
983.....56683
985.....56683

26 CFR

1 .....57901, 58151, 58378, 59046
300.....55041
301.....58151

Proposed Rules:

1.....57928, 57937
301.....57937

27 CFR

Proposed Rules:

70.....57937

28 CFR

0.....57139
42.....57141

30 CFR

550.....57920
948.....55649, 55658

Proposed Rules:

934.....59084

31 CFR

528.....57695, 57696
587.....57696
589.....57696

32 CFR

161.....55042

33 CFR

100 .....56001, 56689, 57149, 57358, 58163, 58164
165 .....55812, 56690, 57149, 57151, 57359, 57360, 57362, 57363, 57697, 58164, 58165, 58166, 58508, 59051

Proposed Rules:

1.....56076
100.....58539
117.....55063
165.....56713

36 CFR

Proposed Rules:

242.....57941

37 CFR

385.....55044
386.....55045

Proposed Rules:

380.....55821

39 CFR

Proposed Rules:

3055.....59086

40 CFR

52 .....56001, 57364, 57365, 57367, 57370, 57373, 57374, 57636, 59051
60 .....55671, 59057, 59061
61.....59061
63 .....55681, 56010, 59061
81.....59051
174.....58167
180.....56691

Proposed Rules:

52 .....57403, 57409, 57411, 57414, 57416
174.....57944, 58181
180 .....57418, 57944, 58181
248.....57436

41 CFR

Ch. 300–304.....56890
102–3.....58408
102–5.....58408
102–33.....58408
102–34.....58408
102–35.....58408
102–36.....58408
102–37.....58408
102–38.....58408
102–39.....58408
102–40.....58408
102–41.....58408
102–42.....58408
102–71.....58408
102–72.....58408
102–73.....58408
102–74.....58408
102–75.....58408
102–76.....58408
102–77.....58408
102–78.....58408
102–79.....58408
102–80.....58408
102–81.....58408
102–82.....58408
102–83.....58408
102–85.....58408
102–117.....58408
102–118.....58408
102–192.....58408

Proposed Rules:

174.....55065
180.....55065

42 CFR

71.....55813
405.....55342
412.....58509
414.....55342
424.....55342
455.....55342
483.....55687
484.....55342
498.....55342

Proposed Rules:

512.....57598
1001.....57015

43 CFR

3100.....59069
3170.....57921

Proposed Rules:

51.....57941

47 CFR

1.....57698
10.....57288, 59071
13.....57698
17.....57698
20.....57698
22.....57698
24.....57698
26.....57698
27.....57698
30.....57698
54.....57152, 57698
64.....56013
74.....57698
76.....56062
80.....57698
87.....57698
88.....57698
90.....57698
95.....57698
96.....57698
97.....57698
101.....57698

Proposed Rules:

1.....55066, 56076
2.....55826, 56076
4.....55835
25 .....55702, 56076, 56338
27.....56076
54.....55836, 57946
64 .....55713, 56101, 56115

48 CFR

1517.....55045

49 CFR

Proposed Rules:

171.....55836
172.....55836
173.....55836
174.....55836
175.....55836
176.....55836
177.....55836
178.....55836
523.....56438
531.....56438, 57726
533.....56438, 57726
535.....57726
536.....56438
537.....56438, 57726

50 CFR

217.....57546
218.....58810

223.....56992
224.....56992
622.....55046, 57713
635.....56695
648 .....55814, 55815, 57376
660.....57714, 58170
679 .....56063, 56064, 56065, 58171, 58172

Proposed Rules:
216.....57442
648.....56836, 57017
660.....58183
679.....58185, 58204

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List December 17, 2025

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