Moines, WA 98198; phone: 206–231–3539; email: *Frank.Carreras@faa.gov.*

(q) Material Incorporated by Reference

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

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

(3) The following material was approved for IBR on August 31, 2026.

(i) Transport Canada AD CF–2025–67, dated December 11, 2025.

(ii) [Reserved]

(4) The following material was approved for IBR on December 31, 2024 (89 FR 93157, November 26, 2024).

(i) Transport Canada AD CF–2023–69, dated October 5, 2023.

(ii) [Reserved]

(5) The following service information was approved for IBR on March 30, 2021 (86 FR 10799, February 23, 2021).

(i) Airbus Canada Limited Partnership A220 Airworthiness Limitations, BD500–3AB48–11400–02, Issue 011.00, dated June 18, 2020.

(ii) [Reserved]

(6) For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca.* You may find this material on the Transport Canada website at *tc.canada.ca/en/aviation.*

(7) For Airbus Canada Limited Partnership material identified in this AD, contact Airbus Canada Limited Partnership, 13100 Henri-Fabre Boulevard, Mirabel, Québec J7N 3C6, Canada; telephone: 450–476–7676; email: *a220_crc@abc.airbus*; website: *a220world.airbus.com.*

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

(9) 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 July 22, 2026.

Brian Knaup,

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

[FR Doc. 2026–15073 Filed 7–24–26; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0 and 1

[OI Docket No. 24–523, MD Docket No. 24–524; FCC 26–42, FR ID 357134]

Review of Submarine Cable Landing License Rules and Procedures To Assess Evolving National Security, Law Enforcement, Foreign Policy, and Trade Policy Risks

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission or FCC) adopted a Second Further Notice of Proposed Rulemaking (*Second FNPRM*) that seeks to further prevent evolving national security risks associated with submarine line terminal equipment (SLTEs) posed by foreign adversaries. The *Second FNPRM* seeks comment on the routine conditions that the Commission should consider to improve its oversight of SLTE owners and operators. The *Second FNPRM* seeks comment on whether the Commission should adopt routine conditions for cable landing licensees that are subject to our current licensing requirement, as amended. With respect to SLTE, the *Second FNPRM* also seeks comment on whether to consider consistent or differing routine conditions for cable landing licensees that own and/or operate SLTE on their licensed submarine cable, or owns an SLTE and either owns or leases the underlying fiber, capacity, or spectrum, or leases the SLTE and the underlying fiber, capacity, or spectrum to another entity. Finally, the *Second FNPRM* seeks comment on whether it should adopt any other routine conditions for submarine cable landing licensees, including SLTE owners and operators.

DATES: Comments are due on or before August 26, 2026; reply comments are due on or before September 25, 2026.

ADDRESSES: Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *https://www.fcc.gov/ecfs.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.
- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.
- *People with Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

FOR FURTHER INFORMATION CONTACT: Svantje Swider, Office of International Affairs, Telecommunication and Analysis Division, at *svantje.swider@fcc.gov* or at (202) 418–0772. For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, send an email to *PRA@fcc.gov* or contact Cathy Williams at (202) 418–2918 or *cathy.williams@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Further Notice of Proposed Rulemaking (*Second FNPRM),* in OI Docket No. 24–523, in MD Docket No. 24–524, FCC 26–42, adopted on June 25, 2026, and released on June 30, 2026. The full text of this document is available online at *https://docs.fcc.gov/public/attachments/FCC-26-42A1.pdf.* The full text of this document is also available for public inspection and copying during business hours in the FCC Reference Center, 45 L Street NE, Washington, DC 20554. To request materials in accessible formats for people with disabilities, send an email to *FCC504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Providing Accountability Through Transparency Act. The Providing Accountability Through Transparency Act, Public Law 118–9, requires each agency, in providing notice of a rulemaking, to post online a brief plain-language summary of the proposed rule. The required summary of this *Second* FNPRM is available at *https://www.fcc.gov/proposed-rulemakings.* To request materials in accessible formats for people with disabilities (*e.g.* Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at (202) 418–0530.

Ex Parte Presentations. The proceeding this document initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. *See* 47 CFR 1.1200 *et seq.* Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b). In proceedings governed by § 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,*.doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Regulatory Flexibility Act. The Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning the potential impact of rule and policy change proposals on small entities in the *Second FNPRM.* The Commission invites the general public, in particular small businesses, to comment on the IRFA. Comments must be filed by the deadlines for comments on the *Second FNPRM* indicated on the first page of this document and must have a separate and distinct heading designating them as responses to the IRFA.

Paperwork Reduction Act. This document may also contain proposed new or modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and OMB to comment on any information collection requirements contained in this document, as required by the PRA. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Synopsis

I. Introduction

In this *Second FNPRM,* we build on the regulatory framework for submarine line terminal equipment (SLTE) owners and operators that we adopt in the *Second Report and Order* to execute our duties to protect national security. In the *Second Report and Order,* we take the first step to regulate SLTEs and adopt a blanket licensing framework for SLTE owners and operators. We also require SLTE owners and operators to comply with a subset of the routine conditions for cable landing licensees in Section 1.70007. In this *Second FNPRM,* we seek to further prevent evolving national security risks associated with SLTEs posed by foreign adversaries. We anticipate that this *Second FNPRM,* along with results from the one-time data collection that the Commission previously adopted, will inform our consideration of further refinements to how we regulate both conventional submarine cable landing licensees (as a result of our *First Report and Order*) and SLTE owners and operators that do not already previously fall in that category and to which we issue a blanket authorization under our *Second Report and Order.*

II. Background

In the *2025 Submarine Cable First Report and Order,* we undertook the first comprehensive update to the Commission's submarine cable rules in 25 years. The Commission modernized the submarine cable rules by adopting a definition of the term ''submarine cable system,'' adopting a range of measures to protect critical submarine cable infrastructure from foreign adversary threats, and streamlining the Commission's submarine cable licensing process. We adopted, among other things, (1) a presumption that will preclude the grant of certain applications filed by entities owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary, as defined in a new rule, 47 CFR 1.70001(g), unless the applicant overcomes the adverse presumption; (2) a condition prohibiting cable landing licensees from entering into certain arrangements for indefeasible rights of use (IRUs) or leases for capacity; (3) certification requirements concerning the use of ''covered'' equipment and services on submarine cable systems; and (4) cybersecurity and physical security risk management plan certifications. For current licensees that meet the presumptive disqualifying criteria or whose cable lands in a foreign adversary country, we adopted a tool for increased oversight by requiring these licensees to file an annual report (Foreign Adversary Annual Report) containing information about the licensee, submarine cable system ownership, and submarine cable operations. More generally, we modernized our submarine cable rules by adopting a definition of the term, ''submarine cable system,'' that acknowledges the range of technological advancement in existing submarine cable systems.

In the *2025 Submarine Cable Further Notice of Proposed Rulemaking,* we sought to build on the *2025 Submarine Cable First Report and Order* by proposing and seeking comment on a number of reforms to streamline and expedite review of applications, to protect the security, integrity, and resilience of submarine cables and promote national security. In the *2025 Submarine Cable Further Notice of Proposed Rulemaking:* (1) we proposed to incorporate SLTE owners and operators into the Commission's licensing framework by adopting a blanket license for SLTE owners and operators, subject to certain exclusions and routine conditions; (2) we proposed routine conditions on the grant of the blanket license, including a condition requiring existing SLTE owners and operators that are owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary, (47 CFR 1.70001(g)), or other relevant criteria, to submit a tailored annual report (SLTE Foreign Adversary Annual Report) to ensure that the Commission maintains consistent oversight over their operations; (3) we proposed new certification requirements and routine conditions related to foreign adversaries, including whether to require applicants to certify that they will not use equipment that is produced by any entity ''owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary,'' as defined in § 1.70001(g), in the operation of the submarine cable system; (4) we sought comment on requiring existing licensees to remove covered equipment and services from their submarine cable systems; (5) we proposed to presumptively exclude certain applications from referral to the relevant Executive Branch agencies if they meet certain standards; (6) we sought comment on whether, under certain circumstances, to streamline approval of domestic cables; and (7) we sought comment on how the Commission can incentivize and encourage the adoption and the use of trusted technologies produced and provided by the United States and its foreign allies.

Our actions in the *2025 Submarine Cable First Report and Order* and in this *Second Report and Order* reflect the Commission's consistent leadership in strengthening the security of U.S. communications networks and critical infrastructure against foreign adversary threats.

III. Second Further Notice of Proposed Rulemaking

In this *Second FNPRM,* we build on the regulatory framework for submarine line terminal equipment (SLTE) owners and operators that we adopt in the *Second Report and Order* to execute our duties to protect national security. We use the term ''SLTE owners and operators'' to refer to any entity that owns and/or operates SLTE on a submarine cable landing in the United States and that is not otherwise subject to our licensing requirement in Section 1.767(h) or Section 1.70003(a) and/or (b) as amended. 47 CFR 1.767(h); *2025 Submarine Cable First Report and Order and FNPRM,* 40 FCC Rcd at 6637, Appx. A (1.70003(a) and (b)). In this *Second FNPRM,* we seek to further prevent evolving national security risks associated with SLTEs posed by foreign adversaries. We anticipate that this *Second FNPRM,* along with results from the one-time data collection that the Commission previously adopted, will inform our consideration of further refinements to how we regulate both conventional submarine cable landing licensees (as a result of our *First Report and Order*) and SLTE owners and operators that do not already previously fall in that category and to which we issue a blanket authorization under our *Second Report and Order.*

A. Routine Conditions

We seek comment on the routine conditions that we should consider to improve our oversight of SLTE owners and operators given the evolving national security risks posed by foreign adversaries. While we conduct and complete the one-time collection time adopted in the *2025 Submarine Cable First Report and Order,* we seek comment specifically on whether the Commission should adopt routine conditions for cable landing licensees that are subject to our current licensing requirement, as amended in the *2025 Submarine Cable First Report and Order,* to accomplish our goal of improving oversight of SLTE owners and operators to protect national security interests related to SLTE. We seek comment on how to balance this objective with minimal burdens on these licensees. For example, what routine conditions for these licensees should the Commission adopt generally concerning SLTEs? Should the Commission require these licensees ensure that any entity that owns and/or operates SLTE on their licensed submarine cable adheres to the routine conditions that we adopt in sections III.A.1.b. and III.A.2. of this *Second Report and Order*? Should the Commission require these licensees ensure that any entity that owns and/or operates SLTE on their licensed submarine cable, including any downstream entities, adheres to any or all of the routine conditions that apply to cable landing licensees in Section 1.70007, as adopted in the *Submarine Cable First Report and Order*? For example, should we require these licensees to develop, adopt, and implement contract terms or other contractual mechanisms to ensure that owners and operators of SLTE on their licensed submarine cable adhere to such routine conditions? We seek comment on whether recent mitigation agreements with the Executive Branch agencies, where the applicant would use ''available contractual mechanisms'' to require or restrict third parties from certain activities, would best establish how these licensees can comply with such a requirement, or whether an alternative standardized model, if available, would be more practicable.

With respect to SLTE, we also seek comment on whether to consider consistent or differing routine conditions for the aforementioned licensees that (1) own and/or operate SLTE on their licensed submarine cable, or (2) owns an SLTE and either owns or leases the underlying fiber, capacity, or spectrum, or leases the SLTE and the underlying fiber, capacity, or spectrum to another entity. To the extent we consider any routine conditions, are there any timing or compliance considerations that we should also consider for these licensees and any owners and/or operators of SLTE? What, if any, would be the impact on small entities in the market that we should consider?

Should the Commission adopt any other routine conditions? Should the Commission also adopt as routine conditions for all cable landing licensees, including SLTE owners and operators, any or all of the national security standards that we apply in this *Second Report and Order* to those licensees whose application is exempt from referral to the Executive Branch agencies? For example, should the Commission require that cable landing licensees implement and update an enhanced cybersecurity and physical security plan in accordance with the NIST CSF, and follow a set of established cybersecurity best practices, such as the standards and controls set forth in the CISA CPGs, or the CIS Controls?

Should the Commission adopt a mechanism for existing licensees to opt-in to the ten national security standards in lieu of existing NSAs? For example, should the Commission allow existing licensees that can comply with the ten national security standards to opt-in to those ten national security standards in lieu of their existing NSA by filing a petition with the Commission, and if granted, their existing NSA shall be deemed terminated?

We also seek comment on whether an applicant with reportable foreign ownership that seeks exemption from referral should be exempt from the requirement to submit responses to the Standard Questions. In this *Second Report and Order,* we continue to require applicants with reportable foreign ownership that seek the exemption to submit responses to the Standard Questions directly to the Committee at the time they file the application with the Commission, consistent with our current rules. We seek comment on the burdens and any duplicative requirements for applicants that both submit responses to the Standard Questions and certify to the national security standards adopted in the *Second Report and Order.*

B. Costs and Benefits

Through the *Further Notice,* we seek to implement additional routine requirements on licensees to achieve our goal of increased oversight of SLTEs for national security concerns. We seek comment, because we find that it is necessary to improve the security and resilience of submarine cable systems and to mitigate threats from foreign adversaries. Moreover, we believe that the cost of doing so would be approximately the same as our estimated cost in the *Second Report and Order* because SLTE owners and operators would still be subject to the same reporting and security requirements, albeit directly or indirectly, through their contractual relationships with submarine cable system licensees. We seek comment generally on the costs and benefits. Thus, as was the case in the *Second Report and Order,* we find that were we to adopt the proposed rules, doing so would generate substantial benefits to national security and the resiliency of critical communications infrastructure, and that these benefits would far outweigh the moderate compliance costs.

IV. Procedural Matters

Regulatory Flexibility Act. The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.''

The Commission has also prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning the potential impact of rule and policy change proposals on small entities in the *Second FNPRM.* The IRFA is set forth in Appendix C. The Commission invites the general public, in particular small businesses, to comment on the IRFA. Comments must be filed by the deadlines for comments on the *Second FNPRM* indicated on the first page of this document and must have a separate and distinct heading designating them as responses to the IRFA.

Paperwork Reduction Act. The *Second FNPRM* may contain proposed new or modified information collections. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on any information collections contained in this document, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3521. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Ex Parte Presentations-Permit-But-Disclose. The proceeding this *Second FNPRM* initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Providing Accountability Through Transparency Act. Consistent with the Providing Accountability Through Transparency Act, Public Law 1189, a summary of this *Further Notice* will be available on *https://www.fcc.gov/proposed-rulemakings.*

OPEN Government Data Act. The OPEN Government Data Act requires agencies to make ''public data assets'' available under an open license and as ''open Government data assets,'' *i.e.,* in machine-readable, open format, unencumbered by use restrictions other than intellectual property rights, and based on an open standard that is maintained by a standards organization. This requirement is to be implemented ''in accordance with guidance by the Director'' of the OMB. The term ''public data asset'' means ''a data asset, or part thereof, maintained by the Federal Government that has been, or may be, released to the public, including any data asset, or part thereof, subject to disclosure under [the Freedom of Information Act (FOIA)].'' A ''data asset'' is ''a collection of data elements or data sets that may be grouped together,'' and ''data'' is ''recorded information, regardless of form or the media on which the data is recorded.''

Availability of Documents. Comments, reply comments, and *ex parte* submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 45 L Street NE, Washington, DC 20554. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

V. Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Federal Communications Commission (Commission) has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the policies and rules proposed in the *Second Further Notice of Proposed Rulemaking (Second FNPRM)* assessing the possible significant economic impact on a substantial number of small entities. The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments specified on the first page of the *Second FNPRM.* The Commission will send a copy of the *Second FNPRM,* including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).

A. Need for, and Objectives of, the Proposed Rules

In this *Second FNPRM,* seek comment specifically on whether the Commission should adopt routine conditions for cable landing licensees that are subject to our current licensing requirement, as amended in the *2025 Submarine Cable First Report and Order,* to accomplish our goal of improving oversight of SLTE owners and operators to protect national security interests related to SLTE. We seek comment on how to balance this objective with minimal burdens on these licensees. For example, we seek comment on what routine conditions for these licensees the Commission should adopt generally concerning SLTEs. We seek comment on whether the Commission should require these licensees to ensure that any entity that owns and/or operates SLTE on their licensed submarine cable adheres to the routine conditions that we adopt in the *Second Report and Order.* In addition, we seek comment on whether the Commission should also adopt as routine conditions for all cable landing licensees, including SLTE owners and operators, any or all of the national security standards that we apply in this *Second Report and Order* to those licensees whose application is exempt from referral to the Executive Branch agencies. We also seek comment on whether an applicant with reportable foreign ownership that seeks exemption from referral should be exempt from the requirement to submit responses to the Standard Questions. *See* 47 CFR 1.767(a)(8)(i), 63.18(p). Finally, we seek comment on the costs and benefits of the proposed rules and any alternatives, including the impact of the proposed rules on small entities and alternative approaches.

B. Legal Basis

The proposed action is authorized pursuant to Sections 1, 4(i), 4(j), 201–255, 303(r), 403, and 413 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201–255, 303(r), 403, and 413, and the Cable Landing License Act, 47 U.S.C. 34–39, and Executive Order No. 10530, section 5(a), (May 12, 1954) reprinted as amended in 3 U.S.C. 301.

C. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the adopted rules. 5 U.S.C. 604. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' *Id.* 601(6). In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. *Id.* 601(3). A ''small business concern'' is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. 15 U.S.C. 632. The SBA establishes small business size standards that agencies are required to use when promulgating regulations relating to small businesses; agencies may establish alternative size standards for use in such programs, but must consult and obtain approval from SBA before doing so. 13 CFR 121.903. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions. 5 U.S.C. 601(3)–(6). In general, a small business is an independent business having fewer than 500 employees.[1] These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses. Next, ''small organizations'' are not-for-profit enterprises that are independently owned and operated and are not dominant in their field. 5 U.S.C. 601(4). While we do not have data regarding the number of non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500 employees. Finally, ''small governmental jurisdictions'' are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand. 5 U.S.C. 601(5). Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000. *See* U.S. Census Bureau, 2022 Census of Governments—Organization, *https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html,* tables 1–11.

Rules adopted in response to the *Second FNPRM* would apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System (NAICS) codes and corresponding SBA size standard. The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. Based on currently available U.S. Census data regarding the estimated number of small firms in each identified industry, we conclude that rules adopted in response to the *Second FNPRM* would impact a substantial number of small entities. Where available, we also provide additional information regarding the number of potentially affected entities in the identified industries below.

TABLE 1—2022 U.S. CENSUS BUREAU DATA BY NAICS CODE

Regulated industry (footnotes specify potentially affected entities within a regulated industry where applicable)	NAICS code	SBA size standard	Total firms	Total small firms	Percent small firms
Wired Telecommunications Carriers	517111	1,500 employees	3,403	3,027	88.95
Wireless Telecommunications Carriers (except Satellite).	517112	1,500 employees	1,184	1,081	91.30
All Other Telecommunications	517810	$40 million	1,673	1,007	60.19
Computer Infrastructure Providers, Data Processing, Web Hosting, and Related Services.	518210	$40 million	12,054	8,895	73.79

TABLE 2—TELECOMMUNICATIONS SERVICE PROVIDER DATA

2024 universal service monitoring report telecommunications service provider data (data as of december 2023)	SBA size standard (1500 employees)		
Affected entity	Total number FCC Form 499A filers	Small firms	Percent small entities
Competitive Local Exchange Carriers (CLECs)	3,729	3,576	95.90
Interexchange Carriers (IXCs)	113	95	84.07
Wireless Telecommunications Carriers (except Satellite)	585	498	85.13

D. Description of Economic Impact and Projected Reporting, Recordkeeping and Other Compliance Requirements for Small Entities

The RFA directs agencies to describe the economic impact of proposed rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirements and the type of professional skills necessary for preparation of the report or record. 5 U.S.C. 603(b)(4). As described in the *Second FNPRM,* the Commission may require licensees to ensure that any entity that owns and/or operates SLTE on their licensed submarine cable, including any downstream entities, adheres to any or all of the routine conditions that apply to cable landing licensees in § 1.70007. Licensees may need to engage in necessary recordkeeping to ensure and, if necessary, demonstrate compliance with the rules.

E. Discussion of Significant Alternatives Considered That Minimize the Significant Economic Impact on Small Entities

The RFA directs agencies to provide a description of any significant alternatives to the proposed rules that would accomplish the stated objectives of applicable statutes, and minimize any significant economic impact on small entities. *Id.* 603(c). The discussion is required to include alternatives such as: ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.'' *Id.* 603(c)(1)–(4).

As described in the *Second FNPRM,* we consider and seek comment on the potential impact and burdens our proposed rules would generally have on submarine cable applicants and licensees, including owners of SLTE, some of whom may be small entities. As part of our proposals, we discuss alternative options that could potentially reduce the impacts and burdens with respect to small entities and more generally for entities subject to the Commission's submarine cable rules.

VI. Ordering Clauses

It is ordered that, pursuant to Sections 1, 4(i), 4(j), 201–255, 303(r), 403, 413 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201–255, 303(r), 403, 413, and the Cable Landing License Act of 1921, 47 U.S.C. 34–39, and Executive Order No. 10530, Section 5(a) (May 12, 1954) reprinted as amended in 3 U.S.C. 301, this Notice of Proposed Rulemaking *is hereby adopted*.

It is further ordered that the Commission's Office of the Secretary *shall send* a copy of this Second Further Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analyses, to the Chief Counsel for Advocacy of the Small Business Administration (SBA) Office of Advocacy.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

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