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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.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 53

[Docket No. APHIS–2023–0088]

RIN 0579–AE79

Payment of Indemnity and Compensation for Highly Pathogenic Avian Influenza; Reopening of Comment Period

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule; reopening of comment period.

SUMMARY: We are reopening the comment period for our interim rule that would amend the regulations pertaining to conditions for payment of indemnity for highly pathogenic avian influenza. This action will allow interested persons additional time to prepare and submit comments.

DATES: The comment period for the interim rule published on December 31, 2024 (89 FR 106981–106996) is reopened. We will consider all comments that we receive on or before April 14, 2025.

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

- *Federal eRulemaking Portal:* Go to www.regulations.gov. Enter APHIS–2023–0088 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.

- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2023–0088, Regulatory Analysis and Development, PPD, APHIS, Station 2C–10.16, 4700 River Road, Unit 25, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at Regulations.gov or in our reading room, which is located in Room 1620 of the USDA South

Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Leonardo L. Sevilla, DVM, Veterinary Medical Officer, Poultry Health Team, VS Strategy and Policy Aquaculture, Swine, Equine, and Poultry (ASEP), ASEP Health Center, 920 Main Campus Drive, Raleigh, NC 27606; (984) 766–1528; Leonardo.sevilla@usda.gov.

SUPPLEMENTARY INFORMATION: On December 31, 2024, we published in the *Federal Register* (89 FR 106981–106996, Docket No. APHIS–2023–0088) an interim rule to amend the regulations pertaining to conditions for payment of indemnity for highly pathogenic avian influenza.

Comments on the interim rule were required to be received on or before March 3, 2025. We are reopening the comment period on Docket No. APHIS–2023–0088 for an additional 30 days. This action will allow interested persons additional time to prepare and submit comments. We will also consider all comments received between March 4, 2025, (the day after the close of the original comment period) and the date of this document.

(Authority: 7 U.S.C. 8301–8317; 7CFR 2.22, 2.80, and 371.4.)

Done in Washington, DC, this 10th day of March 2025.

Michael Watson,

Administrator, Animal and Plant Health Inspection Service, USDA.

[FR Doc. 2025–04114 Filed 3–13–25; 8:45 am]

BILLING CODE 3410–34–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 33–11366; 34–102552; IA–6862; IC–35492]

Delegation of Authority to Director of the Division of Enforcement

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission (“Commission”) is

amending its regulations with respect to the delegations of authority to the Director of the Division of Enforcement (“Director”) to eliminate the delegation of authority to issue formal orders of investigation. Formal orders designate the enforcement staff authorized to issue subpoenas in connection with investigations under the Federal securities laws. This amendment is the result of the Commission’s experience with its nonpublic investigations. The amendment is intended to increase effectiveness by more closely aligning the Commission’s use of its investigative resources with Commission priorities.

DATES: Effective March 14, 2025.

FOR FURTHER INFORMATION CONTACT: Charlotte Buford, Deputy Chief Counsel, at (202) 551–4843, Division of Enforcement, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–6553.

SUPPLEMENTARY INFORMATION:

Background

As a result of its experience with its nonpublic investigations, the Commission is amending its delegations of authority to the Director to eliminate the delegation of authority to issue formal orders of investigation.¹ The Commission is authorized to conduct investigations concerning possible violations of the Federal securities laws, which provide that “any member of the Commission or any officer designated by it is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records which the Commission deems relevant or material to the inquiry.” Section 21(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(b). *See also* section 19(c) of the Securities Act of 1933, 15 U.S.C. 77s(c); section 42(b) of the Investment Company Act of 1940, 15 U.S.C. 80a–41(b); and section 209(b) of the Investment Advisers Act of 1940, 15 U.S.C. 80b–9(b). The Commission issues

¹ See 17 CFR 200.30–4(a)(13). Congress has authorized such delegation by Public Law 87–592, 76 Stat. 394, 15 U.S.C. 78d–1(a), which provides that the Commission “shall have the authority to delegate, by published order or rule, any of its functions to . . . an employee or employee board, including functions with respect to hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business or matter.”

formal orders of investigation that authorize specifically-designated enforcement staff to exercise the Commission's statutory power to subpoena witnesses and take the other actions authorized by the relevant cited provisions.

The Commission delegated authority to issue formal orders of investigation to the Director on August 11, 2009. "Delegation of Authority to Director of Division of Enforcement," 74 FR 40068–01 (Aug. 11, 2009). The delegation was made effective for a one-year period, ending on August 11, 2010, to allow Commission review of the Division's exercise of formal order authority. On August 16, 2010, the Commission amended its rules to extend the Director's delegated authority to issue formal orders of investigation beyond the one-year period. "Delegation of Authority to the Director of Its Division of Enforcement," 75 FR 49820–01 (Aug. 16, 2010); *see also* 17 CFR 200.30–4(a)(13). The amendment will delete this delegation provision, 17 CFR 200.30–4(a)(13), to more closely align the Commission's use of its investigative resources with Commission priorities.

Administrative Law Matters

The Commission finds, in accordance with the Administrative Procedure Act ("APA"), that this amendment relates solely to agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Accordingly, the APA's provisions regarding notice of rulemaking and opportunity for public comment are not applicable. In accord with the APA, we find that there is good cause to establish an effective date less than 30 days after publication of this amendment. 5 U.S.C. 553(d). This amendment does not substantially affect the rights or obligations of non-agency parties and pertains to increasing efficiency of internal Commission operations. This amendment is therefore effective on March 14, 2025. For the same reasons, the provisions of the Small Business Regulatory Enforcement Fairness Act are not applicable. *See* 5 U.S.C. 804(3)(C) (the term "rule" does not include "any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties"). Additionally, the provisions of the Regulatory Flexibility Act, 5 U.S.C. 60 *et seq.*, which apply only when notice and comment are required by the APA or other law, are not applicable. *See* 5 U.S.C. 601(2). This amendment does not contain any collection of information requirements as defined by the Paperwork Reduction Act of 1995. *See* 5 CFR 1320.3(c). Further, because this

amendment imposes no new burdens on private parties, the Commission does not believe that the amendment will have any impact on competition for purposes of section 23(a)(2) of the Securities Exchange Act of 1934. 15 U.S.C. 78w(a)(2).

Statutory Authority

The amendment contained in this release is being adopted pursuant to statutory authority granted to the Commission, including section 19 of the Securities Act of 1933, 15 U.S.C. 77s; sections 4A, 4B, and 23 of the Securities Exchange Act of 1934, 15 U.S.C. 78d–1, 78d–2, and 78w; section 38 of the Investment Company Act, 15 U.S.C. 80a–37; section 211 of the Investment Advisers Act, 15 U.S.C. 80b–11; and section 3 of the Sarbanes-Oxley Act, 15 U.S.C. 7202.

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Authority delegations (Government agencies).

Text of Amendment

For the reasons set out in the preamble, the Commission is amending 17 CFR part 200 as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

- 1. The authority citation for part 200 continues to read as follows:

Authority: 5 U.S.C. 552, 552a, 552b, and 557; 11 U.S.C. 901 and 1109(a); 15 U.S.C. 77c, 77e, 77f, 77g, 77h, 77j, 77o, 77q, 77s, 77u, 77z–3, 77ggg(a), 77hhh, 77sss, 77uuu, 78b, 78c(b), 78d, 78d–1, 78d–2, 78e, 78f, 78g, 78h, 78i, 78k, 78k–1, 78l, 78m, 78n, 78o, 78o–4, 78q, 78q–1, 78t–1, 78u, 78w, 78ll(d), 78mm, 78eee, 80a–8, 80a–20, 80a–24, 80a–29, 80a–37, 80a–41, 80a–44(a), 80a–44(b), 80b–3, 80b–4, 80b–5, 80b–9, 80b–10(a), 80b–11, 7202, and 7211 *et seq.*; 29 U.S.C. 794; 44 U.S.C. 3506 and 3507; Reorganization Plan No. 10 of 1950 (15 U.S.C. 78d); sec. 8G, Pub. L. 95–452, 92 Stat. 1101 (5 U.S.C. App.); sec. 913, Pub. L. 111–203, 124 Stat. 1376, 1827; sec. 3(a), Pub. L. 114–185, 130 Stat. 538; E.O. 11222, 30 FR 6469, 3 CFR, 1964–1965 Comp., p. 36; E.O. 12356, 47 FR 14874, 3 CFR, 1982 Comp., p. 166; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235; Information Security Oversight Office Directive No. 1, 47 FR 27836; and 5 CFR 735.104 and 5 CFR parts 2634 and 2635, unless otherwise noted.

§ 200.30–4 [Amended]

- 2. Section 200.30–4 is amended by removing and reserving paragraph (a)(13).

By the Commission.

Dated: March 10, 2025.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2025–04064 Filed 3–13–25; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

31 CFR Part 1010

Issuance of a Geographic Targeting Order Imposing Additional Recordkeeping and Reporting Requirements on Certain Money Services Businesses Along the Southwest Border

AGENCY: Financial Crimes Enforcement Network (FinCEN), Treasury.

ACTION: Order.

SUMMARY: FinCEN is issuing notice of a Geographic Targeting Order, requiring certain money services businesses along the southwest border of the United States to report and retain records of transactions in currency of more than \$200 but not more than \$10,000, and to verify the identity of persons presenting such transactions.

DATES: This action is effective April 14, 2025.

FOR FURTHER INFORMATION CONTACT: FinCEN's Regulatory Support Section by submitting an inquiry at www.fincen.gov/contact.

SUPPLEMENTARY INFORMATION:

I. Background

If the Secretary of the Treasury (Secretary) finds, upon his own initiative or at the request of an appropriate Federal or State law enforcement official, that reasonable grounds exist for concluding that additional recordkeeping and reporting requirements are necessary to carry out the purposes of the Bank Secrecy Act (BSA)¹ or to prevent evasions thereof, the Secretary may issue a Geographic Targeting Order (GTO) requiring any domestic financial institution or group of domestic financial institutions, or any domestic nonfinancial trade or business or group of domestic nonfinancial trades or businesses, in a geographic area to obtain such information as the Secretary may describe in such GTO concerning

¹ The Bank Secrecy Act, as amended, is codified at 12 U.S.C. 1829b, 1951–1960 and 31 U.S.C. 5311–5314, 5316–5336 and includes other authorities reflected in notes thereto. Regulations implementing the BSA appear at 31 CFR chapter X. The Secretary of the Treasury's authority to administer the BSA has been delegated to the Director of FinCEN.

any transaction in which such financial institution or nonfinancial trade or business is involved in for the payment, receipt, or transfer of funds (as the Secretary may describe in such GTO), and concerning any other person participating in such transaction. For any such transaction, the Secretary may require the financial institution or nonfinancial trade or business to maintain a record and/or file a report in the manner and to the extent specified. The maximum effective period for a GTO is 180 days unless renewed.² The authority of the Secretary to issue a GTO has been delegated to the Director of FinCEN (Director).³

The Director finds that reasonable grounds exist for concluding that the additional recordkeeping and reporting requirements set forth in the GTO contained in this document (the "Order") are necessary to carry out the purposes of the BSA or to prevent evasions thereof. This action is being taken in furtherance of Treasury's efforts to combat illicit finance by drug cartels and other illicit actors along the southwest border of United States. The Order does not alter any existing BSA obligation of a Covered Business (as defined in the Order), except as otherwise noted in the Order itself. Thus, for example, a Covered Business must continue to file Currency Transaction Reports (CTRs) for transactions in currency above \$10,000 and Suspicious Activity Reports (SARs) where appropriate and in accordance with the BSA and applicable regulations. Although the dollar thresholds for filing SARs in the SAR regulation applicable to Covered Businesses remains the same (as low as \$2,000),⁴ FinCEN encourages the voluntary filing of SARs where appropriate to report transactions conducted to evade the \$200 reporting threshold imposed by the Order.

II. Geographic Targeting Order

A. Businesses and Transactions Covered by This Order

1. For purposes of this Order, the "Covered Business" means a money services business, as defined in 31 CFR 1010.100(ff), located in the Covered Geographic Area.

2. For purposes of this Order, a "Covered Transaction" means each deposit, withdrawal, exchange of currency or other payment or transfer, by, through, or to the Covered Business which involves a transaction in

currency, of more than \$200 but not more than \$10,000.

3. For purposes of this Order, a "Covered Geographic Area" means the areas denoted by the ZIP codes below corresponding to the following seven counties in California and Texas:

a. Imperial County, California: 92231, 92249, 92281, and 92283;

b. San Diego County, California: 91910, 92101, 92113, 92117, 92126, 92154, and 92173;

c. Cameron County, Texas: 78520 and 78521;

d. El Paso County, Texas: 79901, 79902, 79903, 79905, 79907, and 79935;

e. Hidalgo County, Texas: 78503, 78557, 78572, 78577, and 78596;

f. Maverick County, Texas: 78852; and

g. Webb County, Texas: 78040, 78041, 78043, 78045, and 78046.

4. All terms used but not otherwise defined herein shall have the same meaning set forth in part 1010 of chapter X of subtitle B of title 31 of the Code of Federal Regulations.

B. Reports Required To Be Filed by the Covered Business

5. Except as otherwise set forth in this Order, if the Covered Business is involved in a Covered Transaction, then the Covered Business shall report the Covered Transaction to FinCEN on a Currency Transaction Report within 15 days following the day on which the Covered Transaction occurred. In the case of the U.S. Postal Service, the obligation contained in the preceding sentence shall not apply to payments or transfers made solely in connection with the purchase of postage or philatelic products.

Note: When submitting the report, the Covered Business may receive a warning that the transaction is below \$10,000. The Covered Business shall ignore the warning and continue with the submission.

6. Each report filed pursuant to this Order must be: (a) completed in accordance with the terms of this Order and the Currency Transaction Report instructions (when those terms and those instructions conflict, the terms of this Order prevail); and (b) e-filed through the BSA E-Filing System.⁵

7. Before concluding a Covered Transaction, the Covered Business must comply with the identification requirements set forth at 31 CFR 1010.312, including the requirement that the specific identifying information

⁵ To electronically file a Currency Transaction Report, a Covered Business will need a BSA E-Filing User account. To create a BSA E-Filing User account, please visit https://bsaeifiling.fincen.treas.gov/Enroll_Now.html. For more information on e-filing, please visit <https://bsaeifiling.fincen.treas.gov/AboutBsa.html>.

(e.g., the account number of the credit card, the driver's license number) used in verifying the identity of the customer shall be recorded on the Currency Transaction Report, and the mere notation of "known customer" or "bank signature card on file" on the report is prohibited. For purposes of this requirement, the Covered Business need not identify employees of armored car services.

8. The Covered Business is not required to file a report otherwise required under this Order on a Covered Transaction between the Covered Business and a commercial bank.

9. Part IV of the Currency Transaction Report shall contain the following information in Field 45: "MSB0325GTO".

C. Order Period

The terms of this Order are effective beginning April 14, 2025 and ending on September 9, 2025.

D. Retention of Records

The Covered Business must: (a) retain all reports filed to comply with this Order and any other records relating to compliance with this Order for a period of five years from the last day that this Order is effective (including any renewals of this Order); (b) store all such records in a manner accessible within a reasonable period of time; and (c) make such records available to FinCEN, or any other appropriate law enforcement or regulatory agency, upon request, in accordance with applicable law.

E. No Effect on Other Provision of the BSA or Its Implementing Regulations

Nothing in this Order otherwise modifies or affects any provision of the BSA or the regulations implementing the BSA to the extent not expressly stated herein.

F. Confidentiality

This Order is being publicly issued, and its terms are not confidential.

G. Compliance

The Covered Business must supervise, and is responsible for, compliance by each of its officers, directors, employees, and agents with the terms of this Order. The Covered Business must transmit this Order to each of its agents located in the Covered Geographic Area. The Covered Business must also transmit this Order to its Chief Executive Officer or other similarly acting manager.

H. Penalties for Noncompliance

The Covered Business, and any of its officers, directors, employees, and

² 31 U.S.C. 5326; see also 31 CFR 1010.370.

³ Treasury Order 180-01 (Jan. 14, 2020).

⁴ 31 CFR 1022.320 (SAR rule for money services businesses).

agents, may be liable, without limitation, for civil or criminal penalties for violating any of the terms of this Order.

I. Validity of Order

Any judicial determination that any provision of this Order is invalid shall not affect the validity of any other provision of this Order, and each other provision shall thereafter remain in full force and effect. A copy of this Order carries the full force and effect of an original signed Order.

J. Paperwork Reduction Act

The collection of information subject to the Paperwork Reduction Act contained in this Order has been approved by the Office of Management and Budget (OMB) and assigned OMB control number 1506-0056. 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 OMB control number.

K. Questions

All questions about the Order should be directed to the FinCEN at <https://www.fincen.gov/contact>.

(Authority: 31 U.S.C. 5326)

Andrea M. Gacki,

Director, Financial Crimes Enforcement Network.

[FR Doc. 2025-04099 Filed 3-13-25; 8:45 am]

BILLING CODE 4810-02-P

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

[NPS-GLCA-NPS39678; NPS-2024-0005; PPIMGLCAA0.PPMPAS1Z.Y00000-255P10361]

RIN 1024-AE91

Glen Canyon National Recreation Area; Motor Vehicles; Postponement of Effective Date

AGENCY: National Park Service, Interior.

ACTION: Final rule; postponement of effective date.

SUMMARY: This action further postpones the effective date for a rule published on January 13, 2025, pending judicial review.

DATES: As of March 14, 2025, the effective date of the rule amending 36 CFR part 7 published at 90 FR 2621, January 13, 2025, delayed on February 13, 2025, at 90 FR 9518, is postponed indefinitely, pending judicial review.

The National Park Service (NPS) will publish a document in the **Federal Register** announcing the new effective date or other dates the public may need to know.

FOR FURTHER INFORMATION CONTACT:

Michelle Kerns, Superintendent, Glen Canyon National Recreation Area, P.O. Box 1507, Page, Arizona 86040, by phone at 928-608-6210, or by email at GLCA_Superintendent@nps.gov.

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: On January 13, 2025, the NPS published a final rule revising special regulations at Glen Canyon National Recreation Area to update rules about the use of motor vehicles on roads and off roads on designated routes and areas (the “Final Rule”; 90 FR 2621). On January 20, 2025, the President issued a memorandum titled “Regulatory Freeze Pending Review” (“Freeze Memo”). The Freeze Memo directed all executive departments and agencies to consider postponing for 60 days from the date of the Freeze Memo the effective date for any rules that had been published in the **Federal Register** but had not yet taken effect for the purpose of reviewing any questions of fact, law, and policy that the rules may raise.

On February 13, the NPS published an action delaying the effective date for the Final Rule until March 21, 2025 (90 FR 9518) for the purpose of giving agency officials the opportunity to further review any questions of fact, law, and policy that the Final Rule may raise.

After conducting that review, the NPS has determined that justice requires an indefinite postponement of the effective date of the Final Rule, pending resolution of ongoing litigation. Under section 705 of the Administrative Procedure Act “[w]hen an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review.” 5 U.S.C. 705. The State of Utah, Wayne and Garfield Counties, and the Utah School and Institutional Trust Lands Administration have challenged the special regulations for motor vehicle use at Glen Canyon National Recreation Area that were promulgated in 2021 (the “2021 Rule”; 86 FR 3804) and the corresponding off-road vehicle

management plan (“ORV plan”). *State of Utah v. Haaland*, 4:24-cv-00048 (D. Utah). The plaintiffs allege numerous legal deficiencies, including claimed State interests in roads affected by the 2021 Rule, the plaintiffs’ inability to economically develop school trust lands accessed from roads managed by the ORV Plan, and the opportunity for Department of the Interior agencies to better coordinate motorized vehicle regulation across jurisdictional boundaries. While the plaintiffs’ challenge is to the 2021 Rule, many of the issues raised in that litigation, including the effects of off-road vehicle management on State interests and school trust lands, are also relevant to the Final Rule.

The NPS has determined that postponing the effective date of the Final Rule and preserving the regulatory status quo of the 2021 Rule pending the resolution of ongoing litigation regarding that rule is necessary in order to avoid unduly foreclosing potential remedies, ensure proper adjudication of these claims, and avoid creating a shifting regulatory landscape that may frustrate resolution of the issues raised in that litigation. Maintaining the status quo will also serve the public interest by avoiding confusion with the public on what motorized uses are allowed in the Recreation Area and avoiding unnecessary and costly agency operations to implement additional changes while the previous changes are the subject of the pending litigation.

Additionally, the Bureau of Land Management (“BLM”) released its Travel Management Plan for the Henry Mountains and Freemont Gorge Area on January 17, 2025, shortly after the publication of the Final Rule. This area is adjacent to the Recreation Area, and roads from the Recreation Area extend into this BLM planning area, and vice versa. Postponing the effective date of the Final Rule will allow for ongoing coordination on these matters that will better inform the adjudication of the pending claims from the State of Utah and the other plaintiffs.

Finally, the National Parks Conservation Association and Southern Utah Wilderness Alliance, parties to the Settlement Agreement under which the Final Rule was published, have been granted intervenor status in the challenge from the State of Utah to the 2021 Rule, so that the interests of all parties will be heard and adequately protected by resolution of these issues in that forum. In light of this active litigation, the NPS has concluded that justice requires it to postpone the effective date for the Final Rule until the

judicial challenges to the 2021 Rule are resolved.

In addition to the ongoing judicial review of the 2021 Rule, which as described above raises issues relevant to the Final Rule, the United States House of Representatives and the United States Senate have both introduced joint resolutions providing for congressional disapproval of the Final Rule under the Congressional Review Act, 5 U.S.C. chapter 8. See H.J. Res. 60 (referred to the House Committee on Natural Resources on February 21, 2025) and S.J. Res. 30 (placed on the Senate Legislative Calendar on March 4, 2025). These resolutions create additional uncertainty for the parties about whether the Final Rule will become effective or will remain in effect if it does, providing additional support for this decision to further postpone the effective date of the Final Rule.

Maureen D. Foster,

Chief of Staff, Exercising the Delegated Authority of the Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2025-04129 Filed 3-13-25; 8:45 am]

BILLING CODE 4312-52-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA-HQ-OAR-2024-0411; FRL-12015.1-02-OAR]

RIN 2060-AW46

Renewable Fuel Standard (RFS) Program: Extension of 2024 Compliance Reporting Deadline

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is extending the Renewable Fuel Standard (RFS) compliance reporting deadline for the 2024 compliance year. EPA is also making several minor amendments and technical corrections to other RFS provisions.

DATES:

Effective date. This rule is effective on March 13, 2025. The incorporation by reference of certain publications listed in this regulation is approved by the Director of the Federal Register as of March 13, 2025.

Operational date. For operational purposes under the Clean Air Act (CAA), this final rule is effective as of March 7, 2025.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2024-0411. 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 is not available on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For questions regarding this action, contact Nick Parsons, Office of Transportation and Air Quality, Assessment and Standards Division, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214-4479; email address: RFS-Rulemakings@epa.gov.

SUPPLEMENTARY INFORMATION:

Dates

Section 553(d) of the Administrative Procedure Act (APA), 5 U.S.C. chapter 5, generally provides that rules may not take effect until 30 days after they are published in the **Federal Register**. EPA is issuing this final rule under section 307(d) of the CAA (or “the Act”), which states, “The provisions of section 553 through 557 . . . of Title 5 shall not, except as expressly provided in this section, apply to actions to which this subsection applies.” Thus, section 553(d) of the APA does not apply to this rule. EPA is nevertheless acting consistently with the policies underlying APA section 553(d) in making this final rule operational upon signature. The purpose of this APA provision is to “give affected parties a

reasonable time to adjust their behavior before the final rule takes effect.”¹ However, when an agency grants or recognizes an exemption or relieves a restriction, affected parties do not need a reasonable time to adjust because the effect is not adverse. Thus, APA section 553(d)(1) allows for an effective date less than 30 days after publication for any rule that “grants or recognizes an exemption or relieves a restriction.”² Here, the regulatory amendments to 40 CFR part 80 relieve a restriction by extending the 2024 RFS compliance reporting deadline (and by operation of law the associated attest engagement reporting deadline) ahead of the otherwise imminent deadline of March 31, 2025, thus providing obligated parties with additional time to demonstrate compliance with their 2024 renewable volume obligations (RVOs) under the RFS program.

Good cause to make a rule immediately effective also exists under APA section 553(d)(3). To make such a finding, an agency must “balance the necessity for immediate implementation against principles of fundamental fairness which require that all affected persons be afforded a reasonable amount of time to prepare for the effective date of its ruling.”³ Under this standard, EPA has determined that there is good cause to make the regulatory amendments to 40 CFR part 80 in this action operational upon signature so that obligated parties do not have to comply with their 2024 RVOs before modifications to the 2024 cellulosic biofuel standard become final. Otherwise, there would be confusion among obligated parties regarding their compliance obligations if the deadline took effect before the revised 2024 cellulosic biofuel standard was finalized.

Does this action apply to me?

Entities potentially affected by this action are those involved with the production, distribution, and sale of transportation fuels (e.g., gasoline and diesel fuel) and renewable fuels (e.g., ethanol, biodiesel, renewable diesel, and biogas). Potentially affected categories include:

Category	NAICS ^a code	Examples of potentially affected entities
Industry	211130	Natural gas liquids extraction and fractionation.
Industry	221210	Natural gas production and distribution.
Industry	324110	Petroleum refineries (including importers).
Industry	325120	Biogases, industrial (i.e., compressed, liquified, solid), manufacturing.
Industry	325193	Ethyl alcohol manufacturing.
Industry	325199	Other basic organic chemical manufacturing.

¹ *Omnipoint Corp. v. Fed. Comm’n Comm’n*, 78 F.3d 620, 630 (D.C. Cir. 1996); see also *United*

States v. Gavrilovic, 551 F.2d 1099, 1104 (8th Cir. 1977) (quoting legislative history).

² See 5 U.S.C. 553(d)(1).

³ *Gavrilovic*, 551 F.2d at 1105.

Category	NAICS ^a code	Examples of potentially affected entities
Industry	424690	Chemical and allied products merchant wholesalers.
Industry	424710	Petroleum bulk stations and terminals.
Industry	424720	Petroleum and petroleum products wholesalers.
Industry	457210	Fuel dealers.
Industry	562212	Landfills.

^a North American Industry Classification System (NAICS).

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities potentially affected by this action. This table lists the types of entities that EPA is now aware could potentially be affected by this action. Other types of entities not listed in the table could also be affected. To determine whether your entity would be affected by this action, you should carefully examine the applicability criteria in 40 CFR part 80. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Preamble Acronyms and Abbreviations

Throughout this document the use of “we,” “us,” or “our” is intended to refer to EPA. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, EPA defines the following terms and acronyms here:
 CAA Clean Air Act
 RFS Renewable Fuel Standard
 RIN Renewable Identification Number
 RVO Renewable Volume Obligation
 SRE Small Refinery Exemption

Outline of This Preamble

- I. Background and Extension of 2024 RFS Compliance Reporting Deadline
- II. Other RFS Amendments
 - A. Annual Attest Engagement Deadline Consolidation
 - B. Updated Standard Specification for Biodiesel
 - C. Technical Corrections
- III. Statutory and Executive Order Reviews
 - A. Executive Order 12866: Regulatory Planning and Review
 - B. Executive Order 14192: Unleashing Prosperity Through Deregulation
 - C. Paperwork Reduction Act (PRA)
 - D. Regulatory Flexibility Act (RFA)
 - E. Unfunded Mandates Reform Act (UMRA)
 - F. Executive Order 13132: Federalism
 - G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
 - H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
 - I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

- J. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51
- K. Congressional Review Act (CRA)
- IV. Statutory Authority

I. Background and Extension of 2024 RFS Compliance Reporting Deadline

On December 12, 2024, EPA proposed a rule to, among other things, partially waive the 2024 cellulosic biofuel volume requirement under the RFS program and revise the associated 2024 cellulosic biofuel percentage standard.⁴ In this action, EPA is not finalizing the proposed partial waiver of the 2024 cellulosic biofuel requirement; EPA’s decision on the proposed partial waiver and EPA’s response to comments on that topic may be part of a later action. EPA also proposed several additional amendments to other RFS provisions, a majority of which are not being finalized here, but may instead be addressed in a later action.

In addition to the foregoing, EPA also proposed to extend the 2024 RFS compliance reporting deadline from March 31, 2025, to the next quarterly compliance reporting deadline after the effective date of the action finalizing the revised 2024 cellulosic biofuel standard. This action finalizes the extension of the 2024 RFS compliance reporting deadline as proposed for the reasons described below.

While the original 2024 RFS compliance reporting deadline of March 31, 2025, is still several weeks away, we expect that the effective date of the revised 2024 cellulosic biofuel standard will not occur until after this deadline. Therefore, in order to provide obligated parties with sufficient time to carry out and adjust their compliance strategies once we finalize the revised 2024 cellulosic biofuel standard, we are extending the 2024 RFS compliance reporting deadline from March 31, 2025, to the next quarterly compliance reporting deadline after the effective date of the final rule establishing the revised 2024 cellulosic biofuel standard.⁵ By operation of law, the 2024 attest engagement deadline would also

be extended to the next June 1 annual attest engagement reporting deadline after the revised 2024 RFS compliance reporting deadline.⁶

To illustrate the potential timing of these deadlines, if the final rule establishing the revised 2024 cellulosic biofuel standard is published in the **Federal Register** on May 15, 2025, then the effective date of the action would typically be 60 days later on July 14, 2025, and the 2024 RFS compliance reporting deadline would be September 1, 2025, because that would be the next quarterly reporting deadline after the effective date of the revised 2024 cellulosic biofuel standard. The 2024 attest engagement reporting deadline would then be June 1, 2026, because that would be the next June 1 annual attest engagement reporting deadline after the revised 2024 RFS compliance reporting deadline.

This approach will provide regulatory certainty for obligated parties by providing them with sufficient time to carry out and adjust their compliance strategies once we finalize the revised 2024 cellulosic biofuel standard, thereby preventing unnecessary burden on obligated parties to prepare, submit, and then possibly retract and revise their 2024 RFS compliance reports. This approach is consistent with EPA’s prior rules extending RFS compliance reporting deadlines in different factual circumstances⁷ and with D.C. Circuit’s case law.⁸

Commenters expressed mixed opinions on the proposed extension of the 2024 RFS compliance reporting deadline. A number of commenters supported the extension, stating that it would provide obligated parties with certainty regarding their RIN obligations and sufficient time to comply with the

⁴ 89 FR 100442.

⁵ The quarterly reporting deadlines are March 31, June 1, September 1, and December 1. 40 CFR 80.1451(f)(2).

⁶ 40 CFR 80.1464(d)(1)(i).

⁷ 86 FR 17073 (April 1, 2021); 87 FR 5696 (February 2, 2022).

⁸ *Wynnewood Refining Co., LLC, et al. v. EPA*, 77 F.4th 767, 779 (D.C. Cir. 2023) (“Thus, rather than task EPA with overseeing a fixed compliance schedule, the Act gives EPA flexibility to craft and adjust a compliance regime in service of the Act’s core mandate: to ensure the Act’s annual renewable fuel volumes are met.”). See also *ACE*, 864 F.3d at 718–21; *Monroe Energy, LLC v. EPA*, 750 F.3d 909, 919–20 (D.C. Cir. 2014); *Nat’l Petrochemical & Refiners Ass’n v. EPA*, 630 F.3d 145, 154–58 (D.C. Cir. 2010).

revised 2024 cellulosic biofuel standard. These commenters also stated that this extension would avoid confusion regarding when RINs need to be retired and avoid duplicative compliance reporting. Finally, these commenters also requested that EPA finalize the compliance date extension as quickly as possible in a final rule separate from the proposed partial waiver of the 2024 cellulosic biofuel volume requirement. We thank these commenters for their support and are finalizing the proposed extension in a separate action ahead of the previous 2024 RFS compliance reporting deadline of March 31, 2025, as suggested by the commenters.

One of these commenters also suggested that EPA should extend the RFS compliance reporting deadline for 2024 specifically to occur either by the next quarterly reporting deadline after the revised 2024 cellulosic biofuel standard becomes effective or after the attest engagement reporting deadline for the prior year (*i.e.*, 2023), whichever is later. The commenter also suggested regulatory language to make this change. The commenter stated that this approach is needed to ensure that an obligated party does not unintentionally carry forward a compliance deficit for two consecutive years (*i.e.*, for 2022 and 2023). However, because the attest engagement reporting deadline for 2023 has already passed (June 1, 2024) and all obligated parties should already have completed their attest engagements, it is unclear to EPA why such regulatory language would be necessary for the 2024 compliance year or what it would accomplish in practice. Therefore, we are not adopting this approach in this action.

Other commenters stated that they did not necessarily oppose the proposed extension to provide obligated parties more time to ensure compliance, but only in the scenario where obligated parties are complying with the existing 2024 cellulosic biofuel volume requirement (*i.e.*, a scenario where EPA does not waive the existing 1.09 billion RIN cellulosic biofuel volume requirement for 2024). These commenters also stated that such an extension would allow EPA to get a full picture of cellulosic RIN availability for 2024, project any policy changes as a result of case law surrounding small refinery exemption (SRE) petitions, and give the incoming administration an opportunity to review the basis of the proposed partial waiver. We are not taking final action on the proposed partial waiver of the 2024 cellulosic biofuel volume requirement in this action and thus are not opining on whether obligated parties will have to

comply with the existing 2024 cellulosic biofuel standard.

Several commenters stated that an extension of the 2024 RFS compliance reporting deadline is unnecessary, but most provided no justification for their opposition other than stating that it was unnecessary. We disagree that the extension is unnecessary for the reasons described above.

One of these commenters suggested that obligated parties should be required to comply with the other RFS standards (*i.e.*, biomass-based diesel, advanced biofuel, and total renewable fuel) and then demonstrate compliance with just the cellulosic biofuel standard at a later date. The commenter suggested that such an approach could mimic the alternative RIN retirement schedule developed by EPA for small refineries to comply with their 2020 RVOs. We disagree that such an approach is appropriate or feasible for several reasons. First, given the nested nature of the RFS standards, it is not possible for obligated parties to comply with just their advanced biofuel and total renewable fuel obligations, as the cellulosic biofuel standard is nested within those standards. Such an approach would essentially require obligated parties to over-comply with their advanced biofuel and total renewable fuel obligations by retiring extra D4, D5, or D6 RINs that would otherwise be satisfied by the D3 RINs they retire to comply with their cellulosic biofuel obligations. Second, the small refinery alternative RIN retirement schedule was an optional program developed by EPA to address a very unique set of compliance challenges faced by small refineries at that specific time.⁹ Those challenges do not exist in this instance and such an approach would be unnecessarily difficult and cumbersome to implement when a simple extension of the 2024 RFS compliance reporting deadline would accomplish the same desired outcome by providing all obligated parties with additional time to comply with their 2024 RVOs and avoiding duplicative compliance reporting.

This commenter also stated that delaying the RFS compliance reporting deadline could result in obligated parties using exporter RVOs and remedial actions to reduce RIN supply, or obligated party abuse of EPA's waiver authority, SRE petitions, and existing RFS compliance flexibilities. However, it is unclear to EPA how a delay of the 2024 RFS compliance reporting deadline could result in any of the outcomes suggested by the commenter.

A delay of the 2024 RFS compliance reporting deadline will not impact renewable fuel production for the year in question, nor will it allow for additional renewable fuel to be exported retroactively; it will only delay when RINs generated for the year in question need to be retired by obligated parties. Independent of the RFS annual compliance reporting deadline regulations for obligated parties in 40 CFR 80.1451(f)(1)(i), exporters of renewable fuel are required to satisfy exporter RVOs within 30 days of exporting the renewable fuel under 40 CFR 80.1430(f). In other words, retirement of RINs for exporter RVOs are not tied to the 2024 RFS compliance reporting deadline.¹⁰ Obligated parties will need to retire the same number of RINs for 2024 compliance regardless of the date EPA sets for the RFS compliance reporting deadline. These comments are speculative and provide no basis for the assertions made.

Finally, one commenter proposed a completely different construct for the proposed extension of the 2024 RFS compliance reporting deadline, suggesting that EPA should extend the deadline to 12–16 months after EPA issues the decision for the last pending SRE petition under CAA section 211(o)(9) for 2023 and 2024, and not connect it, as proposed, to the date EPA takes final action on the proposed partial waiver of the 2024 cellulosic biofuel requirement. This commenter also stated that such an extension should apply to all obligated parties, not just small refineries, and asserted that because the proposed rule did not resolve certain unique issues regarding outstanding SRE petitions (*i.e.*, small refineries knowing the decisions regarding their pending petitions and having sufficient time to develop a compliance strategy in the case of a denied petition), EPA did not fully consider the economic impact of the proposed extension on small entities under the Regulatory Flexibility Act.

These comments are beyond the scope of this action. EPA's decisions on pending SRE petitions are not relevant to the proposed extension of the 2024 RFS compliance reporting deadline, which was based on EPA's proposed partial waiver of the 2024 cellulosic biofuel requirement. If EPA's actions on those pending SRE petitions have their own effect on the 2024 or other year's RFS

¹⁰Note that exporters of renewable fuel must still submit annual compliance reports in accordance with the annual compliance reporting deadlines at 40 CFR 80.1451. While these reports summarize the exporter's annual exporting activity, the reports do not affect the timing of RIN retirements associated with exported renewable fuel.

⁹87 FR 54160–61 (September 2, 2022).

compliance reporting deadlines, EPA will address that effect in any actions taken pursuant to CAA section 211(o)(9), not in this action. Moreover, even if this comment were not beyond the scope of the action, this commenter’s suggested approach is unworkable given the language of CAA section 211(o)(9)(B)(i) that allows qualifying small refineries to petition for exemptions from their RFS compliance obligations “at any time,” meaning the date that the last pending SRE petition for 2023 and 2024 are resolved, including the inevitable court challenges, may be years in the future.

The bottom line is that, absent this EPA action to extend the 2024 RFS compliance reporting deadline, all obligated parties—including small refineries—would be required to comply with their 2024 RVOs by March 31, 2025, regardless of any pending SRE petitions. Thus, the extension of the 2024 RFS compliance reporting deadline finalized in this action will provide all obligated parties—including small refineries—with more time to develop their compliance strategies than they would otherwise be afforded.

II. Other RFS Amendments

In addition to extending the 2024 RFS compliance reporting deadline, we are also making several revisions to the RFS program, as further discussed in this section.

A. Annual Attest Engagement Deadline Consolidation

We are consolidating and simplifying the existing provisions for the RFS program’s annual attest engagement deadline. Specifically, we are specifying that the deadline is always the next June 1 annual attest engagement reporting deadline after the annual compliance reporting deadline. The previous language at 40 CFR 80.1464(d)(1) contained redundant and year-specific attest engagement deadline language that, taken together, resulted in the same June 1 deadline for any given compliance year, making the previous regulatory structure unnecessarily complicated. The simplified attest engagement deadline language does not change the deadline for any compliance year and makes it easier for obligated parties to understand when their annual attest engagement reports are due by removing redundant and sunsetted text from the RFS regulations. We received one comment in support of consolidating and simplifying the existing provisions for the annual attest engagement deadline and no adverse comments. As such, we are finalizing the provisions as proposed.

B. Updated Standard Specification for Biodiesel

We are updating the reference in 40 CFR part 80 to ASTM D6751–20a—which is used in the definition of biodiesel in 40 CFR 80.2—to reference

the most recent industry standard of ASTM D6751–24. ASTM D6751 is used to define the quality of biodiesel that may participate in the RFS program, and we periodically update industry standards codified in our regulations to be consistent with changes to these standards over time. However, after EPA last updated the reference to ASTM D6751 in 40 CFR part 80,¹¹ industry has updated ASTM D6751 in a way that has resulted in inconsistency of quality standards between the version that was specified in the RFS regulations (ASTM D6751–20a) and the most recent version (ASTM D6751–24), which many states use. To address potential confusion on the part of stakeholders with regards to acceptable biodiesel quality under the RFS program, we are updating the regulations to reference the most recent version of ASTM D6751. We received several comments that all supported updating the reference to ASTM D6751–24 and are therefore finalizing this update as proposed.

C. Technical Corrections

We are making several technical amendments to 40 CFR part 80. These amendments are being made to correct minor inaccuracies and clarify the current regulations. These changes are described in table II.C–1. We received one comment in support of these revisions and are therefore finalizing these technical corrections and clarifications as proposed.

TABLE II.C–1—MISCELLANEOUS TECHNICAL CORRECTIONS AND CLARIFICATIONS

Part and section of title 40	Description of revision
§ 80.2	Correcting a typo in the definition of “Glycerin”.
§ 80.2	Replacing a cross-reference to a deleted provision in the definition of “Locomotive engine”.
§§ 80.105(j)(3) and 80.110(j)(3)	Clarifying that batch numbers are numbered based on the compliance year of the batch, rather than the calendar year.
§ 80.1440(f)(1)	Removing cross-references to deleted provisions.

III. Statutory and Executive Order Reviews

Additional information about these statutes and Executive orders can be found at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review

This action is not a significant regulatory action as defined in Executive Order 12866 and was therefore not subject to a requirement for Executive Order 12866 review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action alleviates regulatory burden as described in Executive Order 14192.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. OMB has previously approved the information collection activities related to this proposed rule and has assigned the following OMB control numbers 2060–0725, 2060–0740, and 2060–0749. This action extends the 2024 RFS compliance reporting deadline and

would not impose new or different reporting requirements on regulated parties than already exist for the RFS program.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, EPA concludes that the impact of concern for this rule is any significant adverse economic impact on small entities and that the agency is certifying that this rule will not have a significant economic impact on a substantial number of small entities

¹¹ 88 FR 44468 (July 12, 2023).

because the rule relieves regulatory burden on the small entities subject to the rule.

This action extends the 2024 RFS compliance reporting deadline and makes minor corrections and modifications to the RFS regulations. As such, we do not anticipate that there will be any significant adverse economic impact on directly regulated small entities as a result of these revisions.

The small entities directly regulated by the RFS program are small refiners, which are defined at 13 CFR 121.201. This action would decrease burden via an extension of the 2024 RFS compliance reporting deadline. We have therefore concluded that this action will relieve 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. Requirements for the private sector do not exceed \$100 million in any one year.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have Tribal implications as specified in Executive Order 13175. This action will be implemented at the Federal level and affects transportation fuel refiners, blenders, marketers, distributors, importers, exporters, and renewable fuel producers and importers. Tribal governments would be affected only to the extent they produce, purchase, and use regulated fuels. Thus, Executive Order 13175 does not apply to this action.

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

EPA interprets Executive Order 13045 as applying only to those regulatory actions 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 the Executive order. Therefore, this action is not subject to Executive Order 13045 because it extends the 2024 RFS compliance reporting deadline and does not concern an environmental health risk or safety risk. Since this action does not concern human health, EPA’s Policy on Children’s Health also does not apply.

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

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51

This action involves technical standards. In accordance with the requirements of 1 CFR 51.5, we are incorporating by reference the following standard from ASTM International (ASTM):

TABLE III.J–1—STANDARD TO BE INCORPORATED BY REFERENCE

Standard	Part and section of title 40	Summary
ASTM D6751–24, Standard Specification for Biodiesel Fuel Blendstock (B100) for Middle Distillate Fuels, approved March 1, 2024.	§§ 80.2 and 80.12	This updated standard describes the characteristics of biodiesel.

A detailed discussion of this standard can be found in section II.B. Copies of this standard may be obtained from ASTM International, 100 Barr Harbor Dr., P.O. Box C700, West Conshohocken, PA 19428–2959, by calling (877) 909–ASTM, or at <https://www.astm.org>.

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).

IV. Statutory Authority

Statutory authority for this action comes from sections 114, 203–05, 208, 211, and 301 of the CAA, 42 U.S.C. 7414, 7522–24, 7542, 7545, and 7601.

List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedure,

Air pollution control, Diesel fuel, Fuel additives, Gasoline, Imports, Incorporation by reference, Oil imports, Petroleum, Renewable fuel.

Lee Zeldin,
Administrator.

For the reasons set forth in the preamble, EPA amends 40 CFR part 80 as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

■ 1. The authority citation for part 80 continues to read as follows:

Authority: 42 U.S.C. 7414, 7521, 7542, 7545, and 7601(a).

Subpart A—General Provisions

■ 2. Amend § 80.2 by revising the definitions “Glycerin” and “Locomotive engine” to read as follows:

§ 80.2 Definitions.

* * * * *

Glycerin means a co-product from the production of biodiesel that primarily contains glycerol.

* * * * *

Locomotive engine means an engine used in a locomotive as defined under 40 CFR 1033.901.

* * * * *

■ 3. Amend § 80.12 by revising paragraphs (b)(1) and (c)(12) to read as follows:

§ 80.12 Incorporation by reference.

* * * * *

(b) * * *

(1) SM 2540, Solids, revised June 10, 2020; IBR approved for § 80.155(c).

* * * * *

(c) * * *

(12) ASTM D6751–24, Standard Specification for Biodiesel Fuel Blendstock (B100) for Middle Distillate

Fuels, approved March 1, 2024 (“ASTM D6751”); IBR approved for § 80.2.

* * * * *

Subpart E—Biogas-Derived Renewable Fuel

■ 4. Amend § 80.105 by revising paragraph (j)(3) to read as follows:

§ 80.105 Biogas producers.

* * * * *

(j) * * *

(3) The biogas producer must assign a number (the “batch number”) to each batch of biogas consisting of their EPA-issued company registration number, the EPA-issued facility registration number, the last two digits of the compliance year in which the batch was produced, and a unique number for the batch, beginning with the number one for the first batch produced each compliance year and each subsequent batch during the compliance year being assigned the next sequential number (e.g., 4321–54321–23–000001, 4321–54321–23–000002, etc.).

* * * * *

■ 5. Amend § 80.110 by revising paragraph (j)(3) to read as follows:

§ 80.110 RNG producers, RNG importers, and biogas closed distribution system RIN generators.

* * * * *

(j) * * *

(3) The RNG producer, RNG importer, or biogas closed distribution system RIN generator must assign a number (the “batch number”) to each batch of RNG or biogas-derived renewable fuel consisting of their EPA-issued company registration number, the EPA-issued facility registration number, the last two digits of the compliance year in which the batch was produced, and a unique number for the batch, beginning with the number one for the first batch produced each compliance year and each subsequent batch during the compliance year being assigned the next sequential number (e.g., 4321–54321–23–000001, 4321–54321–23–000002, etc.).

* * * * *

Subpart M—Renewable Fuel Standard

■ 6. Amend § 80.1440 by revising paragraph (f)(1) to read as follows:

§ 80.1440 What are the provisions for blenders who handle and blend less than 250,000 gallons of renewable fuel per year or who handle renewable fuel blended for fuels under a national security exemption?

* * * * *

(f) * * *

(1) Tactical military vehicles, engines, or equipment having an EPA national security exemption from emission standards under 40 CFR 85.1708, 1042.635, or 1068.225.

* * * * *

■ 7. Amend § 80.1451 by adding paragraph (f)(1)(i)(B)(5) to read as follows:

§ 80.1451 What are the reporting requirements under the RFS program?

* * * * *

(f) * * *

(1) * * *

(i) * * *

(B) * * *

(5) For the 2024 compliance year, annual compliance reports must be submitted by the next quarterly reporting deadline under paragraph (f)(2) of this section after the date the revised 2024 cellulosic biofuel standard becomes effective in § 80.1405(a).

* * * * *

■ 8. Amend § 80.1464 by revising paragraph (d)(1) to read as follows:

§ 80.1464 What are the attest engagement requirements under the RFS program?

* * * * *

(d) * * *

(1) *Obligated parties.* Obligated parties must submit annual attest engagement reports to EPA by the next June 1 annual attest engagement reporting deadline after the annual compliance reporting deadline under § 80.1451(f)(1)(i).

* * * * *

[FR Doc. 2025–03976 Filed 3–13–25; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register

Vol. 90, No. 49

Friday, March 14, 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.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 303, 308, 337, and 364

RIN 3064–AF99, 3064–AF94, and 3064–AG04

Unsafe and Unsound Banking Practices: Brokered Deposits Restrictions; Guidelines Establishing Standards for Corporate Governance and Risk Management for Covered Institutions With Total Consolidated Assets of \$10 Billion or More; Regulations Implementing the Change in Bank Control Act; Withdrawal

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is withdrawing notices of proposed rulemaking relating to brokered deposit restrictions, corporate governance and risk management, and the Change in Bank Control Act. If the FDIC decides to pursue future regulatory action in any of these areas, it will issue a new proposed rule.

DATES: The FDIC is withdrawing the proposed rules published at 89 FR 68244 (August 23, 2024), 88 FR 70391 (October 11, 2023), and 89 FR 67002 (August 19, 2024) as of March 14, 2025.

FOR FURTHER INFORMATION CONTACT: *Brokered Deposits:* Vivek Khare, Senior Counsel, 202–898–6847, (vkhare@fdic.gov); *Corporate Governance:* Annmarie Boyd, Assistant General Counsel, 202–898–3714, (aboyd@fdic.gov); *Change in Bank Control:* Annmarie Boyd, Assistant General Counsel, 202–898–3714, (aboyd@fdic.gov).

SUPPLEMENTARY INFORMATION:

Background

The FDIC is withdrawing the notices of proposed rulemaking described below. The FDIC no longer intends to issue final rules with respect to these proposals. If the FDIC decides to pursue

future regulatory action in any of these areas, it will issue a new proposed rule.

Brokered Deposits Proposal

On August 23, 2024, the FDIC published a proposed rule that would have significantly revised its regulations related to brokered deposits.¹ Revamping the brokered deposit rule would be a major undertaking that would significantly disrupt many aspects of the deposit landscape. Among other issues, the proposal would have adopted a narrow interpretation of the primary purpose exception inconsistent with the plain meaning of the law, and a broad, sweeping provision related to fees and remuneration. More generally, the proposal failed to account for the myriads of ways in which deposit arrangements have evolved over the years.

Corporate Governance Proposal

On October 11, 2023, the FDIC published a proposed rule that would have established new, enforceable safety and soundness standards related to corporate governance for FDIC-supervised institutions with \$10 billion or more in total consolidated assets.² Although the FDIC recognizes that sound corporate governance and appropriate controls are important for banks of all sizes, the proposed rule would have created a number of overly prescriptive and process-oriented expectations rather than focusing on core safety and soundness risks. In addition, the proposed rule would have conflated the roles of management and the board of directors, created unworkable expectations, and, in certain areas, would have conflicted with applicable state law.

Change in Bank Control Act Proposal

On August 19, 2024, the FDIC published a proposed rule that would have amended its regulations implementing the Change in Bank Control Act by removing an exemption from the requirement to submit a notice to the FDIC for an acquisition of voting securities of a depository institution holding company for which the Federal Reserve reviews a Change in Bank Control Act notice.³ Removing this exemption would have required a wide

range of bank investors to file duplicative notices with both the FDIC and the Federal Reserve System and could have discouraged capital investments in FDIC-supervised banks.

Withdrawal of Proposed Rules

The FDIC is withdrawing these notices of proposed rulemaking because, as noted above, it no longer intends to issue final rules with respect to these proposals. If the FDIC decides to pursue future regulatory action in any of these areas, it will do so by publishing a new proposed rule or other issuance consistent with the requirements of the Administrative Procedure Act, as applicable.

Federal Deposit Insurance Corporation.

By order of the Board of Directors.

Dated at Washington, DC, on March 3, 2025.

Jennifer M. Jones,

Deputy Executive Secretary.

[FR Doc. 2025–04088 Filed 3–13–25; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0338; Project Identifier AD–2024–00641–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 787–8, 787–9, and 787–10 airplanes. This proposed AD was prompted by reports of multiple nonconformances, including excessive gaps and pull-up, found during the assembly and installation of the forward pressure bulkhead. This proposed AD would require an internal and external detailed inspection (DET) of the forward pressure bulkhead (FPB) for any damage and performing applicable on-condition actions. The FAA is proposing this AD to address the unsafe condition on these products.

¹ See 89 FR 68244 (Aug. 23, 2024).

² See 89 FR 88 FR 70391 (October 11, 2023).

³ See 89 FR 67002 (Aug. 19, 2024).

DATES: The FAA must receive comments on this proposed AD by April 28, 2025.

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-2025-0338; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Boeing material identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600; telephone 562-797-1717; website *myboeingfleet.com*.

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at *regulations.gov* under Docket No. FAA-2025-0338.

FOR FURTHER INFORMATION CONTACT: Joseph Hodgin, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3962; email: *joseph.j.hodgin@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 to an address listed

under the **ADDRESSES** section. Include “Docket No. FAA-2025-0338; Project Identifier AD-2024-00641-T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Joseph Hodgin, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3962; email: *joseph.j.hodgin@faa.gov*. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received reports indicating multiple nonconformances, including excessive gaps and pull-up, were found during the assembly and installation of the FPB. These

conditions are caused by insufficient clamp-up and nonconformance to the manufacturing process requirements. Existing gaps were found between the Y-chords and attach angles common to fastener joints, which allow foreign object debris (FOD) to become trapped between the parts, and burrs to be present around the holes after drilling. This condition, if not addressed, could result in undetected fatigue cracks that can grow to weaken the primary structure where it cannot sustain limit load, which could adversely affect the structural integrity of the airplane.

FAA’s Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin B787-81205-SB530093-00 RB, Issue 001, dated October 5, 2024. This material specifies procedures for an internal DET of the FPB attach angle and splice chords as well as an external DET of the FPB dome web and Y-chord for any damage and applicable on-condition actions including repair. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the material already described, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this material at *regulations.gov* under Docket No. FAA-2025-0338.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 135 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections	10 work-hours × \$85 per hour = \$850	\$0	\$850	\$114,750

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

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator,

the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2025–0338; Project Identifier AD–2024–00641–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 28, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–8, 787–9, and 787–10 airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin B787–81205–SB530093–00 RB, Issue 001, dated October 5, 2024.

(d) Subject

Air Transport Association (ATA) of America Code 41, Fuselage.

(e) Unsafe Condition

This AD was prompted by reports of multiple nonconformances, including excessive gaps and pull-up, found during the assembly and installation of the forward pressure bulkhead. The FAA is issuing this AD to address fatigue cracks that develop prior to baseline structural inspection thresholds. The unsafe condition, if not addressed, could result in undetected fatigue cracks that can grow to weaken the primary structure where it cannot sustain limit load, which could adversely affect the structural integrity of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the "Compliance" paragraph of Boeing Alert Requirements Bulletin B787–81205–SB530093–00 RB, Issue 001, dated October 5, 2024, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin B787–81205–SB530093–00 RB, Issue 001, dated October 5, 2024.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin B787–81205–SB530093–00, Issue 001, dated October 5, 2024, which is referred to in Boeing Alert Requirements Bulletin

B787–81205–SB530093–00 RB, Issue 001, dated October 5, 2024.

(h) Exceptions to Requirements Bulletin Specifications

(1) Where the Compliance Time columns of the tables in the "Compliance" paragraph of Boeing Alert Requirements Bulletin B787–81205–SB530093–00 RB, Issue 001, dated October 5, 2024, refer to the Issue 001 date of Requirements Bulletin B787–81205–SB530093–00 RB, this AD requires using the effective date of this AD.

(2) Where Boeing Alert Requirements Bulletin B787–81205–SB530093–00 RB, Issue 001, dated October 5, 2024, specifies contacting Boeing for repair instructions, this AD requires doing the repair using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR–520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: AMOC@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

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

(j) Related Information

(1) For more information about this AD, contact Joseph Hodgkin, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3962; email: joseph.j.hodgin@faa.gov.

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

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin B787–81205–SB530093–00 RB, Issue 001, dated October 5, 2024.

(ii) [Reserved]

(3) For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website myboeingfleet.com.

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

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

Issued on March 10, 2025.

John P. Piccola, Jr.,

Director, Integrated Certificate Management Division, Aircraft Certification Service.

[FR Doc. 2025–04089 Filed 3–13–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. FDA–2025–C–0380]

Impossible Foods, Inc.; Filing of Color Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of petition.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that we have filed a petition, submitted by Impossible Foods, Inc., proposing that the color additive regulations be amended to expand the safe use of soy leghemoglobin as a color additive to include use in plant-based meat, poultry, and fish analogue products (ground and whole cut).

DATES: The color additive petition was filed on March 7, 2025.

ADDRESSES: For access to the docket to read background documents or 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.

FOR FURTHER INFORMATION CONTACT: Ellen Anderson, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–1309.

SUPPLEMENTARY INFORMATION: Under section 721(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379e(d)(1)), we are giving notice that we have filed a color additive petition (CAP 5C0336), submitted on behalf of Impossible Foods, Inc. by Exponent, 1150 Connecticut Ave. NW, Suite 1100, Washington, DC 20036. The petition proposes to amend the color additive regulations in 21 CFR 73.520, “Soy leghemoglobin,” to expand the safe use of soy leghemoglobin to include use in plant-based meat, poultry, and fish analogue products (ground and whole cut).

The petitioner has claimed that this action is categorically excluded under 21 CFR 25.32(k) because the substance is intended to remain in food through ingestion by consumers and is not intended to replace macronutrients in food. In addition, the petitioner has stated that, to their knowledge, no extraordinary circumstances exist (see 21 CFR 25.21). If FDA determines a categorical exclusion applies, neither an environmental assessment nor an environmental impact statement is required. If FDA determines a categorical exclusion does not apply, we will request an environmental assessment and make it available for public inspection.

Dated: March 7, 2025.

P. Ritu Nalubola,

Associate Commissioner for Policy.

[FR Doc. 2025–04034 Filed 3–13–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–1098]

RIN 1625–AA87

Security Zones; Tampa Bay; Big Bend, Boca Grande, Crystal River, East Bay, Hillsborough Bay, MacDill Air Force Base, Manbirtee Key, Old Port Tampa, Port Manatee, Port Tampa, Port St. Petersburg, Port Sutton, Rattlesnake, and Weedon Island, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to disestablish the existing security zone for Rattlesnake, Tampa, FL in old Tampa Bay, including on land portions of the Chemical Formulators Chlorine Facility. Since the implementation of

the regulation, the facility has permanently ceased operations making the provisions of the security zone no longer applicable. This proposed action would remove existing regulations that restrict vessel movement through the area. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before April 14, 2025.

ADDRESSES: You may submit comments identified by docket number USCG–2024–1098 using the Federal Decision-Making Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the

SUPPLEMENTARY INFORMATION section for further instructions on submitting comments. This notice of proposed rulemaking with its plain-language, 100-word-or-less proposed rule summary will be available in this same docket.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Lieutenant Ryan McNaughton, Sector St. Petersburg, Ports & Waterways Branch Chief, U.S. Coast Guard; telephone (813) 228–2191 ext. 8142, email Ryan.A.McNaughton@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector St. Petersburg
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

In February 2024, the Coast Guard was notified that Chemical Formulators Chlorine Facility was no longer in operation. The purpose of this rulemaking is to disestablish a security zone described in 33 CFR 165.703(a)(1)(i); in certain waters of Old Tampa Bay, Tampa, FL. With the closure of Chemical Formulators Chlorine facility, the security zone is no longer necessary. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034.

III. Discussion of Proposed Rule

The Coast Guard is proposing to disestablish the security zone for facilities and structures; Rattlesnake, Tampa, FL in § 165.703(a)(1)(i). The regulation places unnecessary restrictions on vessel movement in Old Tampa Bay. The regulatory text we are

proposing appears at the end of this document.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This NPRM has not been designated a “significant regulatory action,” under section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the need to align the regulations with the current arrangements of the port as the waterfront facility safety zone is no longer required.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rulemaking would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for

compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132 (Federalism), if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have Tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the potential effects of this proposed rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning

COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves disestablishing a security zone. Normally such actions are categorically excluded from further review under paragraph L60(b) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the Federal Decision-Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2024–1098 in the search box and click “Search.” Next, look for this document in the “Search Results” column, and click on it. Then click on the “Comment” option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. Also, if you click on the Dockets tab and then the proposed rule, you should see a “Subscribe” option for email alerts. The option will notify you when comments are posted, or a final rule is published.

We review all comments received, but we will only post comments that address the topic of the proposed rule.

We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

■ 2. Revise § 165.703 to read as follows:

§ 165.703 Security Zones; Tampa Bay: Big Bend, Boca Grande, Crystal River, East Bay, Hillsborough Bay, MacDill Air Force Base, Manbirtee Key, Old Port Tampa, Port Manatee, Port Tampa, Port St. Petersburg, Port Sutton, Rattlesnake, and Weedon Island, FL.

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

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

(ii) *Sunshine Skyway Bridge, FL.* All waters in Tampa Bay, from surface to bottom, in Cut "A" channel beneath the bridge's main span encompassed within the following points: 27°37.30' N, 082°39.38' W; 27°37.13' N, 082°39.26' W; and the bridge structure columns, base and dolphins. This zone is specific to the bridge structure and dolphins and does not include waters adjacent to the bridge columns or dolphins outside of the bridge's main span. Any vessel may transit through this zone but, may not

loiter, anchor, or conduct operations, including dredging, dive operation, surveying, or maintenance, unless otherwise directed by the Captain of the Port. Anyone wanting to conduct these operations must submit a request via email to WWTampa@uscg.mil or contact the Sector Command Center after hours at 727.824.7506.

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

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

(v) *Piers, seawalls, and facilities, Port of Tampa and Port Sutton, Tampa, FL.* All waters, from surface to bottom, extending 50 yards from the shore, seawall, and piers around facilities in Port Sutton within the Port of Tampa encompassed by a line connecting the following points: 27°54.15' N, 082°26.06' W; thence to; 27°54.46' N, 082°25.71' W; closing off all Port Sutton Channel.

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

27°56.58' N, 082°26.69' W; thence to 27°56.53' N, 082°26.90' W.

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

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

(ix) *Crystal River Demory Gap Channel.* All waters, from surface to bottom, in the Demory Gap Channel in Crystal River, Florida, encompassed by the following points: 28°57.61' N, 082°43.42' W thence to; 28°57.55' N, 082°41.88' W thence to; 28°57.58' N, 082°43.42' W thence to; 28°57.51' N, 082°41.88' W.

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

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

the shore to; 27°51.54' N, 082°35.78' W; thence to 27°51.89' N, 082°35.82' W; thence to 27°51.89' N, 082°36.14' W, closing off the entrance to both canals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Cruise Ship means the same as defined 33 CFR 101.105.

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

Especially hazardous cargo means anhydrous ammonia, ammonium nitrate, chlorine, liquefied natural gas, liquefied petroleum gas, and any other substance, material, or group or class in a particular amount and form that the Secretary determines by regulation poses a significant risk of creating a transportation security incident while being transported in maritime commerce.

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

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

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

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

(4) *Enforcement*. Under § 165.33, no person may authorize the operation of a

vessel in the security zones contrary to the provisions of this section.

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

Dated: March 7, 2025.

Michael P. Kahle,

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

[FR Doc. 2025–04096 Filed 3–13–25; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[GN Docket No. 20–32; DA 25–172; FRS 283429]

Petitions for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petitions for reconsideration.

SUMMARY: Petitions for Reconsideration (Petitions) have been filed in the Commission’s rulemaking proceeding by David A. LaFuria, on behalf of Coalition of Rural Wireless Carriers and by Carri Bennet, on behalf of the Rural Wireless Association, Inc.

DATES: Oppositions to a petition must be filed on or before March 31, 2025. Replies to an Opposition must be filed on or before April 8, 2025.

ADDRESSES: Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Valerie M. Barrish, Auctions Division, Office of Economics and Analytics, (202) 418–0660 or Valerie.Barrish@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission’s document, DA 25–172, released February 26, 2025. The full text of the Petitions can be accessed online via the Commission’s Electronic Comment Filing System at: <http://apps.fcc.gov/ecfs/>. The Commission will not send a Congressional Review Act (CRA) submission to Congress or the Government Accountability Office pursuant to the CRA, 5 U.S.C. 801(a)(1)(A), because no rules are being adopted by the Commission.

Subject: In the Matter of Establishing a 5G Fund for Rural America, *Second Report and Order, Order on Reconsideration*, FCC 20–150, published at 89 FR 101358, December

13, 2024, in GN Docket No. 20–32. This document is being published pursuant to 47 CFR 1.429(e). *See also* 47 CFR 1.4(b)(1) and 1.429(f), (g).

Subject: Part 54—Universal Service. Number of Petitions Filed: 2.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2025–03750 Filed 3–13–25; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 90, No. 49

Friday, March 14, 2025

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

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-14-2025]

Foreign-Trade Zone (FTZ) 89, Notification of Proposed Production Activity; GPI Beauty, Inc.; (Plastic Tube Sleeves); Las Vegas, Nevada

The **Federal Register** notice published on March 10, 2025 (90 FR 11600) regarding the notification of proposed production activity for GPI Beauty, Inc., located in Las Vegas, Nevada, is corrected as follows:

In the title and first sentence of the notice, the city name should read “Las Vegas.”

For further information, contact Christopher Wedderburn at Chris.Wedderburn@trade.gov.

Dated: March 10, 2025.

Elizabeth Whiteman,
Executive Secretary.

[FR Doc. 2025-04091 Filed 3-13-25; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket No. 250311-0033]

XRIN: 0694-XC115

Certification of Systems for Processing and Collecting Tariffs on Steel and Aluminum Articles Pursuant to the President’s February 10, 2025 Proclamations

AGENCY: Bureau of Industry and Security, Department of Commerce.

ACTION: Notice.

SUMMARY: On February 10, 2025, the President issued Proclamations 10895 “Adjusting Imports of Aluminum into The United States” (Aluminum Proclamation), and 10896 “Adjusting Imports of Steel into the United States”

(Steel Proclamation), imposing specified rates of duty on imports of aluminum and steel, respectively (collectively, the Proclamations). The Proclamations also required the Secretary of Commerce to certify that adequate systems are in place to fully, efficiently, and expeditiously process and collect tariff revenue for covered articles. This notice certifies that adequate systems are in place to fully, efficiently, and expeditiously process and collect tariff revenue for covered articles for both steel and aluminum.

SUPPLEMENTARY INFORMATION:

Background

On February 10, 2025, the President issued Proclamation 10895, “Adjusting Imports of Aluminum into the United States” (90 FR 9087) (Aluminum Proclamation). Clause (9) of the Aluminum Proclamation requires that I, as Secretary of the United States Department of Commerce, certify that adequate systems are in place to fully, efficiently, and expeditiously process and collect tariff revenue for covered aluminum articles outside of Chapter 76 of the Harmonized Tariff Schedule of the United States (HTS). I so certify for all aluminum articles and derivative aluminum articles in Annex 1 to Proclamation 10895 that are outside of Chapter 76 of the HTS.

On February 10, 2025, the President issued the Proclamation 10896, “Adjusting the Imports of Steel into the United States” (90 FR 9817) (Steel Proclamation). Clause (8) of the Steel Proclamation requires that I, as Secretary of the United States Department of Commerce, certify that adequate systems are in place to fully, efficiently, and expeditiously process and collect tariff revenue for covered steel articles. I so certify for all steel articles and derivative steel articles in Annex 1 to Proclamation 10896.

Howard W. Lutnick,

Secretary of the United States Department of Commerce.

[FR Doc. 2025-04210 Filed 3-11-25; 4:45 pm]

BILLING CODE 3510-33-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-183]

Thermoformed Molded Fiber Products From the People’s Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of thermoformed molded fiber products (molded fiber products) from the People’s Republic of China (China). The period of investigation is January 1, 2023, through December 31, 2023. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable March 14, 2025.

FOR FURTHER INFORMATION CONTACT: Allison Hollander or Ashley Cossaart, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2805 or (202) 482-0462, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is issued in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). On November 4, 2024, Commerce published the notice of initiation of this countervailing duty (CVD) investigation.¹ On December 19, 2024, Commerce postponed the

¹ See *Thermoformed Molded Fiber Products from the People’s Republic of China and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations*, 89 FR 87556 (November 4, 2024) (*Initiation Notice*); and *Thermoformed Molded Fiber Products from the People’s Republic of China and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations; Correction*, 89 FR 91321 (November 19, 2024) (correcting a typographical error in the Harmonized Tariff Schedule of the United States subheadings listed in the scope).

deadline for this preliminary determination until March 7, 2025.²

For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.³ A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Investigation

The products covered by this investigation are molded fiber products from China. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

In accordance with the *Preamble* to Commerce's regulations,⁴ the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope).⁵ Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice*. Commerce intends to issue its preliminary decision regarding comments concerning the scope of the less-than-fair-value (LTFV) and CVD investigations in the preliminary determination of the companion LTFV investigations. We will incorporate the scope decisions from the LTFV investigations into the scope of the final CVD determination for this investigation after considering any relevant comments submitted in scope case and rebuttal briefs.⁶

² See *Thermoformed Molded Fiber Products from the People's Republic of China and the Socialist Republic of Vietnam: Postponement of Preliminary Determination in the Countervailing Duty Investigations*, 89 FR 103778 (December 19, 2024).

³ See Memorandum, "Decision Memorandum for the Preliminary Affirmative Determination of the Countervailing Duty Investigation of Thermoformed Molded Fiber Products from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁴ See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

⁵ See *Initiation Notice*, 89 FR at 65852.

⁶ The deadline for interested parties to submit scope case and rebuttal briefs will be established in the preliminary scope decision memorandum.

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.*, a financial contribution by an "authority" that gives rise to a benefit to the recipient, and that the subsidy is specific.⁷ For a full description of the methodology underlying our preliminary determination, see the Preliminary Decision Memorandum.

Commerce notes that, in making these findings, it relied, in part, on facts available and, because it finds that one or more respondents did not act to the best of their ability to respond to Commerce's requests for information, it drew an adverse inference where appropriate in selecting from among the facts otherwise available.⁸ For further information, see the "Use of Facts Otherwise Available and Adverse Inferences" section in the Preliminary Decision Memorandum.

Alignment

In accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), Commerce is aligning the final countervailing duty (CVD) determination in this investigation with the final determination in the companion LTFV investigation of molded fiber products from China based on a request made by the petitioners.⁹ Consequently, the final CVD determination will be issued on the same date as the final LTFV determination, which is currently scheduled to be issued no later than July 21, 2025, unless postponed.

Rate for Non-Responsive Companies

One potential exporter and/or producer of molded fiber products from China did not respond to Commerce's quantity and value (Q&V) questionnaire (*i.e.*, the non-responsive company).¹⁰ We find that, by not responding to the Q&V questionnaire, this company withheld requested information and

⁷ See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

⁸ See sections 776(a) and (b) of the Act.

⁹ The petitioners are: Genera, Tellus Products, LLC, and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO. See Petitioners' Letter, "Petitioners' Request for Alignment of the Countervailing Duty Investigations with the Concurrent Antidumping Duty Investigations," dated February 24, 2025.

¹⁰ The non-responsive company is Shaoneng Group Guangdong Luzhou Paper Mould Packing Products Co., Ltd.

significantly impeded this proceeding. Thus, in reaching our preliminary determination, pursuant to sections 776(a)(2)(A) and (C) of the Act, we are basing the CVD subsidy rate for the non-responsive company on facts otherwise available.

We further preliminarily determine that an adverse inference is warranted, pursuant to section 776(b) of the Act. By failing to submit a response to Commerce's Q&V questionnaire, the non-responsive company did not cooperate to the best of their ability in this investigation. For more information on the application of AFA to the non-responsive company, see "Use of Facts Otherwise Available and Adverse Inferences" in the Preliminary Decision Memorandum.

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act.

In this investigation, Commerce preliminarily calculated individual estimated countervailable subsidy rates for Guangxi Firstpak Environmental Technology Co., Ltd. (Firstpak) and Zhejiang Zhongxin Environmental Protection Technology Group Co., Ltd. (Zhejiang Zhongxin) that are not zero, *de minimis*, or based entirely on the facts otherwise available. Commerce calculated the all-others rate using a weighted-average of the individual estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged values for the merchandise under consideration.¹¹

¹¹ With two respondents under examination, Commerce normally calculates: (A) a weighted-average of the estimated subsidy rates calculated for the examined respondents; (B) a simple average of the estimated subsidy rates calculated for the examined respondents; and (C) a weighted-average of the estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged U.S. sale values for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. See, *e.g.*, *Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part*, 75 FR 53661, 53662 (September 1, 2010), and accompanying Issues and Decision Memorandum at Comment 1. As complete publicly ranged sales data were available, Commerce based the all-others rate on the publicly

Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent <i>ad valorem</i>)
Guangxi Firstpak Environmental Technology Co., Ltd	6.99
Zhejiang Zhongxin Environmental Protection Technology Group Co., Ltd ¹² ...	5.99
Shaoneng Group Guangdong Luzhou Paper Mould Packing Products Co., Ltd	* 153.25
All Others	6.38

*Rate is based on facts available with adverse inferences.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

Suspension of Liquidation

In accordance with sections 703(d)(1)(B) and (d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), Commerce will instruct CBP

to require a cash deposit equal to the rates indicated above.

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

All interested parties will have the opportunity to submit scope case and rebuttal briefs on the preliminary decision regarding the scope of the LTFV and CVD investigations. The deadlines to submit scope case and rebuttal briefs will be provided in the preliminary scope decision memorandum. For all scope case and rebuttal briefs, parties must file identical documents simultaneously on the records of the ongoing LTFV and CVD molded fiber products investigations. No new factual information or business proprietary information may be included in either scope case or rebuttal briefs.

Case briefs or other written comments, excluding scope comments, may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.¹³ Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹⁴

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this investigation, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹⁵ Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries

included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹⁶

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce via ACCESS within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

U.S. International Trade Commission Notification

In accordance with section 703(f) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of molded fiber products from China are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 703(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: March 7, 2025.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise subject to this investigation consists of thermoformed molded fiber products regardless of shape, form, function, fiber source, or finish. Thermoformed molded fiber products are formed with cellulose fibers, thermoformed

¹⁶ See *APO and Service Final Rule*.

range sales data of the mandatory respondents. For a complete analysis of the data, see Memorandum, "Calculation of Subsidy Rate for All Others," dated concurrently with this notice.

¹² Commerce preliminarily finds that Zhejiang Zhongxin is cross-owned with Jinhua Zhongsheng Fiber Products Co., Ltd.; Guangxi Huabao Fiber Products Co., Ltd.; and Chongzuo Zhongxin Environmental Protection Technology Co., Ltd.

¹³ See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

¹⁴ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁵ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

using one or more heated molds, and cured in the mold.

Thermoformed molded fiber products include, but are not limited to, plates, bowls, clamshells, trays, lids, food or foodservice contact packaging, and consumer or other product packaging.

Thermoformed molded fiber products may be derived from any virgin or recycled cellulose fiber source (including, but not limited to, those sourced from wood, woody crops, agricultural crops/byproducts/residue, and agricultural/industrial/other waste). They may have any weight, shape, dimensionality, design, or size, and may be bleached, unbleached, dyed, colored, or printed. They may include ingredients, additives, or chemistries to enhance functionality including, but not limited to, anti-microbial, antifungal, anti-bacterial, heat/flame resistant, hydrophobic, oleophobic, absorbent, or adsorbent. Thermoformed molded fiber products may also be subject to other processing or treatments, including, but not limited to, hot or after pressing, die-cutting, punching, trimming, padding, perforating, printing, labeling, dyeing, coloring, coating, laminating, embossing, debossing, repacking, or denesting. Thermoformed molded fiber products subject to these investigations may also have additional design features, including, but not limited to, tab closures, venting, channeling, or stiffening.

Thermoformed molded fiber products remain covered by the scope of this investigation whether the subject product is encased by exterior packaging or whether the subject product forms the outer packaging for non-subject products. They also remain covered by the scope of this investigation whether imported alone, or in any combination of subject and non-subject merchandise (e.g., a lid or cover of any type packaged with a molded fiber bowl, addition of any items to make the thermoformed molded fiber packaging suitable for end-use such as absorbent pads). When thermoformed molded fiber products are imported in combination with nonsubject merchandise, only the thermoformed molded fiber products are subject merchandise.

Thermoformed molded fiber products include thermoformed molded fiber products matching the above description that have been finished, packaged, or otherwise processed in a third country by performing finishing, packaging, or processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the country of manufacture of the thermoformed molded fiber products. Examples of finishing, packaging, or other processing in a third country that would not otherwise remove the merchandise from the scope of the investigations if performed in the country of manufacture of the thermoformed molded fiber products include, but are not limited to, hot or after pressing, die-cutting, punching, trimming, padding, perforating, printing, labeling, dyeing, coloring, coating, laminating, embossing, debossing, repacking, or denesting.

Thermoformed molded fiber products are classified under subheadings 4823.70.0020

and 4823.70.0040, HTSUS. Imports may also be classified under subheadings 4823.61.20, 4823.61.40, 4823.69.20, 4823.69.40, HTSUS. References to the HTSUS classification are provided for convenience and customs purposes, and the written description of the merchandise under investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Injury Test
- IV. Analysis of China's Financial System
- V. Diversification of China's Economy
- VI. Use of Facts Otherwise Available and Adverse Inferences
- VII. Subsidies Valuation
- VIII. Benchmarks and Interest Rates
- IX. Analysis of Programs
- X. Recommendation

[FR Doc. 2025-04093 Filed 3-13-25; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-552-846]

Thermoformed Molded Fiber Products From the Socialist Republic of Vietnam: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Critical Circumstances Determination, and Alignment of Final Determination With Final Antidumping Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of thermoformed molded fiber products (molded fiber products) from the Socialist Republic of Vietnam (Vietnam) during the period of investigation, January 1, 2023, through December 31, 2023. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable March 14, 2025.

FOR FURTHER INFORMATION CONTACT: Thomas Martin, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3936.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b)

of the Tariff Act of 1930, as amended (the Act). On November 4, 2024, Commerce published the notice of initiation of this countervailing duty (CVD) investigation.¹ On December 19, 2024, Commerce postponed the deadline for this preliminary determination until March 7, 2025.²

For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.³ A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Investigation

The products covered by this investigation are molded fiber products from Vietnam. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

In accordance with the *Preamble* to Commerce's regulations,⁴ the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (i.e., scope).⁵ Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice*. Commerce intends to issue its preliminary decision regarding

¹ See *Thermoformed Molded Fiber Products from the People's Republic of China and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations*, 89 FR 87556 (November 4, 2024) (*Initiation Notice*); and *Thermoformed Molded Fiber Products from the People's Republic of China and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations; Correction*, 89 FR 91321 (November 19, 2024) (correcting a typographical error in the Harmonized Tariff Schedule of the United States subheadings listed in the scope).

² See *Thermoformed Molded Fiber Products from the People's Republic of China and the Socialist Republic of Vietnam: Postponement of Preliminary Determination in the Countervailing Duty Investigations*, 89 FR 103778 (December 19, 2024).

³ See Memorandum, "Decision Memorandum for the Preliminary Affirmative Determination of the Countervailing Duty Investigation of Thermoformed Molded Fiber Products from the Socialist Republic of Vietnam," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁴ See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

⁵ See *Initiation Notice*, 89 FR at 87556.

comments concerning the scope of the less-than-fair-value (LTFV) and CVD investigations in the preliminary determination of the companion LTFV investigations. We will incorporate the scope decisions from the LTFV investigations into the scope of the final CVD determination for this investigation after considering any relevant comments submitted in scope case and rebuttal briefs.⁶

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.*, a financial contribution by an “authority” that gives rise to a benefit to the recipient, and that the subsidy is specific.⁷ For a full description of the methodology underlying our preliminary determination, *see* the Preliminary Decision Memorandum.

Commerce notes that, in making these findings, it relied, in part, on facts available, and, because it finds that certain respondents did not act to the best of their ability to respond to Commerce’s requests for information, it drew an adverse inference where appropriate in selecting from among the facts otherwise available.⁸ For further information, *see* the “Use of Facts Otherwise Available and Adverse Inferences” section in the Preliminary Decision Memorandum.

Preliminary Affirmative Determination of Critical Circumstances

In accordance with section 703(e)(1) of the Act, Commerce preliminarily determines that critical circumstances exist with respect to imports of subject merchandise from the mandatory respondent Vietnam Yuzhan Packaging Technology Co. Ltd. (Yuzhan), as well as HC Packaging Asia (Industrial Park), Honha Eco Pulp Viet Nam Paper Tray, and Pulp Tray, Martin Vietnam Co. Ltd., which have been assigned a rate based on total adverse facts available (AFA), and also with respect to all other producers and exporters that enter subject merchandise under the all-others subsidy rate. For a full description of the methodology and results of Commerce’s analysis, *see* the Preliminary Decision Memorandum.

⁶ The deadline for interested parties to submit scope case and rebuttal briefs will be established in the preliminary scope decision memorandum.

⁷ *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

⁸ *See* sections 776(a) and (b) of the Act.

Alignment

In accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), Commerce is aligning the final CVD determination in this investigation with the final determination in the companion LTFV investigation of molded fiber products from Vietnam, based on a request made by the petitioner.⁹ Consequently, this final CVD determination will be issued on the same date as the final determination for the LTFV investigation, which is currently scheduled to be issued no later than July 21, 2025, unless postponed.

Rate for Non-Responsive Companies

Three potential exporters and/or producers of molded fiber products from Vietnam did not respond to Commerce’s quantity and value (Q&V) questionnaire (*i.e.*, the non-responsive companies).¹⁰ We find that, by not responding to the Q&V questionnaire, these companies withheld requested information and significantly impeded this proceeding. Thus, in reaching our preliminary determination, pursuant to sections 776(a)(2)(A) and (C) of the Act, we are basing the CVD subsidy rate for the non-responsive companies on facts otherwise available.

We further preliminarily determine that an adverse inference is warranted, pursuant to section 776(b) of the Act. By failing to submit responses to Commerce’s Q&V questionnaire, the non-responsive companies did not cooperate to the best of their ability in this investigation. For more information on the application of AFA to the non-responsive companies, *see* “Use of Facts Otherwise Available and Adverse Inferences” in the Preliminary Decision Memorandum.

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that, in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any rates that are zero, *de minimis*, or based entirely under section 776 of the Act. If the rates

⁹ The petitioner is the American Molded Fiber Coalition. *See* Petitioner’s Letter, “Petitioners’ Request for Alignment of the Countervailing Duty Investigations with the Concurrent Antidumping Duty Investigations,” dated February 24, 2025.

¹⁰ The non-responsive companies are: (1) HC Packaging Asia (Industrial Park); (2) Honha Eco Pulp Viet Nam Paper Tray; and (3) Pulp Tray, Martin Vietnam Co. Ltd.

established for all exporters and producers individually investigated are zero, *de minimis*, or determined entirely under facts available, Commerce may use any reasonable method to establish an all-others rate.¹¹

Commerce calculated an individual estimated countervailable subsidy rate for Yuzhan, the only individually examined exporter/producer in this investigation. Because the only individually calculated rate is not zero, *de minimis*, or based entirely on facts otherwise available, the estimated weighted-average rate calculated for Yuzhan is the rate assigned to all other producers and exporters, pursuant to section 705(c)(5)(A)(i) of the Act.

Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent <i>ad valorem</i>)
Vietnam Yuzhan Packaging Technology Co. Ltd	3.39
HC Packaging Asia (Industrial Park)	* 173.51
Honha Eco Pulp Viet Nam Paper Tray ...	* 173.51
Pulp Tray, Martin Vietnam Co. Ltd	* 173.51
All Others	3.39

*Rate based on facts available with adverse inferences.

Disclosure

Commerce intends to disclose its calculations and analysis performed in connection with this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

Suspension of Liquidation

Section 703(e)(2) of the Act provides that, given an affirmative determination of critical circumstances, any suspension of liquidation shall apply to unliquidated entries of merchandise

¹¹ *See* sections 705(c)(5)(A)(i) and (ii) of the Act.

entered, or withdrawn from warehouse, for consumption on or after the later of: (a) the date which is 90 days before the date on which the suspension of liquidation was first ordered; or (b) the date on which notice of initiation of the investigation was published. Commerce preliminarily finds that critical circumstances exist for imports of subject merchandise produced and/or exported by Yuzhan, the non-responsive companies (*i.e.*, HC Packaging Asia (Industrial Park), Honha Eco Pulp Viet Nam Paper Tray, and Pulp Tray, Martin Vietnam Co. Ltd.), and all other producers and exporters whose imports enter under the all-others subsidy rate. Pursuant to section 703(d)(1)(B) and (d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in the scope of the investigation, entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the publication of this notice, in accordance with section 703(e)(2)(A) of the Act. Further, pursuant to 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above.

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

All interested parties will have the opportunity to submit scope case and rebuttal briefs on the preliminary decision regarding the scope of the LTFV and CVD investigations. The deadlines to submit scope case and rebuttal briefs will be provided in the preliminary scope decision memorandum. For all scope case and rebuttal briefs, parties must file identical documents simultaneously on the records of the ongoing LTFV and CVD molded fiber products investigations. No new factual information or business proprietary information may be included in either scope case or rebuttal briefs.

Case briefs or other written comments, excluding scope comments, may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation.¹² Rebuttal briefs, limited to issues raised in the case briefs, may

be filed not later than five days after the date for filing case briefs.¹³ Interested parties who submit case or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹⁴

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this investigation, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹⁵ Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹⁶

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of the issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

¹³ See 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

¹⁴ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁵ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹⁶ See *APO and Service Final Rule*.

U.S. International Trade Commission (ITC) Notification

In accordance with section 703(f) of the Act, Commerce will notify the ITC of its determination. If the final determination is affirmative, the ITC will determine, before the later of 120 days after the date of this preliminary determination or 45 days after the final determination, whether imports of molded fiber products from Vietnam are materially injuring the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 703(f) and 777(i) of the Act, and 19 CFR 351.205(c).

Dated: March 7, 2025.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise subject to this investigation consists of thermoformed molded fiber products regardless of shape, form, function, fiber source, or finish. Thermoformed molded fiber products are formed with cellulose fibers, thermoformed using one or more heated molds, and cured in the mold.

Thermoformed molded fiber products include, but are not limited to, plates, bowls, clamshells, trays, lids, food or foodservice contact packaging, and consumer or other product packaging.

Thermoformed molded fiber products may be derived from any virgin or recycled cellulose fiber source (including, but not limited to, those sourced from wood, woody crops, agricultural crops/byproducts/residue, and agricultural/industrial/other waste). They may have any weight, shape, dimensionality, design, or size, and may be bleached, unbleached, dyed, colored, or printed. They may include ingredients, additives, or chemistries to enhance functionality including, but not limited to, anti-microbial, antifungal, anti-bacterial, heat/flame resistant, hydrophobic, oleophobic, absorbent, or adsorbent. Thermoformed molded fiber products may also be subject to other processing or treatments, including, but not limited to, hot or after pressing, die-cutting, punching, trimming, padding, perforating, printing, labeling, dyeing, coloring, coating, laminating, embossing, debossing, repacking, or denesting. Thermoformed molded fiber products subject to these investigations may also have additional design features, including, but not limited to, tab closures, venting, channeling, or stiffening.

Thermoformed molded fiber products remain covered by the scope of this investigation whether the subject product is encased by exterior packaging or whether the subject product forms the outer packaging for

¹² See 19 CFR 351.309(c)(1)(i); *see also* 19 CFR 351.303 (for general filing requirements).

non-subject products. They also remain covered by the scope of this investigation whether imported alone, or in any combination of subject and non-subject merchandise (e.g., a lid or cover of any type packaged with a molded fiber bowl, addition of any items to make the thermoformed molded fiber packaging suitable for end-use such as absorbent pads). When thermoformed molded fiber products are imported in combination with non-subject merchandise, only the thermoformed molded fiber products are subject merchandise.

Thermoformed molded fiber products include thermoformed molded fiber products matching the above description that have been finished, packaged, or otherwise processed in a third country by performing finishing, packaging, or processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the country of manufacture of the thermoformed molded fiber products. Examples of finishing, packaging, or other processing in a third country that would not otherwise remove the merchandise from the scope of the investigations if performed in the country of manufacture of the thermoformed molded fiber products include, but are not limited to, hot or after pressing, die-cutting, punching, trimming, padding, perforating, printing, labeling, dying, coloring, coating, laminating, embossing, debossing, repacking, or denesting.

Thermoformed molded fiber products are classified under subheadings 4823.70.0020 and 4823.70.0040, HTSUS. Imports may also be classified under subheadings 4823.61.20, 4823.61.40, 4823.69.20, 4823.69.40, HTSUS. References to the HTSUS classification are provided for convenience and customs purposes, and the written description of the merchandise under investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Injury Test
- IV. Preliminary Affirmative Determination of Critical Circumstances
- V. Use of Facts Available and Adverse Inferences
- VI. Subsidies Valuation Information
- VII. Interest Rate, Discount Rate, and Land Lease Benchmarks
- VIII. Analysis of Programs
- IX. Recommendation

[FR Doc. 2025-04094 Filed 3-13-25; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-201-844]

Steel Concrete Reinforcing Bar From Mexico: Notice of Court Decision Not in Harmony With the Results of Antidumping Administrative Review; Notice of Amended Final Results

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On February 28, 2025, the U.S. Court of International Trade (CIT) issued its final judgment in *Grupo Acerero S.A. de C.V., Grupo Simec S.A.B. de C.V. v. United States*, Consol. Court No. 22-00202, sustaining the U.S. Department of Commerce's (Commerce) final remand results pertaining to the administrative review of the antidumping duty (AD) order on steel concrete reinforcing bar (rebar) from Mexico covering the period November 1, 2019, through October 31, 2020. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final results of the administrative review, and that Commerce is amending the final results with respect to the dumping margin assigned to Grupo Simec,¹ Grupo Acerero S.A. de C.V. (Grupo Acerero), and Sidertul S.A. de C.V. (Sidertul).

DATES: Applicable March 10, 2025.

FOR FURTHER INFORMATION CONTACT: Charles Doss, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4474.

SUPPLEMENTARY INFORMATION:

Background

On June 8, 2022, Commerce published its *Final Results* in the 2019-2020 AD administrative review of rebar from Mexico. Commerce found that the

¹ Commerce has previously collapsed the following entities into a single entity, collectively, Grupo Simec: Grupo Simec S.A.B. de C.V. (Simec, as in individual entity); Aceros Especiales Simec Tlaxcala, S.A. de C.V.; Compania Siderurgica del Pacifico S.A. de C.V.; Fundiciones de Acero Estructurales, S.A. de C.V.; Grupo Chant S.A.P.I. de C.V.; Operadora de Perfiles Sigosa, S.A. de C.V. (Sigosa); Orge S.A. de C.V.; Perfiles Comerciales Sigosa, S.A. de C.V.; RRLC S.A.P.I. de C.V.; Siderurgicos Noroeste, S.A. de C.V.; Siderurgica del Occidente y Pacifico S.A. de C.V.; Simec Internacional 6 S.A. de C.V.; Simec International, S.A. de C.V.; Simec International 7 S.A. de C.V.; and Simec International 9 S.A. de C.V. See, e.g., *Steel Concrete Reinforcing Bar from Mexico: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018-2019*, 86 FR 50527, 50528 (September 9, 2021).

application of adverse facts available (AFA), pursuant to sections 776(a) and (b) of the Tariff Act of 1930, as amended (the Act), was warranted in determining Grupo Simec's dumping margin and assigned a dumping margin of 66.70 percent.² Additionally, Commerce assigned the companies not selected for individual examination, Grupo Acerero and Sidertul, a dumping margin equal to the simple average of the dumping margins for Deacero S.A.P.I. de C.V., the other mandatory respondent, and Grupo Simec, consistent with the guidance in section 735(c)(5)(B) of the Act.³

Grupo Simec appealed Commerce's *Final Results*. On April 25, 2024, the CIT remanded the *Final Results* to Commerce to: (1) reopen the record of the administrative review to accept Grupo Simec's October 18, 2021, filing, and to request other information as needed; (2) conduct a new analysis to determine if the application of AFA is warranted; and (3) re-analyze the non-selected company rate and make any needed adjustments.⁴

In its final remand redetermination, issued on November 21, 2024, Commerce calculated a weighted-average dumping margin of 0.00 percent for Grupo Simec.⁵ In addition, because of the change in Grupo Simec's calculated margin, the non-selected companies' rate also changed. As a result, Grupo Acerero and Sidertul are each assigned a weighted-average dumping margin of 0.00 percent in accordance with section 735(c)(5)(B) of the Act.⁶ On February 28, 2025, the CIT sustained Commerce's final redetermination.⁷

Timken Notice

In its decision in *Timken*,⁸ as clarified by *Diamond Sawblades*,⁹ the U.S. Court of Appeals for the Federal Circuit held that, pursuant to sections 516A(c) and (e) of the Act, Commerce must publish

² See *Steel Concrete Reinforcing Bar from Mexico: Final Results of Antidumping Duty Administrative Review; 2019-2020*, 87 FR 34848 (June 8, 2022) (*Final Results*), and accompanying Issues and Decision Memorandum.

³ *Id.*

⁴ See *Grupo Acerero S.A. de C.V., Grupo Simec S.A.B. de C.V. v. United States*, Consol. Court No. 22-00202, Slip Op. 24-52 (CIT April 25, 2024) at 36-37.

⁵ See *Final Results of Redetermination Pursuant to Court Remand, Grupo Simec v. United States*, Consol. Court No. 22-00202, Slip Op. 24-52, dated November 21, 2024, at 27-28.

⁶ *Id.*

⁷ See *Grupo Acerero S.A. de C.V., Grupo Simec S.A.B. de C.V. v. United States*, Consol. Court No. 22-00202, Slip Op. 25-21 (CIT February 28, 2025).

⁸ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

⁹ See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

a notice of court decision that is not “in harmony” with a Commerce determination and must suspend liquidation of entries pending a “conclusive” court decision. The CIT’s February 28, 2025, judgment constitutes

a final decision of the CIT that is not in harmony with Commerce’s *Final Results*. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

Amended Final Results

Because there is now a final court judgment, Commerce is amending its *Final Results* with respect to Grupo Simec, Grupo Acerero, and Sidertul as follows:

Producer/exporter	Estimated weighted-average dumping margin (percent)
Grupo Simec (Grupo Simec S.A.B. de C.V., Aceros Especiales Simec Tlaxcala, S.A. de C.V.; Compania Siderurgica del Pacifico S.A. de C.V.; Fundiciones de Acero Estructurales, S.A. de C.V.; Grupo Chant S.A.P.I. de C.V.; Operadora de Perfiles Sigosa, S.A. de C.V.; Orge S.A. de C.V.; Perfiles Comerciales Sigosa, S.A. de C.V.; RRLC S.A.P.I. de C.V.; Siderúrgicos Noroeste, S.A. de C.V.; Siderurgica del Occidente y Pacifico S.A. de C.V.; Simec International 6 S.A. de C.V.; Simec International, S.A. de C.V.; Simec International 7 S.A. de C.V.; and Simec International 9 S.A. de C.V.)	0.00
Grupo Acerero S.A. de C.V.	0.00
Sidertul S.A. de C.V.	0.00

Cash Deposit Requirements

Because Grupo Simec, Grupo Acerero, and Sidertul each have a superseding cash deposit rate, *i.e.*, there have been final results published in a subsequent administrative review, we will not issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP). This notice will not affect the current cash deposit rate.

Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that: were produced and/or exported by Grupo Simec,¹⁰ produced and exported by Grupo Acerero, produced and/or exported by Sidertul, and were entered, or withdrawn from warehouse, for consumption during the period November 1, 2019 through October 31, 2020. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

In the event the CIT’s ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision, Commerce intends to instruct CBP to assess antidumping duties on unliquidated entries of subject merchandise produced and/or exported by Grupo Simec, produced and exported by Grupo Acerero, and produced and/or exported by Sidertul, in accordance

with 19 CFR 351.212(b). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific *ad valorem* assessment rate is not zero or *de minimis*. Where an import-specific *ad valorem* assessment rate is zero or *de minimis*,¹¹ we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: March 10, 2025.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2025-04092 Filed 3-13-25; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE747]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a hybrid meeting of its Scallop Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Tuesday, April 1, 2024 at 9 a.m.

ADDRESSES: This meeting will be held at Hilton Garden Inn, Boston Logan, 100 Boardman Street, Boston, MA 02110; telephone: (617) 567-5678.

Webinar registration URL information: <https://nefmc-org.zoom.us/meeting/register/vE8-hVPhT-uqkGghVYh1Zw>.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O’Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Scallop Advisory Panel will meet to review input from the Visioning Sessions and discuss the development of the Long-Term Scallop Strategic Plan. They also plan to review progress on the LAGC IFQ Program Review. Other business will be discussed, if necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council’s intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

¹⁰ As discussed above, Commerce has previously collapsed multiple entities as Grupo Simec. The Grupo Simec entries enjoined include those produced and/or exported by Grupo Simec S.A.B. de C.V.; Aceros Especiales Simec Tlaxcala, S.A. de C.V.; Compania Siderurgica del Pacifico S.A. de C.V.; Fundiciones de Acero Estructurales, S.A. de C.V.; Grupo Chant S.A.P.I. de C.V.; Operadora de Perfiles Sigosa, S.A. de C.V.; Orge S.A. de C.V.; Perfiles Comerciales Sigosa, S.A. de C.V.; RRLC S.A.P.I. de C.V.; Siderurgicos Noroeste, S.A. de C.V.; Siderurgica del Occidente y Pacifico S.A. de C.V.; Simec International 6 S.A. de C.V.; Simec International, S.A. de C.V.; Simec International 7 S.A. de C.V.; and Simec International 9 S.A. de C.V.

¹¹ See 19 CFR 351.106(c)(2).

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Catherine O'Keefe, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date.

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

Dated: March 10, 2025.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2025-04057 Filed 3-13-25; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE642]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the City of Hoonah's Cargo Dock Project, Hoonah, Alaska

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the City of Hoonah (Hoonah) to incidentally harass marine mammals during pile driving and removal activities associated with the Hoonah Cargo Dock project in Hoonah, Alaska. There are no changes from the proposed authorization in this final authorization.

DATES: This authorization is effective from September 1, 2025 through August 31, 2026.

ADDRESSES: Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>. In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Rachel Wachtendonk, Office of Protected Resources, NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the "take" of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other "means of effecting the least practicable adverse impact" on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as "mitigation"); and requirements pertaining to the monitoring and reporting of the takings. The definitions of all applicable MMPA statutory terms used above are included in the relevant sections below and can be found in section 3 of the MMPA (16 U.S.C. 1362) and NMFS regulations at 50 CFR 216.103.

Summary of Request

On May 10, 2024, NMFS received a request from Hoonah for an IHA to take marine mammals incidental to pile driving and removal activities associated with the Hoonah Cargo Dock project in Hoonah, Alaska. Following NMFS' review of the application, Hoonah submitted a revised version on September 10, 2024 and October 15, 2024. The application was deemed adequate and complete on October 22, 2024. Hoonah's request is for take of eight species of marine mammals by Level B harassment and, for a subset of these species, Level A harassment. Neither Hoonah nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

NMFS previously issued an IHA to Hoonah for the Hoonah Cargo Dock project (86 FR 27410, May 20, 2021),

and later changed the effective dates of the IHA in a re-issuance (87 FR 27571, May 9, 2022). However, due to COVID and inflation no work under the IHA was conducted. Since then, Hoonah has made several changes to their project plan and, therefore, a new IHA is appropriate.

There are no changes from the proposed IHA to the final IHA.

Description of the Specified Activity

Overview

Hoonah plans to install a cargo dock at the Hoonah Marine Industrial Center (HMIC) in Hoonah, Alaska starting in September 2025. Work would occur on approximately 107 days over a span of 5 months. Construction of the sheet pile cargo dock, barge ramp, and breasting dolphins will require impact and vibratory pile installation and down-the-hole (DTH) drilling (referred to as tension anchoring).

The construction of the sheet pile cargo dock, barge ramp, and breasting dolphins will include the installation of 542 (330 linear feet (ft), or 100.6 linear meters (m)) steel sheet piles, 5 steel wye piles, 1 steel X pile, 3 20-inch (in), or 0.51-m steel fender piles, 2 16-in (0.41 m) fender piles, 7 H-piles, 4 36-in (0.91 m) steel pipe piles, and 6 36-in (0.91 m) steel batter piles. The installation and removal of 50 temporary 24-in (0.61 m) steel pipe piles will be completed to support the permanent pile installation. Piles will be installed with vibratory and impact hammers, and temporary piles will be removed with a vibratory hammer. 8-to-10-in (0.20 to 0.25 m) steel pipe casings will be placed in each steel pipe/batter piles as tension anchors and set with tension anchoring.

A detailed description of the planned construction project is provided in the **Federal Register** notice for the proposed IHA (90 FR 1084, January 7, 2025). Since that time, no changes have been made to the planned activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specified activity.

Comments and Responses

A notice of NMFS' proposal to issue an IHA to Hoonah was published in the **Federal Register** on January 7, 2025 (90 FR 1084). That notice described, in detail, Hoonah's activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. In that notice, we requested public input on the request for authorization described therein, our analyses, the proposed authorization, and any other aspect of the notice of

proposed IHA, and requested that interested persons submit relevant information, suggestions, and comments. During the 30-day public comment period, NMFS did not receive any public comments.

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>).

Table 1 lists all species or stocks for which take is expected and authorized for this activity and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no serious injury or mortality is anticipated or authorized here, PBR and annual serious injury and mortality (M/SI) from

anthropogenic sources are included here as gross indicators of the status of the species or stocks and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' U.S. Alaska and Pacific SARs. All values presented in table 1 are the most recent available at the time of publication and are available online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>.

TABLE 1—SPECIES ¹ LIKELY IMPACTED BY THE SPECIFIED ACTIVITIES

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) ²	Stock abundance (CV, N _{min} , most recent abundance survey) ³	PBR	Annual M/SI ⁴
Order Artiodactyla—Cetacea—Mysticeti (baleen whales)						
<i>Family Balaenopteridae (rorquals):</i>						
Humpback Whale	<i>Megaptera novaeangliae</i>	Mainland Mexico—CA/OR/WA Hawaii'	T, D, Y -, -, N	3,477 (0.101, 3,185, 2018) 11,278 (0.56, 7,265, 2020)	43 127	22 27.09
Minke Whale	<i>Balaenoptera acutorostrata</i>	AK	-, -, N	N/A (N/A, N/A, N/A) ⁵	UND	0
Odontoceti (toothed whales, dolphins, and porpoises)						
<i>Family Delphinidae:</i>						
Killer whale	<i>Orcinus orca</i>	Eastern North Pacific Alaska Resident. Eastern Northern Pacific Northern Resident. West Coast Transient	-, -, N -, -, N -, -, N -, -, N	1,920 (N/A, 1,920, 2019) ⁶ 302 (N/A, 302, 2018) ⁶	19 2.2	1.3 0.2
Pacific White-Sided Dol- phin.	<i>Lagenorhynchus obliquidens</i>	N Pacific	-, -, N	349 (N/A, 349, 2018) ⁷	3.5 UND	0.4 0
<i>Family Phocoenidae (porpoises):</i>						
Dall's Porpoise	<i>Phocoenoides dalli</i>	AK	-, -, N	UND (UND, UND, 2015) ⁸	UND	37
Harbor Porpoise	<i>Phocoena phocoena</i>	Northern Southeast Alaska In- land Waters ⁹ .	-, -, N	1,619 (0.26, 1,250, 2019)	13	5.6
Order Carnivora—Pinnipedia						
<i>Family Otariidae (eared seals and sea lions):</i>						
Steller Sea Lion	<i>Eumetopias jubatus</i>	Western	E, D, Y	49,837 (N/A, 49,837, 2022) ¹⁰	299	267
		Eastern	-, -, N	36,308 (N/A, 36,308, 2022) ¹¹	2,178	93.2
<i>Family Phocidae (earless seals):</i>						
Harbor Seal	<i>Phoca vitulina</i>	Glacier Bay/Icy Strait	-, -, N	7,455 (N/A, 6,680, 2017)	120	104

¹ Information on the classification of marine mammal species can be found on the web page for The Society for Marine Mammalogy's Committee on Taxonomy (<https://marinemammalscience.org/science-and-publications/list-marine-mammal-species-subspecies/>).

² ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

³ NMFS marine mammal SARs online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region>. CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable.

⁴ These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (e.g., commercial fisheries, 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.

⁵ Reliable population estimates are not available for this stock. Please see Friday *et al.* (2013) and Zerbini *et al.* (2006) for additional information on numbers of minke whales in Alaska.

⁶ N_{est} is based upon counts of individuals identified from photo-ID catalogs.

⁷ N_{est} is based upon count of individuals identified from photo-ID catalogs in analysis of a subset of data from 1958–2018.

⁸ The best available abundance estimate is likely an underestimate for the entire stock because it is based upon a survey that covered only a small portion of the stock's range.

⁹ New stock split from Southeast Alaska stock.

¹⁰ N_{est} is best estimate of counts, which have not been corrected for animals at sea during abundance surveys. Estimates provided are for the United States only. The overall N_{min} is 73,211 and overall PBR is 439.

¹¹ N_{est} is best estimate of counts, which have not been corrected for animals at sea during abundance surveys. Estimates provided are for the United States only.

As indicated above, all 8 species (with 12 managed stocks) in table 1 temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur. All species that could potentially occur in the project area are included in table 6 of the IHA application. While gray whales and sperm whales have been documented in the area, the temporal and/or spatial occurrence of these species is such that take is not expected to occur, and they are not discussed further beyond the explanation provided here. Gray whales are considered to be very rare (no local knowledge of sightings in the project area) and sperm whales are considered to be rare (no sightings in recent years) within the project area.

Additional information relevant to our analyses (beyond that included above, in the application, and on NMFS website) is included below, as appropriate. In addition, the Northern sea otter (*Enhydra lutris kenyoni*) may be found in the project area. However,

sea otters are managed by the U.S. Fish and Wildlife Service and are not considered further in this document.

A detailed description of the species likely to be affected by Hoonah's construction project, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHA (90 FR 1084, January 7, 2025); since that time, we are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these descriptions. Please also refer to the NMFS website (<https://www.fisheries.noaa.gov/find-species>) for generalized species accounts.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have

deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Not all marine mammal species have equal hearing capabilities (e.g., Richardson *et al.*, 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007, 2019) recommended that marine mammals be divided into hearing groups based on directly measured (behavioral or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, *etc.*). Generalized hearing ranges were chosen based on the ~65 decibel (dB) threshold from composite audiograms, previous analyses in NMFS (2018), and/or data from Southall *et al.* (2007) and Southall *et al.* (2019). We note that the names of two hearing groups and the generalized hearing ranges of all marine mammal hearing groups have been recently updated (NMFS 2024) as reflected below in in table 2.

TABLE 2—MARINE MAMMAL HEARING GROUPS [NMFS, 2024a]

Hearing group	Generalized hearing range *
UNDERWATER:	
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 36* kHz.
High-frequency (HF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
Very High-frequency (VHF) cetaceans (true porpoises, <i>Kogia</i> , river dolphins, Cephalorhynchid, <i>Lagenorhynchus cruciger</i> & <i>L. australis</i>).	200 Hz to 165 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	40 Hz to 90 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 68 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.*, all species within the group), where individual species' hearing ranges may not be as broad. Generalized hearing range chosen based on ~65 dB threshold from composite audiogram, previous analysis in NMFS 2018, and/or data from Southall *et al.*, 2007; Southall *et al.*, 2019. Additionally, animals are able to detect very loud sounds above and below that "generalized" hearing range.

For more detail concerning these groups and associated frequency ranges, please see NMFS (2024a) for a review of available information.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from Hoonah's pile driving and tension anchoring activities have the potential to result in behavioral harassment of marine mammals in the vicinity of the project area. The notice of the proposed IHA (90 FR 1084, January 7, 2025) included a discussion of the effects of anthropogenic noise on marine

mammals and the potential effects of underwater noise from Hoonah's construction activity on marine mammals and their habitat. That information and analysis is referenced in this final IHA determination and is not repeated here; please refer to the notice of the proposed IHA (90 FR 1084, January 7, 2025).

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes authorized through the IHA, which will inform NMFS' consideration of "small numbers," the negligible impact

determinations, and impacts on subsistence uses.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines "harassment" as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing,

nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes will primarily be by Level B harassment as use of the acoustic sources (*i.e.*, pile driving and tension anchoring) has the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for auditory injury (Level A harassment) to result, primarily for very high frequency species and phocids because predicted auditory injury zones are larger than for high-frequency species and otariids. The mitigation and monitoring measures are expected to minimize the severity of the taking to the extent practicable.

As described previously, no serious injury or mortality is anticipated or authorized for this activity. Below we describe how the authorized take numbers are estimated.

For acoustic impacts, generally speaking, we estimate take by considering: (1) acoustic thresholds above which NMFS believes the best available science indicates marine mammals will likely be behaviorally harassed or incur some degree of permanent hearing impairment; (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 authorized take estimates.

Acoustic Criteria

NMFS recommends the use of acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur auditory

injury of some degree (equated to Level A harassment). We note that the criteria for auditory injury, as well as the names of two hearing groups, have been recently updated (NMFS 2024a) 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 temporary threshold shift (TTS) as, in most cases, the likelihood of TTS occurs at distances from the source less than those at which behavioral harassment is likely. TTS of a sufficient degree can manifest as behavioral harassment, as reduced

hearing sensitivity and the potential reduced opportunities to detect important signals (conspecific communication, predators, prey) may result in changes in behavior patterns that would not otherwise occur.

Hoonah’s planned activity includes the use of continuous (vibratory pile driving, tension anchoring) and impulsive (impact pile driving, tension anchoring) sources, and therefore the RMS SPL thresholds of 120 and 160 dB re 1 μPa are applicable. Tension anchoring has both continuous and intermittent components. When evaluating Level B harassment, NMFS recommends treating tension anchoring as a continuous source and applying the RMS SPL thresholds of 120 dB re 1 μPa.

Level A Harassment—NMFS’ Updated Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 3.0) (Updated Technical Guidance, 2024) identifies dual criteria to assess auditory injury (Level A harassment) to five different underwater marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). Hoonah’s planned activity includes the use of impulsive (impact pile driving, tension anchoring) and non-impulsive (vibratory pile driving, tension anchoring) sources. Tension anchoring includes both impulsive and non-impulsive characteristics. When evaluating Level A harassment, NMFS recommends treating tension anchoring as an impulsive source.

The 2024 Updated Technical Guidance criteria include both updated thresholds and updated weighting functions for each hearing group. The thresholds are provided in the table below. The references, analysis, and methodology used in the development of the criteria are described in NMFS’ 2024 Updated Technical Guidance, which may be accessed at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance-other-acoustic-tools>.

TABLE 3—THRESHOLDS IDENTIFYING THE ONSET OF AUDITORY INJURY

Hearing group	Auditory injury onset acoustic thresholds* (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	Cell 1: $L_{p,0-pk,flat}$: 222 dB; $L_{E,p,LF,24h}$: 183 dB	Cell 2: $L_{E,p,LF,24h}$: 197 dB.
High-Frequency (HF) Cetaceans	Cell 3: $L_{p,0-pk,flat}$: 230 dB; $L_{E,HF,24h}$: 193 dB	Cell 4: $L_{E,p,HF,24h}$: 201 dB.
Very High-Frequency (VHF) Cetaceans	Cell 5: $L_{pk,0-pk,flat}$: 202 dB; $L_{E,p,VHF,24h}$: 159 dB	Cell 6: $L_{E,p,VHF,24h}$: 181 dB.
Phocid Pinnipeds (PW) (Underwater)	Cell 7: $L_{p,0-pk,flat}$: 223 dB; $L_{E,PW,24h}$: 185 dB	Cell 8: $L_{E,p,OW,24h}$: 195 dB.

TABLE 3—THRESHOLDS IDENTIFYING THE ONSET OF AUDITORY INJURY—Continued

Hearing group	Auditory injury onset acoustic thresholds* (received level)	
	Impulsive	Non-impulsive
Otariid Pinnipeds (OW) (Underwater)	Cell 9: $L_{p,0-pk,flat}$: 230 dB; $L_{E,p,OW,24h}$: 185 dB	Cell 10: $L_{E,p,OW,24h}$: 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 ($L_{p,0-pk}$) has a reference value of 1 μ Pa (underwater) and 20 μ Pa (in air), and weighted cumulative sound exposure level ($L_{E,p}$) has a reference value of 1 μ Pa²s (underwater) and 20 μ Pa²s (in air). In this table, criteria are abbreviated to be more reflective of International Organization for Standardization standards (ISO 2017; ISO 2020). 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) or in air (i.e., 42 Hz to 52 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, OW, PA, and OA pinnipeds) and that the recommended accumulation period is 24 hours. The weighted cumulative sound exposure level criteria could be exceeded in a multitude of ways (i.e., varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these criteria will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that are used in estimating the area ensonified above the acoustic thresholds, including source levels and transmission loss coefficient.

The sound field in the project area is the existing background noise plus additional construction noise from the planned project. Vessel traffic and other commercial and industrial activities in the project area may contribute to elevated background noise levels which may mask sounds produced by the project. Marine mammals are expected to be affected via sound generated by the primary components of the project (i.e., vibratory pile driving and removal, impact pile driving, and tension anchoring).

Transmission loss (TL) is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. TL parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography. The general formula for underwater TL is:

$$TL = B * \text{Log}_{10} (R_1/R_2),$$

where

TL = transmission loss in dB

B = transmission loss coefficient

R_1 = the distance of the modeled SPL from the driven pile, and

R_2 = the distance from the driven pile of the initial measurement.

This formula neglects loss due to scattering and absorption, which is assumed to be zero here. The degree to which underwater sound propagates away from a sound source is dependent on a variety of factors, most notably the water bathymetry and presence or absence of reflective or absorptive conditions including in-water structures and sediments. Spherical spreading occurs in a perfectly unobstructed (free-field) environment not limited by depth or water surface, resulting in a 6-dB reduction in sound level for each doubling of distance from the source ($20 * \log[\text{range}]$). Cylindrical spreading occurs in an environment in which sound propagation is bounded by the water surface and sea bottom, resulting in a reduction of 3 dB in sound level for each doubling of distance from the source ($10 * \log[\text{range}]$). A practical spreading value of 15 is often used under conditions, such as the project site, where water increases with depth as the receiver moves away from the shoreline, resulting in an expected propagation environment that would lie between spherical and cylindrical spreading loss conditions. Practical spreading loss is assumed here.

The intensity of pile driving sounds is greatly influenced by factors such as the type of piles, hammers, and the physical environment in which the activity takes place. In order to calculate the distances to the Level A harassment and the Level B harassment sound thresholds for the methods and piles being used in this project, the applicant and NMFS used acoustic monitoring data from other locations to develop proxy source levels for the various pile types, sizes and methods. The project includes vibratory, and impact pile installation of steel pipe piles and vibratory removal of steel pipe piles, steel fender piles, steel sheet piles, steel H-piles, steel wye piles, steel X piles, and steel batter piles and tension anchoring drilling. Source levels for each pile size and driving method are presented in table 4.

NMFS recommends treating DTH systems as both impulsive and continuous, non-impulsive sound source types simultaneously. Thus, impulsive thresholds are used to evaluate Level A harassment, and continuous thresholds are used to evaluate Level B harassment. NMFS (2022) outlines its recommended source levels for DTH systems. NMFS has applied that guidance in this analysis (see table 4 for NMFS’ accepted source levels).

TABLE 4—PROXY SOUND SOURCE LEVELS AT 10 m FOR PILE SIZES AND DRIVING METHODS

Pile type	RMS SPL (re 1 μ Pa)	SEL (re 1 μ Pa ² -sec)	Peak SPL (re 1 μ Pa)	Source
Vibratory Pile Driving				
Temporary 24-in steel pipe piles	162	NA	NA	PR1 2023 calculations (cited in NMFS 2023).
20-in steel fender piles.				Caltrans 2015 (cited in NMFS 2023).
Steel sheet piles	160			PR1 2023 calculations (cited in NMFS 2023).
16-in steel fender piles	155			PR1 2023 calculations (cited in NMFS 2023).
H-piles	150			PR1 2023 calculations (cited in NMFS 2023).
Wye piles				NMFS 2024.

TABLE 4—PROXY SOUND SOURCE LEVELS AT 10 m FOR PILE SIZES AND DRIVING METHODS—Continued

Pile type	RMS SPL (re 1 μPa)	SEL (re 1 μPa ² -sec)	Peak SPL (re 1 μPa)	Source
X piles. 36-in steel pile	166			PR1 2023 calculations (cited in NMFS 2023).
Impact Pile Driving				
20-in steel fender piles	190	177	203	Caltrans 2015 (cited in NMFS 2023).
Steel sheet piles	190	180	205	Caltrans 2015 (cited in NMFS 2023).
16-in steel fender piles	185	175	200	Caltrans 2020 (cited in NMFS 2023).
H-piles	183	170	210	Caltrans 2015 (cited in NMFS 2023).
Wye piles. X piles. 36-in steel pile	193	183	210	Caltrans 2015 & 2020 (cited in NMFS 2023).
Tension Anchoring				
6–8 in anchor hole	156	144	170	NMFS 2022.

All Level B harassment isopleths are reported in table 5 below. The maximum (underwater) area ensounded above the thresholds for behavioral harassment is 43 square kilometers (km²; 16.6 square miles (mi²)). However, that zone will be truncated by land masses that will obstruct underwater sound transmission and will be limited to Port Fredrick (see figure 4 in Trident’s application).

The ensounded area associated with Level A harassment is more technically challenging to predict due to the need to account for a duration component.

Therefore, NMFS developed an optional User Spreadsheet tool to accompany the 2024 Updated Technical Guidance that can be used to relatively simply predict an isopleth distance for use in conjunction with marine mammal density or occurrence to help predict potential takes. We note that because of some of the assumptions included in the methods underlying this optional tool, we anticipate that the resulting isopleth estimates are typically going to be overestimates of some degree, which may result in an overestimate of

potential take by Level A harassment. However, this optional tool offers the best way to estimate isopleth distances when more sophisticated modeling methods are not available or practical. For stationary sources such as pile driving, the optional User Spreadsheet tool predicts the distance at which, if a marine mammal remained at that distance for the duration of the activity, it would be expected to incur auditory injury. Inputs used in the optional User Spreadsheet tool, and the resulting estimated isopleths, are reported below.

TABLE 5—NMFS USER SPREADSHEET INPUTS

Pile size and type	Spreadsheet tab used	Weighting factor adjustment (kHz)	Transmission loss coefficient	Number of piles per day	Activity duration per pile (minutes)	Number of strikes per pile
Vibratory Pile Driving						
Temporary 24-in steel pipe piles ...	A.1 Vibratory pile driving	2.5	15	6	15	NA
20-in steel fender piles		2.5	15	3	30	NA
Steel sheet piles		2.5	15	30	15	NA
16-in steel fender piles		2.5	15	2	30	NA
H-piles		2.5	15	2	30	NA
Wye piles		2.5	15	3	30	NA
X piles		2.5	15	1	30	NA
36-in steel pipe pile		2.5	15	2	60	NA
36-in steel batter pile		2.5	15	2	60	NA
Impact Pile Driving						
20-in steel fender piles	E.1. Impact pile driving	2	15	3	30	600
Steel sheet piles		2	15	15	30	200
16-in steel fender piles		2	15	2	30	600
H-piles		2	15	2	30	600
Wye piles		2	15	2	30	200
X piles		2	15	1	30	200
36-in steel pipe pile		2	15	2	60	1,200
36-in steel batter pile		2	15	4	60	1,200
Tension Anchoring						
6–8 in anchor hole	E.2 DTH pile driving	2	15	2	60	108,000

TABLE 6—CALCULATED LEVEL A AND LEVEL B HARASSMENT ISOPLETHS

Activity	Level A harassment zone (m)					Level B harassment zone (m)
	LF-cetaceans	HF-cetaceans	VHF-cetaceans	Phocids	Otariids	
Vibratory Pile Driving						
Temporary 24-in steel pipe piles	16.4	6.3	13.4	21.1	7.1	7,356.4
20-in steel fender piles						
Steel sheet piles	30.3	11.6	24.8	39.0	13.1	4,641.6
16-in steel fender piles	3.7	1.4	3.0	4.7	1.6	2,154.4
H-piles	1.7	0.7	1.4	2.2	0.7	1,000.0
Wye piles						
X piles	1.1	0.4	0.9	1.4	0.5	
36-in steel pipe pile	31.5	12.1	25.8	40.6	13.7	11,659.1
36-in steel batter pile						
Impact Pile Driving						
20-in steel fender piles	586.1	74.8	907.1	520.7	194.1	1,000.0
Steel sheet piles	1,305.9	166.6	2,020.9	1,160.1	432.4	
16-in steel fender piles	329.1	42.0	509.2	292.3	109.0	462.2
H-piles	152.7	19.5	236.4	135.7	50.6	341.5
Wye piles	73.4	9.4	113.6	65.2	24.3	
X piles	46.3	5.9	71.6	41.1	15.3	
36-in steel pipe pile	1,783.6	227.6	2,760.1	1,584.5	590.6	1,584.9
36-in steel batter pile	2,831.3	361.2	4,381.4	2,515.2	937.6	
Tension Anchoring						
6–8 in anchor hole	90.0	11.5	139.2	79.9	29.8	2,512.0

Marine Mammal Occurrence and Take Estimation

In this section we provide information about the occurrence of marine mammals, including density or other relevant information which will inform the take calculations.

Consultation with the Hoonah Harbormaster, applications and reports from other nearby in water construction projects, and available scientific literature are used to estimate the occurrence of marine mammals in the action area. Daily occurrence probability of each marine mammal species in the action area is based on historic data of occurrence, seasonality, and group size in Port Frederick and Icy Strait, and other nearby waters.

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 is authorized. Tables for each species are presented to show the calculation of take during the project. NMFS used the following equations to estimate take.

Incidental take estimate (daily) = group size * groups per day * days of pile driving activity (107 days)

Incidental take estimate (monthly) = group size * groups per month (considered 30 days) * months of pile driving activity (107 days/30 days per month)

Minke Whale

There are a few sightings of minke whales every year, so they could occur every month during the project. They typically occur in groups of two to three individuals (NMFS 2023d). Up to one group of three minke whales are expected to occur in the project area per month. Therefore, using the monthly equation above, NMFS authorized 11 takes by Level B harassment of minke whales.

The largest Level A harassment zone for minke whales extends 2,831 m from the sound source (table 6). All construction work will be shut down prior to a minke whale entering the Level A harassment zone specific to the in-water activity underway at the time. In consideration of the infrequent occurrence of minke whales in the project area and shutdown requirements, no take by Level A harassment of minke whales is anticipated or authorized.

Humpback Whale

There are multiple sightings of humpback whales every month, and they could occur every day during the project. They typically occur in groups of one to two individuals (Dahlheim *et al.*, 2009). Up to one group of two humpback whales are expected to occur in the project area per day. Therefore, using the daily equation above, NMFS

authorized 214 takes by Level B harassment of humpback whales. In the project area, it is estimated that the majority of whales (98 percent) will be from the Hawaii DPS and 2 percent will be from the Mexico DPS (Wade 2021; Muto *et al.* 2022). Therefore, of the 214 takes by Level B harassment, NMFS anticipates that 210 takes will be of individuals from the Hawaii DPS and 4 takes of individuals from the Mexico DPS.

The largest Level A harassment zone for humpback whales extends 2,831 m from the sound source (table 6). All construction work will be shut down prior to a humpback whale entering the Level A harassment zone specific to the in-water activity underway at the time. In consideration that humpback whales are most often seen in Icy Strait and the mouth of Port Fredrick and shutdown requirements, no take by Level A harassment is anticipated or authorized for humpback whales.

Killer Whale

There are multiple sightings of killer whales every year, and they could occur every month during the project. They typically occur in groups of one to five individuals (NMFS 2023e). Up to 4 groups of 5 killer whales (*i.e.*, 20 killer whales total) are expected to occur in the project area per month. Therefore, using the monthly equation given above,

NMFS authorized 72 takes by Level B harassment of killer whales.

The largest Level A harassment zone for killer whales extends 361 m from the sound source (table 6). All construction work will be shut down prior to a killer whale entering the Level A harassment zone specific to the in-water activity underway at the time. In consideration of the small size of the Level A harassment zone and shutdown requirements, no take by Level A harassment of killer whales is anticipated or authorized.

Pacific White-Sided Dolphin

There are a few sightings of Pacific white-sided dolphins every year, but there are no sightings from recent years. However, to avoid underestimating potential impacts from the project, in estimating take, NMFS assumes they could occur every other month (*i.e.*, one group every 60 days) during the project. They occur in groups of 2 to 153 individuals, but are most commonly seen in groups of 23–26 individuals (Dahlheim *et al.*, 2009). NMFS anticipates that up to one group of 26 Pacific white-sided dolphins could occur in the project area every other month. Using the monthly equation above suggests that there could be 47 takes by Level B harassment of Pacific white-sided dolphins. However, since these dolphins can occur in large groups, NMFS authorized 153 takes by Level B harassment in case a larger pod is observed.

The largest Level A harassment zone for Pacific white-sided dolphins extends 361 m from the sound source (table 6). All construction work will be shut down prior to a Pacific white-sided dolphin entering the Level A harassment zone specific to the in-water activity underway at the time. In consideration of the small size of the Level A harassment zone, shutdown requirements, and infrequent occurrence of Pacific white-sided dolphins, no take by Level A harassment of Pacific white-sided dolphins is anticipated or authorized.

Dall's Porpoise

There are multiple sightings of Dall's porpoises every year, and they could occur every month during the project. They typically occur in groups of two to five individuals (Dahlheim *et al.*, 2009). NMFS anticipates that up to 4 groups of 5 Dall's porpoises (*i.e.*, 20 Dall's porpoises total) could occur in the project area per month. Therefore, using the monthly equation given above, NMFS authorized 72 takes by Level B harassment of Dall's porpoises.

The largest Level A harassment zone for Dall's porpoises extends 4,381 m from the sound source (table 6) during impact pile driving. Hoonah will be required to implement shutdowns during all pile driving activities. However, during impact pile driving of the 20-in fender piles, 16-in fender piles, sheet piles, and 36-in piles, the Level A harassment zones for Dall's porpoise extend beyond the shutdown zones, and NMFS anticipates that Level A harassment could occur. Hoonah estimates, and NMFS concurs, that up to four groups of two Dall's porpoises could occur in the Level A harassment zone for a duration long enough to incur auditory injury during each month of impact pile driving (42 days of pile driving). Using the monthly equation above, NMFS authorized 12 takes by Level A harassment of Dall's porpoises.

Harbor Porpoise

There are multiple sightings of harbor porpoises every month, and they could occur every day during the project. They typically occur in groups of one to three individuals (Dahlheim *et al.*, 2009). Up to one group of three harbor porpoises are expected to occur in the project area per day. Therefore, using the daily equation given above, NMFS authorized 321 takes by Level B harassment of harbor porpoises.

The largest Level A harassment zone for harbor porpoises extends 4,381 m from the sound source (table 6) during impact pile driving. Hoonah will be required to implement shutdowns during all pile driving activities. However, during impact pile driving of the 20-in fender piles, 16-in fender piles, sheet piles, and 36-in piles, the Level A harassment zones for the harbor porpoise extend beyond the shutdown zone, and NMFS anticipates that Level A harassment could occur. Hoonah expects, and NMFS concurs, that up to one group of two harbor porpoises could be present in the Level A harassment zone for each day of impact pile driving (42 days of pile driving). Using the daily equation given above, NMFS authorized 84 takes by Level A harassment of harbor porpoises.

Harbor Seal

There are a multiple sightings of harbor seals every month, and they could occur every day during the project. They typically occur in groups of one to four individuals (Jefferson *et al.*, 2019). Up to one group of two harbor seals are expected to occur in the project area per day. Therefore, using the daily equation given above, NMFS authorized 214 takes by Level B harassment of harbor seals. Additionally there is a

harbor seal haulout located 3 km (1.9 mi) from the project site where harbor seals congregate in larger numbers. Hoonah estimated, and NMFS concurs that up to 1 group of 20 harbor seals could be taken by Level B harassment every month that the Level B harassment zone is larger than 2,000 m (43 days of pile driving). Therefore, using the monthly equation given above, NMFS authorized an additional 29 takes by Level B harassment of harbor seals. Cumulatively, NMFS authorized 243 takes by Level B harassment of harbor seals.

The largest Level A harassment zone for harbor seals extends 2,515 m from the sound source (table 6) during impact pile driving. Hoonah will be required to implement shutdowns during all pile driving activities. However, during impact pile driving of the 20-in fender piles, 16-in fender piles, sheet piles, and 36-in piles, the Level A harassment zones for the harbor seal extend beyond the shutdown zone, and NMFS anticipates that Level A harassment could occur. Hoonah expects, and NMFS concurs, that up to one harbor seal could be present in the Level A harassment zone for each day of impact pile driving (42 days of pile driving). Using the equation given above, NMFS authorized 42 takes by Level A harassment of harbor seals.

Steller Sea Lion

There are a multiple sightings of Steller sea lions every month, and they could occur every day during the project. They typically occur in groups of one to four individuals (NMFS 2023f). Up to one group of four Steller sea lions is expected to occur in the project area per day. Therefore, using the daily equation given above, NMFS authorized 428 takes by Level B harassment of Steller sea lions. Both the Eastern DPS and Western DPS of Steller sea lions occur in the project area. NMFS estimates that the majority of Steller sea lions in the project area (99.6 percent) will be from the Eastern DPS and 1.4 percent will be from the Western DPS (Hastings *et al.*, 2020). Therefore, of the 428 total takes by Level B harassment, NMFS anticipates that 422 takes will be of individuals from the Eastern DPS and 6 takes of individuals from the Western DPS.

The largest Level A harassment zone for Steller sea lions extends 938 m from the sound source (table 6). All construction work will be shut down prior to a Steller sea lion entering the Level A harassment zone specific to the in-water activity underway at the time. In consideration of the shutdown requirements, no take by Level A

harassment is anticipated or authorized for Steller sea lions.

TABLE 7—AUTHORIZED TAKE BY LEVEL A AND LEVEL B HARASSMENT, BY SPECIES AND STOCK

Common name	Stock	Stock abundance ¹	Level A harassment	Level B harassment	Total authorized take	Authorized take as percentage of stock ²
Minke whale	Alaska	UND	0	11	11	³ UND
Humpback whale	Hawaii DPS	11,278	0	214	214	1.9
	Mexico DPS	3,477				6.1
Killer whale	Eastern North Pacific Alaska Resident.	1,920	0	72	72	3.8
	West Coast Transient	349				20.6
	Eastern North Pacific Northern Resident.	302				23.8
Pacific white-sided dolphin	North Pacific	26,880	0	153	153	0.6
Dall's porpoise	Alaska	UND	12	72	83	⁴ UND
Harbor porpoise	Northern Southeast Alaska Inland Waters.	1,619	84	321	403	24.9
Harbor seal	Glacier Bay/Icy Strait	7,455	42	243	298	4.0
Steller sea lion	Western DPS	49,837	0	428	428	0.9
	Eastern DPS	36,308				1.2

¹ Stock size is Nbest according to NMFS 2023 Draft SARs, unless otherwise noted.

² Percent of stock reflects the combined total of take by Level B and Level A harassment (if requested). If a species has multiple stocks, NMFS conservatively assumes that all takes occur to each stock.

³ The Alaska SAR does not have an estimated population size for the Alaska stock of minke whales due to only a portion of the stock's range being surveyed and such few whales seen during stock abundance surveys.

⁴ NMFS does not have an official abundance estimate for this stock, and the minimum population estimate is considered to be unknown (Young *et al.*, 2023). See Small Numbers for additional discussion.

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 mitigation measures described in the following paragraphs will apply to Hoonah's in-water construction activities.

Shutdown Zones and Monitoring

Hoonah must establish shutdown zones for all pile driving activities. The purpose of a shutdown zone is generally to define an area within which shutdown of the activity will occur upon sighting of a marine animal (or in anticipation of an animal entering the defined area). Shutdown zones vary based on the activity type and duration and marine mammal hearing group, as shown in table 8. A minimum shutdown zone of 10 m will be required for all in-water construction activities to avoid physical interaction with marine mammals. Marine mammal monitoring will be conducted during all pile driving activities to ensure that shutdowns occur, as required.

Shutdown zones for each activity type are shown in table 8.

Prior to pile driving, shutdown zones will be established as indicated in table 8. Observers will survey the shutdown zones for at least 30 minutes before pile driving activities start. If marine mammals are observed within the shutdown zone, pile driving and tension anchoring will be delayed until the animal has moved out of the shutdown zone, either verified by an observer or by waiting until 15 minutes has elapsed without a sighting of small cetaceans, delphinids, and pinnipeds; or 30 minutes has elapsed without a sighting of a large cetacean. If a marine mammal approaches or enters the shutdown zone during pile driving or tension anchoring, the activity will be halted. If a species for which authorization has not been granted, or a species which has been granted but the authorized takes are met, is observed approaching or within the Level B harassment zone during pile driving or tension anchoring, the activity will be halted. Pile driving may resume after the animal has moved out of and is moving away from the shutdown zone (or Level B harassment zone for which authorization has not been granted, or a species which has been granted but the authorized takes are met) or after at least 15 minutes has passed since the last observation of the animal.

All marine mammals will be monitored in the Level B harassment

zones and throughout the area as far as visual monitoring can take place. If a marine mammal enters the Level B harassment zone, in-water activities will continue and protected species observers (PSOs) will document the animal's presence within the estimated harassment zone.

TABLE 8—SHUTDOWN AND LEVEL B HARASSMENT ZONES BY ACTIVITY

Activity	Minimum shutdown zone (m)					Level B harassment zone (m)
	LF-cetaceans	HF-cetaceans	VHF-cetaceans	Phocids	Otariids	
Vibratory Pile Driving						
Temporary 24-in steel pipe piles	20	10	15	25	10	7,360
20-in steel fender piles						
Steel sheet piles	35	15	25	40	15	4,645
16-in steel fender piles	10	10	10	10	10	2,155
H-piles	10	10	10	10	10	1,000
Wye piles						
X piles						
36-in steel pipe pile	35	15	30	45	15	11,660
36-in steel batter pile						
Impact Pile Driving						
20-in steel fender piles	590	75	200	200	195	1,000
Steel sheet piles	1,310	170	200	200	435	
16-in steel fender piles	330	42	200	200	110	465
H-piles	155	20	200	140	55	345
Wye piles	75	10	115	70	25	
X piles	50	10	75	45	20	
36-in steel pipe pile	1,785	230	200	200	595	1,5890
36-in steel batter pile	2,835	365	200	200	940	
Tension Anchoring						
6–8 in anchor hole	90	15	140	80	30	2,515

Protected Species Observers

The placement of PSOs during all pile driving activities (described in the Monitoring and Reporting section) will ensure that the entire shutdown zone is visible. Should environmental conditions deteriorate such that the entire shutdown zone would not be visible (e.g., fog, heavy rain), pile driving would be delayed until the PSO is confident marine mammals within the shutdown zone could be detected.

PSOs will monitor the full shutdown zones and as much of the Level B harassment zones as possible. Monitoring enables observers to be aware of and communicate the presence of marine mammals in the project areas outside the shutdown zones and thus prepare for a potential cessation of activity should the animal enter the shutdown zone.

Pre- and Post-Activity Monitoring

Monitoring must take place from 30 minutes prior to initiation of pile driving activities (i.e., pre-clearance monitoring) through 30 minutes post-completion of pile driving. Prior to the start of daily in-water construction activity, or whenever a break in pile driving of 30 minutes or longer occurs, PSOs must observe the shutdown and

monitoring zones for a period of 30 minutes. The shutdown zone will be considered cleared when a marine mammal has not been observed within the zone for a 30-minute period. If a marine mammal is observed within the shutdown zones, pile driving activity will be delayed or halted. If work ceases for more than 30 minutes, the pre-activity monitoring of the shutdown zones will commence. A determination that the shutdown zone is clear must be made during a period of good visibility (i.e., the entire shutdown zone and surrounding waters must be visible to the naked eye).

Soft Start

Soft-start procedures provide additional protection to marine mammals by providing warning and/or giving marine mammals a chance to leave the area prior to the impact hammer operating at full capacity. Hoonah must implement soft start techniques when impact pile driving. Soft start requires contractors to conduct an initial set of three strikes at reduced energy, followed by a 30-second waiting period, then two subsequent three-strike sets before initiating continuous driving. Soft start will be implemented at the start of each day's impact pile driving

and at any time following cessation of impact pile driving for a period of 30 minutes or longer.

Based on our evaluation of the applicant's planned measures, NMFS has determined that the mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

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.

Visual Monitoring

Marine mammal monitoring must be conducted in accordance with the Marine Mammal Monitoring and Mitigation Plan and section 5 of the IHA. Hoonah's draft Marine Mammal Monitoring and Mitigation Plan is Appendix D of the IHA application. Prior to the beginning of construction, Hoonah will submit a revised Marine Mammal Mitigation and Monitoring Plan containing additional details of monitoring locations and methodology for NMFS concurrence.

Marine mammal monitoring during pile driving and removal must be conducted by NMFS-approved PSOs in a manner consistent with the following:

- PSOs must be independent of the activity contractor (for example, employed by a subcontractor) and have no other assigned tasks during monitoring periods;
- At least one PSO must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization;

- Other PSOs may substitute education (degree in biological science or related field) or training for prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization. PSOs may also substitute Alaska native traditional knowledge for experience;
- Where a team of three or more PSOs is required, a lead observer or monitoring coordinator must be designated. The lead observer must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization; and PSOs must be approved by NMFS prior to beginning any activity subject to this IHA.

PSOs must have the following additional qualifications:

- Ability to conduct field observations and collect data according to assigned protocols;
- Experience or training in the field identification of marine mammals, including the identification of behaviors;
- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
- Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates, times, and reason for implementation of mitigation (or why mitigation was not implemented when required); and marine mammal behavior; and
- Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

Between one and three PSOs will be on duty depending on the size of the Level B harassment zone. PSOs will establish monitoring locations as described in the Marine Mammal Mitigation and Monitoring Plan. Monitoring locations will be selected by the Contractor during pre-construction. PSOs will monitor for marine mammals entering the Level B harassment zones; the position(s) may vary based on construction activity and location of piles or equipment.

Monitoring will be conducted 30 minutes before, during, and 30 minutes after pile driving/removal activities. In addition, observers shall record all incidents of marine mammal occurrence, regardless of distance from activity, and shall document any behavioral reactions in concert with distance from piles being driven or

removed. Pile driving/removal activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than 30 minutes.

Data Collection

PSOs must use approved data forms to record the following information:

- Dates and times (beginning and end) of all marine mammal monitoring; and
- PSO locations during marine mammal monitoring.
- Construction activities occurring during each daily observation period, including how many and what type of piles were driven or removed and by what method (*i.e.*, vibratory, impact, or tension anchoring).
- Weather parameters and water conditions;
- The number of marine mammals observed, by species, relative to the pile location and if pile driving or removal was occurring at time of sighting;
- Distance and bearings of each marine mammal observed to the pile being driven or removed;
- Description of marine mammal behavior patterns, including direction of travel;
- Age and sex class, if possible, of all marine mammals observed; and
- Detailed information about implementation of any mitigation triggered (such as shutdowns and delays), a description of specific actions that ensued, and resulting behavior of the animal if any.

Reporting

A draft marine mammal monitoring report will be submitted to NMFS within 90 days after the completion of monitoring or 60 calendar days prior to the requested issuance of any subsequent IHA for construction activity at the same location, whichever comes first. It would include an overall description of work completed, a narrative regarding marine mammal sightings, and associated PSO data sheets. Specifically, the report must include:

- Dates and times (begin and end) of all marine mammal monitoring;
- Construction activities occurring during each daily observation period, including the number and type of piles driven or removed and by what method (*i.e.*, impact, vibratory, tension anchoring). The total duration of driving time must be recorded for each pile during vibratory driving and, number or strikes for each pile during impact driving, and the duration of operation of drilling and components for tension anchoring;

- PSO locations during marine mammal monitoring;
- Environmental conditions during monitoring periods (at beginning and end of PSO shift and whenever conditions change significantly), including Beaufort sea state and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon, and estimated observable distance;
- Upon observation of a marine mammal, the following information: (1) name of PSO who sighted the animal(s) and PSO location and activity at time of sighting; (2) time of sighting; (3) identification of the animal(s) (*e.g.*, genus/species, lowest possible taxonomic level, or unidentified), PSO confidence in identification, and the composition of the group if there is a mix of species; (4) distance and bearing of each marine mammal observed relative to the pile being driven for each sighting (if pile driving was occurring at time of sighting); (5) estimated number of animals (min/max/best estimate); (6) estimated number of animals by cohort (adults, juveniles, neonates, group composition, *etc.*); (7) animal's closest point of approach and estimated time spent within the harassment zone; and (8) description of any marine mammal behavioral observations (*e.g.*, observed behaviors such as feeding or traveling), including an assessment of behavioral responses thought to have resulted from the activity (*e.g.*, no response or changes in behavioral state such as ceasing feeding, changing direction, flushing, or breaching);
- Number of marine mammals detected within the harassment zones, by species; and
- Detailed information about any implementation of any mitigation triggered (*e.g.*, shutdowns and delays), a description of specific actions that ensued, and resulting changes in behavior of the animal(s), if any.

If no comments are received from NMFS within 30 days, the draft final report will constitute the final report. If comments are received, a final report addressing NMFS comments must be submitted within 30 days after receipt of comments.

Reporting Injured or Dead Marine Mammals

In the event that personnel involved in the construction activities discover an injured or dead marine mammal, Hoonah shall report the incident to the Office of Protected Resources (OPR), NMFS and to the Alaska regional stranding network as soon as feasible. If the death or injury was clearly caused by the specified activity, Hoonah must

immediately cease the specified activities until NMFS is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of the IHA. The IHA-holder must not resume their activities until notified by NMFS. The report must include the following information:

- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);
- Observed behaviors of the animal(s), if alive;
- If available, photographs or video footage of the animal(s); and,
- General circumstances under which the animal was discovered.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.*, population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be "taken" through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (*e.g.*, intensity, duration), the context of any impacts or responses (*e.g.*, critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (*e.g.*, as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the majority of our analysis applies to all the species listed in table 1, given that many of the anticipated effects of this project on different marine mammal stocks are expected to be relatively similar in nature. Where there are meaningful differences between species or stocks, or groups of species, in anticipated individual responses to activities, impact of expected take on the population due to differences in population status, or impacts on habitat, they are described independently in the analysis below.

Pile driving and tension anchoring activities have the potential to disturb or displace marine mammals. Specifically, the project activities may result in take, in the form of Level A harassment (Dall's porpoise, harbor porpoise, and harbor seal) and Level B harassment from underwater sounds generated from pile driving and removal and tension anchoring. Potential takes could occur if individuals are present in the ensonified zone when these activities are underway.

The takes by Level B harassment would be due to potential behavioral disturbance and TTS. Takes by Level A harassment would be due to auditory injury. No mortality or serious injury is anticipated given the nature of the activity, even in the absence of the required mitigation. The potential for harassment is minimized through the construction method and the implementation of the mitigation measures (see Mitigation section).

Take will occur within a limited, confined area (Port Fredrick) of the stocks' ranges. The intensity and duration of take by Level A harassment and Level B harassment will be minimized through use of mitigation measures described herein. Further, the amount of take authorized is extremely small when compared to stock abundance, and the project is not anticipated to impact any known important habitat areas for any marine mammal species with the exception of a known biologically important area for humpback whales, discussed below.

Take by Level A harassment is authorized to account for the potential that an animal could enter and remain within the area between a Level A harassment zone and the shutdown zone for a duration long enough to be taken by Level A harassment. Any take by Level A harassment is expected to arise from, at most, a small degree of auditory injury because animals would need to be exposed to higher levels and/or longer duration than are expected to occur here in order to incur any more than a small degree of auditory injury.

Additionally, and as noted previously, some subset of the individuals that are behaviorally harassed could also simultaneously incur some small degree of TTS for a short duration of time. Because of the small degree anticipated, though, any auditory injury or TTS potentially incurred here would not be expected to adversely impact individual fitness, let alone annual rates of recruitment or survival.

Behavioral responses of marine mammals to pile driving at the project site, if any, are expected to be mild and temporary. Marine mammals within the Level B harassment zone may not show any visual cues they are disturbed by activities or could become alert, avoid the area, leave the area, or display other mild responses that are not observable such as changes in vocalization patterns. Given the limited number of piles to be installed or extracted per day and that pile driving and removal will occur across a maximum of 107 days within the 12-month authorization period, any harassment would be temporary.

Any impacts on marine mammal prey that would occur during Hoonah's planned activity would have, at most, short-term effects on foraging of individual marine mammals, and likely no effect on the populations of marine mammals as a whole. Indirect effects on marine mammal prey during the construction are expected to be minor, and these effects are unlikely to cause substantial effects on marine mammals at the individual level, with no expected effect on annual rates of recruitment or survival.

In addition, it is unlikely that elevated noise in a small, localized area of habitat would have any effect on the stocks' annual rates of recruitment or survival. In combination, we believe that these factors, as well as the available body of evidence from other similar activities, demonstrate that the potential effects of the specified activities will have only minor, short-term effects on individuals. The specified activities are not expected to impact rates of recruitment or survival, and will therefore not result in population-level impacts.

The waters of Glacier Bay and Icy Strait are part of the Alaska humpback whale feeding Biologically Important Area (BIA) (Wild *et al.*, 2023). However, underwater sound will be constrained to Port Fredrick and will be truncated by land masses in the inlet. The area of the BIA that may be affected by the planned project is small relative to the overall area of the BIA. The humpback whale feeding BIA is active between May and October while the planned project is

scheduled to occur between September and January, resulting in only 2 months of overlap. Additionally, pile driving associated with the project is expected to take only 107 days, further reducing the temporal overlap with the BIA. Therefore, the planned project is not expected to have significant adverse effects on the foraging of Alaska humpback whale.

There are two known harbor seal haulouts within Port Fredrick. One of the haulouts (CE79A) is located approximately 10 km (6.25 mi) from the project site and is outside of the ensonified zone for this action. The other (CF39A) is located approximately 3 km (2 mi) from the project site and will be ensonified during some vibratory and impact pile driving activities. Neither of these haulouts are listed as a "key haulout," or a haulout with 50 or more individuals present at the time of survey (AFSC 2024). Given that these are not considered key haulouts, and the maximum of 43 days that the ensonified zone will extend over 2 km, the planned project is not expected to have significant adverse effects on harbor seal haulout sites. No areas of specific biological importance (*e.g.*, ESA critical habitat, other BIAs, or other areas) for any other species are known to co-occur with the project area.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect any of the species or stocks through effects on annual rates of recruitment or survival:

- No serious injury or mortality is anticipated or authorized;
- For all species except Dall's porpoises, harbor porpoises, and harbor seals, no Level A harassment is anticipated or authorized for this action;
- The intensity of anticipated takes by Level B harassment is relatively low for all stocks and would not be of a duration or intensity expected to result in impacts on reproduction or survival;
- The lack of anticipated significant or long-term negative effects to marine mammal habitat;
- With the exception of the humpback whale BIA described above, no areas of specific biological importance (*e.g.*, ESA critical habitat, other BIAs, or other areas) for any other species are known to co-occur with the project area; and
- Hoonah will implement mitigation measures, such as soft-starts for impact pile driving and shutdowns to minimize the numbers of marine mammals exposed to injurious levels of sound, and to ensure that take by Level A

harassment, is at most, a small degree of auditory injury.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total marine mammal take from the planned activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted previously, only take of small numbers of marine mammals may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

For all stocks, except for the Alaska stock of minke whales and the Alaska stock of Dall's porpoises, whose abundance estimate is unknown, the authorized number of takes is less than one-third of the best available population abundance estimate (table 7). The numbers of animals authorized to be taken from these stocks is considered small relative to the relevant stocks' abundances, even if each estimated taking occurred to a new individual—an extremely unlikely scenario.

Current abundance estimates of Dall's porpoises in the region are not available. The most recent estimate (83,400 individuals) does not include coastal or inland waters of southeast Alaska and is considered unreliable since it is based upon data collected more than 8 years ago (Young *et al.*, 2023). However, given the size of the most recent estimate, the 83 takes of this stock that is authorized clearly represents small numbers of this stock.

There is no current or historical estimate of the Alaska minke whale stock, but there are known to be over 1,000 minke whales in the Gulf of Alaska (Muto *et al.* 2018), so the 11

takes authorized is small relative to estimated survey abundance, even if each take occurred to a new individual. Additionally, the range of the Alaska stock of minke whales is extensive, stretching from the Canadian Pacific coast to the Chukchi Sea, and Hoonah's planned project area will impact a small portion of this range.

Based on the analysis contained herein of the planned activity (including the mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals would be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

In order to issue an IHA, NMFS must find that the specified activity will not have an "unmitigable adverse impact" on the subsistence uses of the affected marine mammal species or stocks by Alaskan Natives. NMFS has defined "unmitigable adverse impact" in 50 CFR 216.103 as an impact resulting from the specified activity: (1) That is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by: (i) Causing the marine mammals to abandon or avoid hunting areas; (ii) Directly displacing subsistence users; or (iii) Placing physical barriers between the marine mammals and the subsistence hunters; and (2) That cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

Alaska Natives have traditionally harvested subsistence resources, including marine mammals, in the Glacier Bay and Icy Strait for a millennia. Present day Hoonah is the principle village of the Huna Tribe, and according to Ian Johnson, Hoonah Indian Association's Environmental Coordinator, no known marine mammal harvest takes place in the immediate HMIC area (Johnson 2024). Limited subsistence harvests of marine mammals within Port Fredrick has occurred in the past, with the most recent recorded/documented harvests of marine mammals in Hoonah in 2012. The planned activity will take place in Port Fredrick, and no activities overlap with current subsistence hunting areas; therefore, there are no relevant subsistence uses of marine mammals adversely impacted by this action. The project is not likely to adversely impact the availability of any marine mammal species or stocks that are commonly used for subsistence purposes or to

impact subsistence harvest of marine mammals in the region.

Based on the description of the specified activity, the measures described to minimize adverse effects on the availability of marine mammals for subsistence purposes, and the mitigation and monitoring measures, NMFS has determined that there will not be an unmitigable adverse impact on subsistence uses from Hoonah's planned activities.

Endangered Species Act

There are two marine mammal species (Mexico DPS humpback whale and western DPS Steller sea lion) with confirmed occurrence in the project area that are listed as endangered under the ESA. The NMFS Alaska Regional Office issued a Biological Opinion on February 20, 2025 under section 7 of the ESA, on the issuance of an IHA to Hoonah under section 101(a)(5)(D) of the MMPA by the NMFS Office of Protected Resources. The Biological Opinion concluded that the planned action is not likely to jeopardize the continued existence of Mexico DPS humpback whales or western DPS Steller sea lions, and is not likely to destroy or adversely modify Mexico DPS humpback whale and western DPS Steller sea lion critical habitat.

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 determined that the issuance of this IHA qualifies to be categorically excluded from further NEPA review.

Authorization

NMFS has issued an IHA to Hoonah for the potential harassment of small numbers of eight marine mammal species incidental to the Hoonah Cargo Dock Project in Hoonah, Alaska, that includes the previously explained mitigation, monitoring, and reporting requirements.

Dated: March 10, 2025.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2025-04071 Filed 3-13-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE749]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) is holding a public meeting of its Scientific and Statistical Committee (SSC) via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate. **DATES:** This meeting will be held on Friday, April 4, 2025, beginning at 9 a.m.

ADDRESSES:

Webinar Registration information:
<https://nefmc-org.zoom.us/j/64489569999>
register/KdBy56K9S7uxwrsadkelQg.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Scientific and Statistical Committee (SSC) will meet to Consider revising recommendations for the overfishing limits (OFL) and acceptable biological catches (ABC) for Atlantic herring: specifically review updated information provided by the Council's Atlantic Herring Plan Development Team (PDT) and the Atlantic States Marine Fisheries Commission's Atlantic Herring Technical Committee (TC) including: (1) Stock projections with an updated fishing year (FY) 2024 fishery catch estimate and a risk analysis prepared by the PDT/TC, and (2) Outcomes from the March 2025 peer review of the Research Track Stock Assessment and recommend Atlantic

herring OFLs and ABCs for FYs 2025 and 2026, based on the new information and consider default specifications for FY2027. The Committee will also receive an overview of and discuss the SSC work plan for 2025. They will also provide input on potential themes for the ninth meeting of the Council Coordination Committee's Scientific Coordination Subcommittee. Other business will be discussed, as necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date.

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

Dated: March 10, 2025.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2025-04054 Filed 3-13-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE745]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold public meetings of the Council including a joint session with the Atlantic States Marine Fisheries Commission (ASMFC) Policy Board.

DATES: The meetings will be held Tuesday, April 8 through Thursday, April 10, 2025. For agenda details, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: This meeting will be an in-person meeting with a virtual option. Council members, other meeting participants, and members of the public will have the option to participate in person at the Seaview Dolce Hotel (401 South New York Road, Galloway, NJ 08205) or virtually via Webex webinar. Webinar connection instructions and briefing materials will be available at: <https://www.mafmc.org/briefing/april-2025>.

Council address: Mid-Atlantic Fishery Management Council, 800 N State St., Suite 201, Dover, DE 19901; telephone: (302) 674-2331; www.mafmc.org.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D. Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 526-5255. The Council's website, www.mafmc.org, also has details on the meeting location, proposed agenda, webinar listen-in access, and briefing materials.

SUPPLEMENTARY INFORMATION: The following items are on the agenda, although agenda items may be addressed out of order (changes will be noted on the Council's website when possible.)

Tuesday, April 8, 2025

2025 Mid-Atlantic State of the Ecosystem Report—Dr. Sarah Gaichas, NEFSC

Review report and provide feedback

2025 Ecosystem Approach to Fisheries Management (EAFM) Risk Assessment Report

Review report and provide feedback

Essential Fish Habitat (EFH) 5-Year Review

Review and approve report

Wednesday, April 9, 2025

Council Convenes With Atlantic States Marine Fisheries Commission (ASMFC) Policy Board

Recreational Measures Setting Process Framework/Addenda

Review public comments

Review FMAT/PDT recommendations

Review Advisory Panel input

Consider final action

LUNCH

Recreational Sector Separation and Data Collection Amendment

Review scoping comments

Review FMAT/PDT and Advisory Panel input

Discuss scope of action and next steps

ASMFC Policy Board Adjourns

Gear Making/On-Demand Gear Framework

Review the purpose of the framework
Provide guidance on draft alternatives

Council Awards Presentation

Presentation of the 2024 Ricks E. Savage Award and the 2025 James A. Ruhle Cooperative Research Award

Thursday, April 10, 2025

Business Session

Committee Reports (SSC); Executive Director's Report; Organization Reports; and Liaison Reports

Other Business and General Public Comment

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c).

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Shelley Spedden, (302) 526-5251, at least 5 days prior to the meeting date.

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

Dated: March 11, 2025.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2025-04118 Filed 3-13-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of National Estuarine Research Reserve; Notice of Public Meeting; Request for Comments

AGENCY: Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of public meeting; opportunity to comment.

SUMMARY: The National Oceanic and Atmospheric Administration's (NOAA's) Office for Coastal Management will hold an in-person public meeting to solicit input on the performance evaluation of the Wells National Estuarine Research Reserve. NOAA also invites the public to submit written comments.

DATES: NOAA will hold an in-person public meeting at 6 p.m. Eastern Time (ET) on Tuesday, April 29, 2025. NOAA may close the meeting 10 minutes after the conclusion of public testimony and after responding to any clarifying questions from meeting participants. NOAA will consider all relevant written comments received by Friday, May 9, 2025.

ADDRESSES: Comments may be submitted by one of the following methods:

- *In-Person Public Meeting:* Provide oral comments during the in-person public meeting on Tuesday, April 29, 2025, at 6 p.m. ET at Mather Auditorium, Wells Reserve, 342 Laudholm Farm Road, Wells, Maine 04090.
- *Email:* Send written comments to Carrie Hall, Evaluator, NOAA Office for Coastal Management, at czma.evaluations@noaa.gov. Include "Comments on Performance Evaluation of Wells Reserve" in the subject line. NOAA will accept anonymous comments; however, the written comments NOAA receives are considered part of the public record, and the entirety of the comment, including the name of the commenter, email address, attachments, and other supporting materials, will be publicly accessible. Do not submit sensitive personally identifiable information, such as account numbers and Social Security numbers, or confidential business information. Comments that contain profanity, vulgarity, threats, or other inappropriate language will not be considered.

FOR FURTHER INFORMATION CONTACT: Carrie Hall, Evaluator, NOAA Office for Coastal Management, by email at Carrie.Hall@noaa.gov or by phone at (240) 410-3422. Copies of the previous evaluation findings, reserve management plan, and reserve site profile may be viewed and downloaded at <https://coast.noaa.gov/czm/evaluations/>. A copy of the evaluation notification letter and most recent progress report may be obtained upon request by contacting Carrie Hall.

SUPPLEMENTARY INFORMATION: Section 315(f) of the Coastal Zone Management Act (CZMA) requires NOAA to conduct periodic evaluations of federally approved national estuarine research reserves. The evaluation process includes holding one or more public meetings, considering public comments, and consulting with interested Federal, State, and local agencies and members of the public. During the evaluation, NOAA will consider the extent to which the Wells Reserve Management Authority has met the national objectives and has adhered to the management plan approved by the Secretary of Commerce, the requirements of section 315(b)(2) of the CZMA, and the terms of financial assistance under the CZMA. When the evaluation is complete, NOAA's Office for Coastal Management will place a notice in the **Federal Register** announcing the availability of the final evaluation findings.

Authority: 16 U.S.C. 1461.

Keelin Kuipers,

Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2025-03994 Filed 3-13-25; 8:45 am]

BILLING CODE 3510-08-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE754]

South Atlantic Fishery Management Council (SAFMC); Public Meetings

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

ACTION: Notice of a public meeting.

SUMMARY: The South Atlantic Fishery Management Council (Council) will host a meeting of the Mackerel Cobia Advisory Panel on March 31 and April 1, 2025.

DATES: The meeting will be held from 1:30 p.m. until 5 p.m. EDT on March 3, 2025, and from 9 a.m. until 5 p.m. on April 1, 2025.

ADDRESSES:

Meeting address: The Workshop will be held at the Crowne Plaza Hotel Charleston; 4831 Tanger Outlet Blvd., North Charleston, SC; phone: (843) 744-4422.

The meeting will also be available via webinar. Registration is required. Webinar registration, an online public

comment form, and briefing book materials will be available two weeks prior to the meetings at: <https://safmc.net/events/march-2025-mackerel-cobia-ap-meeting/>.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Christina Wiegand, Fishery Social Scientist, SAFMC; phone 843/302-8437; email: christina.wiegand@safmc.net.

SUPPLEMENTARY INFORMATION: The Mackerel Cobia Advisory Panel (AP) will receive the final report from the Mackerel Port Meetings effort and an update on recent Council discussions relative to possible management action. The AP will discuss and provide recommendations on giant manta ray interactions with the cobia fishery, the For-Hire Electronic Reporting Improvement Amendment, For-Hire Limited Entry Amendment, and review the Council's Research and Monitoring Prioritization Plan. The AP will receive an update on activities conducted by the Citizen Science Program. Finally, AP members will participate in a mock run through of the Council's stakeholder engagement initiative, *Lines of Communication*.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: March 10, 2025.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2025-04055 Filed 3-13-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE759]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council)

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (kris.kleinschmidt@noaa.gov; (503) 820-2412) at least 10 days prior to the meeting date.

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

Dated: March 11, 2025.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2025-04119 Filed 3-13-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE634]

Taking of Threatened or Endangered Marine Mammals Incidental to Commercial Fishing Operations; Proposed Issuance of Permit

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

ACTION: Notice; request for comments.

SUMMARY: NMFS is proposing to issue a permit to authorize the incidental, but not intentional, take of specific Endangered Species Act (ESA)-listed marine mammal species or stocks under the Marine Mammal Protection Act (MMPA), in the Category II California (CA) thresher shark/swordfish drift gillnet (≥14 inch (in) mesh) fishery and the corresponding high seas component of the fishery as defined on the MMPA List of Fisheries as the Pacific highly migratory species drift gillnet fishery (hereinafter, collectively referred to as the CA thresher shark/swordfish drift gillnet (≥14 in mesh)/Pacific highly migratory species drift gillnet fishery).

DATES: Comments on this action and supporting documents must be received by April 14, 2025.

ADDRESSES: You may submit comments on the proposed permit and the preliminary determination supporting the permit, identified by NOAA-NMFS-2025-0007, through the Federal e-Rulemaking Portal:

1. Go to <https://www.regulations.gov> and enter NOAA-NMFS-2025-0007 in the Search box.

2. Click the “Comment” icon, and complete the required fields.

3. Enter or attach your comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal identifying information (e.g., name, address, *etc.*), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter N/A in the required fields if you wish to remain anonymous).

The preliminary determination supporting the permit is available on the internet at <https://www.regulations.gov/docket/NOAA-NMFS-2025-0007>. Other supporting information is available on the internet including: recovery plans for the ESA-listed marine mammal species, <https://www.fisheries.noaa.gov/national/endangered-species-conservation/recovery-species-under-endangered-species-act>; 2024 MMPA List of Fisheries (LOF), <https://www.fisheries.noaa.gov/national/marine-mammal-protection/list-fisheries-summary-tables>; the most recent Marine Mammal Stock Assessment Reports (SAR) by region, <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region>, and stock, <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-species-stock>; and Take Reduction Teams (TRT) and Plans, <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-take-reduction-plans-and-teams>.

FOR FURTHER INFORMATION CONTACT: Dan Lawson, West Coast Region, (206) 526-4740, Dan.Lawson@noaa.gov, or Jaclyn Taylor, NMFS Office of Protected Resources, (301) 427-8402, Jaclyn.Taylor@noaa.gov.

SUPPLEMENTARY INFORMATION: The MMPA requires NMFS to authorize the incidental take of ESA-listed marine

mammals in commercial fisheries provided it can make the following determinations: (1) the incidental mortality and serious injury (M/SI) from commercial fisheries will have a negligible impact on the affected species or stocks; (2) a recovery plan for all affected species or stocks of threatened or endangered marine mammals has been developed or is being developed pursuant to the ESA; and (3) where required under MMPA section 118, a take reduction plan (TRP) has been developed or is being developed, a monitoring program is established, and vessels participating in the fishery are registered. We have made a preliminary determination that the Category II CA thresher shark/swordfish drift gillnet (≥14 in mesh)/Pacific highly migratory species drift gillnet fishery meets these three requirements and propose to issue a permit to the fishery to authorize the incidental take of ESA-listed marine mammal species or stocks (Central America/Southern Mexico-CA/OR/WA and Mainland Mexico-CA/OR/WA stocks of humpback whale; CA/OR/WA stock of sperm whale) under the MMPA for a period of 3 years. We solicit public comments on the proposed issuance of the permit and the underlying preliminary determination.

Background

The MMPA LOF classifies each commercial fishery as a Category I, II, or III fishery based on the level of mortality and injury of marine mammals occurring incidental to each fishery as defined in 50 CFR 229.2. Section 118(c)(2) of the MMPA requires fishing vessels that operate in Category I and II fisheries to register with NMFS and are subsequently authorized to incidentally take marine mammals during commercial fishing operations. However, that authorization is limited to those marine mammals that are not listed as threatened or endangered under the ESA. Section 118(a)(2) of the MMPA, 16 U.S.C. 1387(a)(2), also requires an additional authorization at section 101(a)(5) of the MMPA, 16 U.S.C. 1371, for incidental taking of ESA-listed marine mammals. Section 101(a)(5)(E) of the MMPA, 16 U.S.C. 1371, states that NMFS, as delegated by the Secretary of Commerce, for a period of up to 3 consecutive years shall allow the incidental, but not intentional, taking of marine mammal species or stocks designated as depleted because of their listing as an endangered species or threatened species under the ESA, 16 U.S.C. 1531 *et seq.*, by persons using vessels of the United States, while engaging in commercial fishing operations, if NMFS makes certain

determinations. NMFS must determine, after notice and opportunity for public comment, that: (1) incidental M/SI from commercial fisheries will have a negligible impact on the affected species or stock; (2) a recovery plan has been developed or is being developed for such species or stock pursuant to the ESA; and (3) where required under section 118 of the MMPA, a monitoring program has been established, vessels engaged in such fisheries are registered in accordance with section 118 of the MMPA, and a TRP has been developed or is being developed for such species or stock.

The LOF includes a list of marine mammal species or stocks incidentally killed or injured in each commercial fishery. We evaluated ESA-listed stocks or species included on the final 2024 MMPA LOF (89 FR 12257, February 16, 2024) as killed or seriously injured following NMFS' Procedural Directive 02–238 "Process for Distinguishing Serious from Non-Serious Injury of Marine Mammals." Based on this evaluation, we propose to issue a permit under MMPA section 101(a)(5)(E) to vessels registered in the Category II CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery, as classified on the final 2024 MMPA LOF, to incidentally kill or seriously injure individuals from the Central America/Southern Mexico-CA/OR/WA and Mainland Mexico-CA/OR/WA stocks of humpback whale and CA/OR/WA stock of sperm whale.

NMFS regularly evaluates commercial fisheries for purposes of making a negligible impact determination (NID) and issuing section 101(a)(5)(E) authorizations with the annual LOF as new information becomes available. More information about the fisheries is available in the 2024 MMPA LOF (89 FR 12257, February 16, 2024) and on the internet at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/list-fisheries-summary-tables>.

We reviewed the best available scientific information to determine if the fishery met the three requirements of MMPA section 101(a)(5)(E) for issuing a permit. This information is included in the 2024 MMPA LOF (89 FR 12257, February 16, 2024), the SARs for these species (available at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports>), recovery plans for these species (available at: [*species-act*\), and other relevant information, as detailed further in the document describing the preliminary determination supporting the permit \(available at: <https://www.regulations.gov/docket/NOAA-NMFS-2025-0007>\).](https://www.fisheries.noaa.gov/national/angered-species-conservation/recovery-species-under-angered-</p>
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Basis for Determining Negligible Impact

Prior to issuing a MMPA 101(a)(5)(E) permit to take ESA-listed marine mammals incidental to commercial fishing, NMFS must determine if the M/SI incidental to commercial fisheries will have a negligible impact on the affected marine mammal species or stocks. NMFS satisfies this requirement by making a NID. Although the MMPA does not define "negligible impact," NMFS has issued regulations providing a qualitative definition of "negligible impact," defined in 50 CFR 216.103, as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Criteria for Determining Negligible Impact

NMFS uses a quantitative approach for determining negligible impact detailed in NMFS Procedural Directive 02–204–02 (directive), "Criteria for Determining Negligible Impact under MMPA section 101(a)(5)(E)," which became effective on June 17, 2020 (NMFS 2020). The procedural directive is available online at: <https://www.fisheries.noaa.gov/national/laws-and-policies/protected-resources-policy-directives>. The directive describes NMFS' process for determining whether incidental M/SI from commercial fisheries will have a negligible impact on ESA-listed marine mammal species/stocks (the first requirement necessary for issuing a MMPA section 101(a)(5)(E) permit as noted above).

The directive first describes the derivation of two Negligible Impact Thresholds (NIT), which represent levels of removal from a marine mammal species or stock. The first, Total Negligible Impact Threshold (NIT_t), represents the total amount of human-caused M/SI that NMFS considers negligible for a given stock. The second, lower threshold, Single NIT (NIT_s) represents the level of M/SI from a single commercial fishery that NMFS considers negligible for a stock. NIT_s was developed in recognition that some stocks may experience non-negligible levels of total human-caused M/SI but one or more individual fisheries may contribute a very small portion of that

M/SI, and the effect of an individual fishery may be considered negligible.

The directive describes a detailed process for using these NIT values to conduct a NID analysis for each fishery classified as a Category I or II fishery on the MMPA LOF. The NID process uses a two-tiered analysis. The Tier 1 analysis first compares the total human-caused M/SI for a particular stock to NIT_t. If NIT_t is not exceeded, then all commercial fisheries that kill or seriously injure the stock are determined to have a negligible impact on the particular stock. If NIT_t is exceeded, then the Tier 2 analysis compares each individual commercial fishery's M/SI for a particular stock to NIT_s. If NIT_s is not exceeded, then the commercial fishery is determined to have a negligible impact on that particular stock. For transboundary, migratory stocks, where the M/SI that occurs outside of U.S. waters is uncertain, we assume that total M/SI exceeds NIT_t and proceed directly to the Tier 2 NIT_s analysis. If a commercial fishery has a negligible impact across all ESA-listed stocks, then the first of three findings necessary for issuing a MMPA 101(a)(5)(E) permit to the commercial fishery has been met (*i.e.*, a NID). If a commercial fishery has a non-negligible impact on any ESA-listed stock, then NMFS cannot issue a MMPA 101(a)(5)(E) permit for the fishery to incidentally take ESA-listed marine mammals.

These NID criteria rely on the best available scientific information, including estimates of a stock's minimum population size and human-caused M/SI levels, as published in the most recent SARs and other supporting documents, as appropriate. Using these inputs, the quantitative negligible impact thresholds allow for straightforward calculations that lead to clear negligible or non-negligible impact determinations for each commercial fishery analyzed. In rare cases, robust data may be unavailable for a straightforward calculation, and the directive provides instructions for completing alternative calculations or assessments where appropriate.

Negligible Impact Determination

NMFS evaluated the impact of the CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery following the directive and based on the best available scientific information, made a preliminary NID. The NID analysis is presented in the accompanying MMPA 101(a)(5)(E) evaluation document that provides summaries of the information used to evaluate each ESA-listed stock

documented on the 2024 MMPA LOF as killed or injured incidental to the fishery (available at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/list-fisheries-summary-tables>). The draft MMPA 101(a)(5)(E) evaluation document is available at: <https://www.regulations.gov/docket/NOAA-NMFS-2025-0007>.

The Central America/Southern Mexico-CA/OR/WA and Mainland Mexico-CA/OR/WA stocks of humpback whale are transboundary stocks. The CA/OR/WA stock of sperm whales is also a transboundary stock based on the description of the stock's geographic range in the 2023 SAR (Carretta *et al.* 2024). A recent study by Wild *et al.* (2024) found that after foraging in the Gulf of Alaska, tagged male sperm whales travelled south, along the west coast of North America, down to Mexican waters. Because the M/SI that occurs outside of U.S. waters for these transboundary stocks is uncertain, we assumed that total M/SI exceeds NIT, for these stocks and proceeded directly to the Tier 2 NIT_s analysis.

Based on the criteria outlined in the directive, the most recent SARs, and the best available scientific information, NMFS has determined that the M/SI of Central America/Southern Mexico-CA/OR/WA and Mainland Mexico-CA/OR/WA stocks of humpback whale and CA/OR/WA stock of sperm whale incidental to the CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery will have a negligible impact on these stocks. Accordingly, this MMPA 101(a)(5)(E) requirement is satisfied for CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery (see draft MMPA 101(a)(5)(E) determination document is available at: <https://www.regulations.gov/docket/NOAA-NMFS-2025-0007>). Summaries of the NID analyses are provided below.

The Category II CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery has documented incidental M/SI of the Central America/Southern Mexico-CA/OR/WA stock of humpback whale. The 2022 SAR includes a mean annual total commercial fishery-related M/SI (8.1) (data from 2016–2020) for the Central America/Southern Mexico-CA/OR/WA stock of humpback whale (Carretta *et al.* 2023). This comprises M/SI from all commercial fisheries, including the CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery, as well as fishery-related M/SI for the stock not

assigned to a specific commercial fishery.

A more recent publication, Carretta 2023, includes bycatch data from 1990 through 2022 for the CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery. Using M/SI from 2018–2022 from Carretta 2023, estimated M/SI of humpback whales (Central America/Southern Mexico-CA/OR/WA stock) in the CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery is 0.170 (Carretta 2023). Since this M/SI (0.170) is less than NIT_s (0.68), NMFS preliminarily determined that the CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery has a negligible impact on the Central America/Southern Mexico-CA/OR/WA stock of humpback whale (see accompanying MMPA 101(a)(5)(E) evaluation document).

The Category II CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery has documented incidental M/SI of the Mainland Mexico-CA/OR/WA stock of humpback whale. The 2022 SAR includes a mean annual total commercial fishery-related M/SI (11.4) (data from 2016–2020) for the Mainland Mexico-CA/OR/WA stock of humpback whale (Carretta *et al.* 2023). This comprises M/SI from all commercial fisheries, including the CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery, as well as fishery-related M/SI for the stock not assigned to a specific commercial fishery.

A more recent publication, Carretta 2023, includes bycatch data from 1990 through 2022 for the CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery. Using M/SI from 2018–2022, estimated M/SI of humpback whales (Mainland Mexico-CA/OR/WA stock) in the CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery is 0.231 (Carretta 2023). Since this M/SI (0.231) is less than NIT_s (1.70), NMFS preliminarily determined that the CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery has a negligible impact on the Mainland Mexico-CA/OR/WA stock of humpback whale (see accompanying MMPA 101(a)(5)(E) evaluation document).

The Category II CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery has documented

incidental M/SI of the CA/OR/WA stock of sperm whale in the 2023 SAR. Mean annual total commercial fishery-related M/SI for the CA/OR/WA stock of sperm whales from 2017–2021 is 0.52 (Carretta *et al.* 2024). This comprises M/SI from all commercial fisheries, including the CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery, as well as fishery-related M/SI for the stock not assigned to a specific commercial fishery.

Carretta 2023, includes bycatch data from 1990 through 2022 for the CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery. Using M/SI from 2018–2022, estimated M/SI of sperm whales (CA/OR/WA stock) in the CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery is 0.00 (Carretta 2023). Since this M/SI (0.00) is less than NIT_s (0.523), NMFS preliminarily determined that the CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery has a negligible impact on the CA/OR/WA stock of sperm whale (see accompanying MMPA 101(a)(5)(E) evaluation document).

The most recent SARs for the Central America/Southern Mexico-CA/OR/WA and Mainland Mexico-CA/OR/WA stocks of humpback whale and CA/OR/WA stock of sperm whale include fishery-related M/SI not assigned to a specific commercial fishery. This unattributed fishery-related M/SI could be from any number of commercial, recreational, or tribal fisheries. However, because this fishery is observed (~20 percent observer coverage) we are confident that any unobserved humpback or sperm whale M/SI in the CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery is accounted for in the model-based M/SI estimates for these stocks (Carretta 2023). Given this, any unattributed fishery-related M/SI that may be incidental to this specific commercial fishery is already accounted for, and we did not include unattributed mortality in the calculations for NID Tier 2 analyses (described above). NMFS is actively monitoring the CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery through a fishery observer program. If additional fishery-related M/SI is documented through the observer program and required reporting that indicates additional M/SI of the Central America/Southern Mexico-CA/OR/WA and

Mainland Mexico-CA/OR/WA stocks of humpback whale or CA/OR/WA stock of sperm whale is occurring, then NMFS will re-evaluate the NIDs and the permit.

Recovery Plans

A recovery plan for sperm whales has been developed (see <https://www.fisheries.noaa.gov/national/endangered-species-conservation/recovery-species-under-endangered-species-act>).

A recovery plan for the globally ESA-listed humpback whale species was developed in 1991. In 2016, NMFS revised the listing status of the humpback whale under the ESA. The globally listed endangered species was divided into 14 distinct population segments (DPSs), the species-level listing was removed, and NMFS listed four DPSs as endangered and one DPS as threatened (81 FR 62260, September 8, 2016). In June 2022, NMFS published a recovery outline for the Central America, Mexico, and Western North Pacific DPSs of humpback whales (<https://www.fisheries.noaa.gov/resource/document/recovery-outline-central-america-mexico-and-western-north-pacific-distinct>). The recovery outline serves as an interim guidance document and, with the existing species-wide recovery plan, directs recovery efforts, including recovery planning, for the Central America and Mexico DPSs of humpback whales. These DPSs correspond with the Central America/Southern Mexico-CA/OR/WA and Mainland Mexico-CA/OR/WA stocks of humpback whales, respectively. Once finalized, the new recovery plan will replace the species-wide recovery plan.

Accordingly, the requirement that a recovery plan has been developed pursuant to the ESA is satisfied.

Take Reduction Plan

The MMPA section 118 requires the development and implementation of a TRP for each strategic stock that interacts with a Category I or II fishery. Subject to available funding, the Secretary shall give highest priority to the development of TRPs for species or stocks whose M/SI exceeds potential biological removal level, have a small population size, and which are declining most rapidly. The stocks considered for these permits are designated as strategic stocks under the MMPA because the stocks or a component of the stocks are listed as threatened species or endangered species under the ESA (MMPA section 3(19)(C)). A TRP for the CA thresher shark/swordfish drift gillnet (≥ 14 in

mesh)/Pacific highly migratory species drift gillnet fishery and the affected marine mammal species or stocks (Central America/Southern Mexico-CA/OR/WA and Mainland Mexico-CA/OR/WA stocks of humpback whale and CA/OR/WA stock of sperm whale) has been developed (see Pacific Offshore Cetacean Take Reduction Plan).

Accordingly, the requirement under MMPA section 118 to have a TRP in place or in development is satisfied (see preliminary determination supporting the permit available on the internet at <https://www.regulations.gov/docket/NOAA-NMFS-2025-0007>).

Monitoring Program

Under MMPA section 118(d), NMFS is to establish a program for monitoring incidental M/SI of marine mammals from commercial fishing operations. The CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery is monitored by a NMFS fishery observer program. Accordingly, the requirement under MMPA section 118 to have a monitoring program in place is satisfied.

Vessel Registration

MMPA section 118(c) requires that vessels participating in Category I and II fisheries register to obtain an authorization to take marine mammals incidental to fishing activities. NMFS has integrated the MMPA registration process, implemented through the Marine Mammal Authorization Program, with existing state and Federal fishery license, registration, or permit systems for Category I and II fisheries on the LOF. Therefore, the requirement for vessel registration is satisfied.

Conclusions for Proposed Permit

Based on the above evaluation for the CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery as it relates to the three requirements of MMPA section 101(a)(5)(E), we propose to issue a MMPA 101(a)(5)(E) permit to the CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery to authorize the incidental take of ESA-listed species or stocks during commercial fishing operations. If, during the 3-year authorization, there is a significant change in the information or conditions used to support any of these determinations, NMFS will re-evaluate whether to amend or modify the authorization, after notice and opportunity for public comment. NMFS solicits public comments on the proposed permit and the preliminary determinations supporting the permit.

ESA Section 7 and National Environmental Policy Act (NEPA) Requirements

ESA section 7(a)(2) requires Federal agencies to ensure that actions they authorize, fund, or carry out do not jeopardize the continued existence of any species listed under the ESA, or destroy or adversely modify designated critical habitat of any ESA-listed species. The effects of CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery on ESA-listed marine mammals for which a permit is proposed here, were analyzed in the appropriate ESA section 7 Biological Opinion on the commercial fishery (see <https://repository.library.noaa.gov/view/noaa/51058>), and incidental take was exempted for those ESA-listed marine mammals for the CA thresher shark/swordfish drift gillnet (≥ 14 in mesh)/Pacific highly migratory species drift gillnet fishery in accordance with the Biological Opinions' incidental take statement. Under section 7 of the ESA, Biological Opinions quantify the effects of the proposed action on ESA-listed species and their critical habitat and, where appropriate, exempt take of ESA-listed species that is reasonably certain to occur, as specified in the incidental take statement.

Under MMPA section 101(a)(5)(E), NMFS analyzes previously documented M/SI incidental to commercial fisheries through the NID process, and when the necessary findings can be made, issues a MMPA section 101(a)(5)(E) permit that allows for an unspecified amount of incidental taking of specific ESA-listed marine mammal stocks while engaging in commercial fishing operations. Thus, the applicable standards and resulting analyses under the MMPA and ESA differ, and as such, do not always align.

NEPA requires Federal agencies to evaluate the impacts of alternatives for their actions on the human environment. Because the proposed permit would not modify any fishery operation and the effects of the fishery operations have been evaluated in accordance with NEPA, no additional NEPA analysis beyond that conducted for the associated Fishery Management Plans is required for the permit. Issuing the proposed permit would have no additional impact on the human environment or effects on threatened or endangered species beyond those analyzed in these documents.

References

Carretta, James V. 2023. Estimates of Marine Mammal, Sea Turtle, and Seabird Bycatch in the California Large-Mesh Drift Gillnet Fishery: 1990–2022. U.S.

Department of Commerce, NOAA Technical Memorandum NMFS–SWFSC–687. 67 p.

Carretta, J.W., E.M. Oleson, K.A. Forney, M.M. Muto, D.W. Weller, A.R. Lang, J. Baker, B. Hanson, A.J. Orr, J. Barlow, J.E. Moore, and R.L. Brownell. 2023. U.S. Pacific Marine Mammal Stock Assessments: 2022. U.S. Department of Commerce. NOAA Technical Memorandum NMFS–SWFSC–684. 409 p.

Carretta, J.W., E.M. Oleson, K.A. Forney, A.L. Bradford, K. Yano, D.W. Weller, A.R. Lang, J. Baker, B. Hanson, A.J. Orr, J.E. Moore, M. Wallen and R.L. Brownell. 2024. U.S. Pacific Marine Mammal Stock Assessments: 2023. U.S. Department of Commerce. NOAA Technical Memorandum. NMFS–SWFSC–704. 420 p.

Wild, L.A., Mueter, F.J., Straley, J.M. and Andrews, R.D., 2024. Movement and Diving Behavior of Satellite-Tagged Male Sperm Whales in the Gulf of Alaska. *Frontiers in Marine Science*, 11, p.1394687.

National Marine Fisheries Service (NMFS). 2020. National Marine Fisheries Service Procedure 02–204–02: Criteria for Determining Negligible Impact under MMPA Section 101(a)(5)(E). 20 p. Available online: <https://www.fisheries.noaa.gov/national/laws-and-policies/protected-resources-policy-directives>.

Dated: March 10, 2025.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2025–04050 Filed 3–13–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE744]

South Atlantic Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a meeting of its Executive Committee (partially closed session) via webinar to discuss the Council budget and workplan.

DATES: The meeting will be held from 10 a.m. until 11:30 a.m. on Friday, April 11, 2025.

ADDRESSES:

Meeting address: The meeting will be held via webinar. Webinar registration

is required. Details are included in the **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 302–8440 or email: kim.iverson@safmc.net.

SUPPLEMENTARY INFORMATION: Meeting information, including the webinar registration link, online public comment form, agenda, and briefing book materials will be posted on the Council’s website at: <https://safmc.net/council-meetings/>. Comments become part of the Administrative Record of the meeting and will automatically be posted to the website and available for Council consideration.

At this meeting, the Council’s Executive Committee will review the 2025 Council budget and the status of funding disbursements. The Committee will consider if the 2025 budget requires modifications to address funding levels and availability. The meeting will include a closed session to discuss personnel and contract topics.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council’s intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: March 11, 2025.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2025–04120 Filed 3–13–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE760]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public online meeting.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) will provide a briefing on preliminary research and data needs to interested Pacific Council members, advisory body members, and the public.

DATES: The online briefing will be held Tuesday, April 1, 2025, from 1 p.m. until 2 p.m. (Pacific Standard Time) or until discussion is finished.

ADDRESSES: This meeting will be conducted online. Specific meeting information, including directions on how to join the meeting and system requirements, will be provided in the workshop announcement on the Pacific Council’s website (see www.pcouncil.org). You may send an email to Mr. Kris Kleinschmidt (kris.kleinschmidt@noaa.gov) or contact him at (503) 820–2412 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Marlene A. Bellman, Staff Officer, Pacific Council; telephone: (503) 820–2414, email: marlene.bellman@pcouncil.org.

SUPPLEMENTARY INFORMATION: The Pacific Council is scheduled to identify preliminary research and data need priorities during their April 2025 meeting, to address the Magnuson-Stevens Act requirement for Council’s to develop and communicate multi-year research needs in order to support the management of U.S. west coast fisheries. The Pacific Council’s Scientific and Statistical Committee recommendations on current research and data needs will be published in the advanced briefing book material prior to this briefing. The briefing presentation is aimed at a broad audience of Pacific Council members, advisory body members, and the public.

The Pacific Council and the Pacific Council’s Scientific and Statistical Committee are scheduled to consider preliminary research and data need

priorities at their April 2025 meeting in San Jose, CA.

Although nonemergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent of the workshop participants to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov*; (503) 820-2412) at least 10 days prior to the meeting date.

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

Dated: March 10, 2025.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2025-04056 Filed 3-13-25; 8:45 am]

BILLING CODE 3510-22-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes service(s) from the Procurement List previously furnished by such agencies.

DATES: *Date added to and deleted from the Procurement List:* April 13, 2025.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Suite 325, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 489-1322, or email *CMTEFedReg@AbilityOne.gov*.

SUPPLEMENTARY INFORMATION:

Additions

On 12/17/2024 (89 FR 104108), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51-2.3.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the service(s) listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501-8506 and 41 CFR 51-2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service(s) to the Government.

2. The action will result in authorizing small entities to furnish the service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501-8506) in connection with the service(s) proposed for addition to the Procurement List.

End of Certification

Accordingly, the following service(s) are added to the Procurement List:

Service(s)

Service Type: Custodial, Janitorial
Mandatory for: US Army, Walter Reed Army Institute of Research, Buildings 503 and 164, Silver Springs, MD

Authorized Source of Supply: MVLE, Inc., Springfield, VA

Contracting Activity: DEPT OF THE ARMY, W4PZ USA MED RSCH ACQUIS ACT

Deletions

On 1/7/2025 (90 FR 9136), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51-2.3.

After consideration of the relevant matter presented, the Committee has determined that the service(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501-8506 and 41 CFR 51-2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501-8506) in connection with the service(s) deleted from the Procurement List.

End of Certification

Accordingly, the following and service(s) are deleted from the Procurement List:

Service(s)

Service Type: Janitorial/Custodial
Mandatory for: Bureau of Land Management:

Las Vegas District Office, Las Vegas, NV
Authorized Source of Supply: Opportunity Village, Las Vegas, NV

Contracting Activity: OFFICE OF POLICY, MANAGEMENT, AND BUDGET, NBC ACQUISITION SERVICES DIVISION

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2025-04113 Filed 3-13-25; 8:45 am]

BILLING CODE 6353-01-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to and Deletions from the Procurement List.

SUMMARY: The Committee is proposing to add service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities and deletes product(s) previously furnished by such agencies.

DATES: Comments must be received on or before: April 13, 2025.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Suite 325, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R.

Jurkowski, Telephone: (703) 489-1322, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

In accordance with 41 CFR 51-5.3(b), the Committee intends to add this services requirement to the Procurement List as a mandatory purchase only for the contracting activity listed at the location listed with the proposed qualified nonprofit agency as the authorized source of supply. Prior to adding the service to the Procurement List, the Committee will consider other pertinent information, including information from Government personnel and relevant comments from interested parties regarding the Committee's intent to geographically limit this services requirement.

The following service(s) are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Service(s)

Service Type: Janitorial Service

Mandatory for: DLA, DLA Distribution Depot, Robins AFB, Warner Robins, GA

Authorized Source of Supply: Good Vocations Inc., Augusta, GA

Contracting Activity: DLA, DLA Distribution, New Cumberland, PA

Deletions

The following product(s) are proposed for deletion from the Procurement List:

Product(s)

NSN(s)—Product Name(s):

8415-01-057-3503—Socks, Extreme Cold Weather 100% Wool, ECWCS, White, Extra Small

8415-00-177-7994—Socks, Extreme Cold Weather 100% Wool, ECWCS, White, Large

Authorized Source of Supply: Development Workshop, Inc., Idaho Falls, ID

Contracting Activity: W6QK ACC-APG NATICK, NATICK, MA

NSN(s)—Product Name(s):

8415-01-057-3503—Socks, Extreme Cold Weather 100% Wool, ECWCS, White, Extra Small

8415-00-177-7994—Socks, Extreme Cold Weather 100% Wool, ECWCS, White, Large

Authorized Source of Supply: ReadyOne Industries, Inc., El Paso, TX

Authorized Source of Supply: Dawn Enterprises, Inc., Blackfoot, ID

Contracting Activity: W6QK ACC-APG NATICK, NATICK, MA

NSN(s)—Product Name(s):

8415-01-444-1163—Coat, Chemical Protective, Type II, JSLIST, Army, Woodland Camouflage, SXS

8415-01-444-1169—Coat, Chemical Protective, Type II, JSLIST, Army, Woodland Camouflage, SS

8415-01-444-1200—Coat, Chemical Protective, Type II, JSLIST, Army, Woodland Camouflage, MS

8415-01-444-1238—Coat, Chemical Protective, Type II, JSLIST, Army, Woodland Camouflage, MR

8415-01-444-1249—Coat, Chemical Protective, Type II, JSLIST, Army, Woodland Camouflage, ML

8415-01-444-1265—Coat, Chemical Protective, Type II, JSLIST, Army, Woodland Camouflage, LR

8415-01-444-1270—Coat, Chemical Protective, Type II, JSLIST, Army, Woodland Camouflage, LL

8415-01-444-1435—Trousers, Chemical Protective, Type II, JSLIST, Army, Woodland Camouflage, SXS

8415-01-444-1439—Trousers, Chemical Protective, Type II, JSLIST, Army, Woodland Camouflage, SS

8415-01-444-1613—Trousers, Chemical Protective, Type II, JSLIST, Army, Woodland Camouflage, MS

8415-01-444-2308—Trousers, Chemical Protective, Type II, JSLIST, Army, Woodland Camouflage, ML

8415-01-444-2310—Trousers, Chemical Protective, Type II, JSLIST, Army, Woodland Camouflage, MR

8415-01-444-2325—Trousers, Chemical Protective, Type II, JSLIST, Army, Woodland Camouflage, LR

8415-01-444-2338—Trousers, Chemical Protective, Type II, JSLIST, Army, Woodland Camouflage, LL

8415-01-505-1241—Coat, Chemical Protective, Type II, JSLIST, Army, Woodland Camouflage, XLL

8415-01-505-1245—Coat, Chemical Protective, Type II, JSLIST, Army, Woodland Camouflage, XXLL

8415-01-505-1274—Trousers, Chemical Protective, Type II, JSLIST, Army, Woodland Camouflage, XLL

8415-01-505-1277—Trousers, Chemical Protective, Type II, JSLIST, Army, Woodland Camouflage, XXLL

8415-01-506-7546—Coat, Chemical Protective, Type II, JSLIST, Army, Woodland Camouflage, XXXLL

8415-01-506-7698—Trousers, Chemical Protective, Type II, JSLIST, Army, Woodland Camouflage, XXXLL

8415-01-509-8265—Trousers, Chemical Protective, Type II, JSLIST, Army, Woodland Camouflage, XLR

8415-01-509-8296—Coat, Chemical Protective, Type II, JSLIST, Army, Woodland Camouflage, XLR

Authorized Source of Supply: ReadyOne Industries, Inc., El Paso, TX

Authorized Source of Supply: Goodwill Industries of South Florida, Inc., Miami, FL

Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2025-04112 Filed 3-13-25; 8:45 am]

BILLING CODE 6353-01-P

DEPARTMENT OF DEFENSE

Department of the Air Force

Department of the Air Force Scientific Advisory Board; Notice of Federal Advisory Committee Meeting

AGENCY: Department of the Air Force Scientific Advisory Board, Department of the Air Force. **ACTION:** Notice of meeting. **SUMMARY:** The Department of Defense (DoD) is publishing this notice in accordance with chapter 10 of title 5, United States Code, to announce that the following meeting of the Department of the Air Force Scientific Advisory Board will take place. **DATES:** Closed to the public. 27 March 2025 from 8:00 a.m.—4:00 p.m. Eastern Time and 28 March 2025 from 8:00 a.m.—4:00 p.m. (Eastern Time.)

ADDRESSES: The meeting will be held at Gen. Jacob E. Smart Conference Center, Joint Base Andrews, 1359 Arkansas Road, Joint Base Andrews, MD 20762.

FOR FURTHER INFORMATION CONTACT: Lt Col Steven Ingraham, (240) 470-4566 (Voice), steven.ingraham@us.af.mil (Email). Mailing address is 1500 West Perimeter Road, Ste. #3300, Joint Base Andrews, MD 20762. Website: <https://www.scientificadvisoryboard.af.mil/>. The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of chapter 10 of title 5, United States Code ((commonly known as the “Federal Advisory Committee Act” or “FACA”), section 552b of title 5, United States Code (popularly known as the “Government in the Sunshine Act”), and 41 CFR 102-3.140 and 102-3.150.

Purpose of the Meeting

The purpose of this Department of the Air Force Scientific Advisory Board meeting is to provide dedicated time for members to begin collaboration on research and formally commence the Department of the Air Force Scientific Advisory Board's FY25 Secretary of the Air Force directed studies.

Agenda

[All times are Eastern Time].

27 March 2025

0800-1200 FY25 Study Panel Working Sessions

1200-1245 Working Lunch

1300-1400 FY25 Study Panel Working Sessions

1300-1430 FY25 Study #1 Update

1430-1600 FY25 Study #2 Update

28 March 2025

0800–1200 FY25 Study Panel Working Sessions

1200–1245 Working Lunch

1300–1400 FY25 Study Panel Working Sessions

1300–1430 FY25 Study #3 Update

1430–1600 FY25 Study #4 Update

In accordance with section 1009(d) of title 5, United States Code and 41 CFR 102–3.155, the Administrative Assistant of the Air Force, in consultation with the Air Force General Counsel, has agreed that the public interest requires this meeting of the United States Department of the Air Force Scientific Advisory Board be closed to the public because it will involve discussions involving classified matters covered by section 552b(c)(1) of title 5, United States Code.

Written Statements: Any member of the public wishing to provide input to the United States Department of the Air Force Scientific Advisory Board should submit a written statement in accordance with 41 CFR 102–3.140(c), section 1009(a)(3) of title 5, United States Code, and the procedures described in this paragraph. Written statements can be submitted to the Designated Federal Officer at the address detailed above at any time. The Designated Federal Officer will review all submissions with the Department of the Air Force Scientific Advisory Board Chairperson and ensure they are provided to members of the Department of the Air Force Scientific Advisory Board. Written statements received after the meeting that is the subject of this notice may not be considered by the Scientific Advisory Board until the next scheduled meeting.

Tommy W. Lee,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2025–04059 Filed 3–13–25; 8:45 am]

BILLING CODE 3911–44–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Public Meetings for the Draft Amended Analysis to the Final Environmental Impact Statement for EA–18G “Growler” Airfield Operations at Naval Air Station Whidbey Island Complex

AGENCY: Department of the Navy (DoN), Department of Defense (DoD).

ACTION: Notice.

SUMMARY: The Department of the Navy has prepared a Draft Amended Analysis

to the Final Environmental Impact Statement for EA–18G Growler Airfield Operations at Naval Air Station Whidbey Island Complex (2018) (Record of Decision—March 14, 2019), pursuant to the National Environmental Policy Act and court orders issued by the U.S. District Court for the Western District of Washington.

DATES: A 45-day public comment period begins on March 14, 2025, and ends April 28, 2025. The public can submit comments during the Draft Amended Analysis public review and comment period at one of the in-person public meetings, online at the project website, or by U.S. mail. The deadline for comments on the Draft Amended Analysis is April 28, 2025. All comments must be submitted electronically or postmarked by 11:59 p.m. Pacific Daylight time (PDT) on April 28, 2025.

A paper copy of the Draft Amended Analysis may be reviewed at 22 public libraries in the northern Puget Sound region. The full list of and addresses for each of the libraries may be found at the project website.

The Navy will be hosting two in-person public meetings in the form of an open-house to inform the public about the contents of the Amended Analysis, answer questions, and provide the opportunity to submit written comments.

The in-person public meetings are scheduled as follows:

1. Tuesday, April 1, 2025, 4:00 p.m. to 6:00 p.m. PDT, Oak Harbor Elks Lodge, Grande Hall, 155 NE Ernst Street, Oak Harbor, WA 98277.

2. Wednesday, April 2, 2025, 4:00 p.m. to 6:00 p.m. PDT, Whidbey Island Nordic Lodge, 63 Jacobs Road, Coupeville, WA 98239.

Additionally, the Navy will host one virtual meeting featuring an informational presentation and will address questions submitted in advance. Advance questions can be submitted to the Navy for consideration via the following email address, growler_amended_analysis@us.navy.mil. The deadline to submit questions is 11:59 p.m. PDT on Friday, March 21, 2025.

The virtual meeting will be broadcast on the project website on April 03, 2025 at 7:00 p.m. PDT. At this virtual meeting, the Navy will provide information and answer advance submitted questions until 8:00 p.m. PDT. After this initial broadcast, a recording of the virtual meeting will be made available on the project website www.nepa.navy.mil/growler/.

ADDRESSES: Comments on the Draft Amended Analysis may be provided at

the in-person public meetings, submitted electronically through the project website: www.nepa.navy.mil/growler/, or by mail to: Naval Facilities Engineering Systems Command Atlantic; Attention: Code EV21JB (Growler Project Manager); 6506 Hampton Boulevard, Norfolk, VA 23508–1278.

FOR FURTHER INFORMATION CONTACT: U.S. Fleet Forces Command, 1562 Mitscher Avenue, Suite 250, Norfolk, VA 23551–2487, Attention: Mr. Theodore Brown, Installations and Environment Public Affairs Officer, 757–836–4427, theodore.c.brown4.civ@us.navy.mil, or visit the project website www.nepa.navy.mil/growler/.

SUPPLEMENTARY INFORMATION: In July 2019, the Navy defended lawsuits in the U.S. District Court for the Western District of Washington challenging the Navy’s 2018 Final Environmental Impact Statement (EIS) and 2019 Record of Decision (ROD) for EA–18G “Growler” Airfield Operations at Naval Air Station (NAS) Whidbey Island Complex. These cases were later consolidated.

In 2022, the Court found the Navy’s EIS and ROD violated the National Environmental Policy Act (NEPA) by “failing to disclose the basis for greenhouse gas emissions calculations, failing to quantify the impact of increased operations on classroom learning, failing to take a hard look at species-specific impacts on birds, and failing to give detailed consideration to the El Centro, California, alternative.” All other claims were dismissed with prejudice. Therefore, the public meetings for the Draft Amended Analysis will be limited to these four areas identified by the Court.

Notice of the availability of the Draft Amended Analysis was distributed to federal, state, and local agencies, elected officials, local tribes (Jamestown S’Klallam Tribe, Lummi Tribe of the Lummi Reservation, Samish Indian Nation, Stillaguamish Tribe of Indians of Washington, Suquamish Indian Tribe of the Port Madison Reservation, Swinomish Indian Tribal Community, Tulalip Tribes of Washington, Upper Skagit Indian Tribe, and organizations.

Dated: March 11, 2025.

R.A. Kennedy,

Lieutenant Commander, Judge Advocate General’s Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2025–04111 Filed 3–13–25; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. CP25–93–000]

El Paso Natural Gas Company, L.L.C.; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on February 28, 2025, El Paso Natural Gas Company, L.L.C. (EPNG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in the above referenced docket, a prior notice request pursuant to sections 157.205 and 157.216(b) of the Commission's regulations under the Natural Gas Act (NGA), and its blanket certificate issued in Docket No. CP82–435–000, for authorization to abandon, in place, its Monument Compressor Station Unit 1B located in Lea County, New Mexico (Monument Compressor Station Unit 1B Abandonment 2025 Project). The project will allow EPNG to reduce operational costs associated with the compressor unit. The estimated cost for the project is \$10,000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

Any questions concerning this request should be directed to Francisco Tarin, Director, Regulatory, El Paso Natural Gas Company, L.L.C., Two North Nevada Avenue, Colorado Springs, Colorado, by phone at (719) 667–7515, or by email to francisco_tarin@kindermorgan.com.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5 p.m. Eastern Time on May 6, 2025. How to file protests, motions to intervene, and comments is explained below.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,¹ any person² or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,³ and must be submitted by the protest deadline, which is May 6, 2025. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the

Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁴ and the regulations under the NGA⁵ by the intervention deadline for the project, which is May 6, 2025. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before May 6, 2025. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP25–93–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is

¹ 18 CFR 157.205.

² Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

³ 18 CFR 157.205(e).

⁴ 18 CFR 385.214.

⁵ 18 CFR 157.10.

located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or⁶

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP25-93-000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other method: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502-8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail at: Francisco Tarin, Director, Regulatory, El Paso Natural Gas Company, L.L.C., Two North Nevada Avenue, Colorado Springs, Colorado, or by email (with a link to the document) at francisco_tarin@kindermorgan.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website at www.ferc.gov using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings

⁶ Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

Dated: March 7, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025-04084 Filed 3-13-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2153-066]

United Water Conservation District; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission or FERC) regulations, 18 CFR part 380, Commission staff reviewed United Water Conservation District's application for amending the license of the Santa Felicia Hydroelectric Project No. 2153 and have prepared an Environmental Assessment (EA) for the project.¹ The licensee proposes to implement the Santa Felicia Dam Safety Improvement Project (Dam Safety Project). The Santa Felicia project is located on Piru Creek in Ventura County, California, and is partially located on lands administered by the U.S. Forest Service.

The EA contains Commission staff's analysis of the potential environmental effects of the proposed action, alternatives to the proposed action, and concludes that the proposed Dam Safety Project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The EA may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number (P-2153) in the docket number field to access the document. For assistance, contact FERC Online Support at FercOnlineSupport@ferc.gov or toll-free at 1-866-208-3676, or for TTY, (202) 502-8659.

You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new

¹ The unique identification number for documents relating to this environmental review is EAXX-019-20-000-1737538045.

filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

All comments must be filed by April 7, 2025.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. For assistance, please contact FERC Online Support. 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. The first page of any filing should include docket number P-2153-066.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, Tribal members, and others access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

For further information, contact David Rudisail at 202-502-6376 or David.rudisail@ferc.gov.

Dated: March 7, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025-04085 Filed 3-13-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1121-135]

Pacific Gas & Electric Company; Notice of Intent To Prepare an Environmental Assessment

On September 9, 2022, as supplemented on October 2, 2023, and December 1, 2023, Pacific Gas & Electric Company (PG&E or licensee) filed an application for a non-capacity

amendment for the Battle Creek Hydroelectric Project No. 1121. The project is located on the mainstem Battle Creek, and on the North Fork and South Fork Battle Creek in Shasta and Tehama counties, California. The project occupies federal lands administered by the U.S. Forest Service and the Bureau of Land Management.

PG&E is requesting that its license for the Battle Creek Hydroelectric Project be amended to support a new Phase 2 of the Battle Creek Salmon and Steelhead Restoration Project (Restoration Project). The Restoration Project is a collaborative effort to restore fish habitat on Battle Creek and some of its tributaries. The new Phase 2 amendment requires the removal of the South Diversion Dam, Soap Creek Feeder Diversion Dam, Lower Ripley Creek Feeder Diversion Dam, and Coleman Diversion Dam, but does not include the tailrace connector tunnel from South Powerhouse to Inskip Canal. A Notice of Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Protest was issued on October 3, 2022.

The original Phase 2 was evaluated in a 2005 Environmental Impact Statement; however, the new Phase 2 amendment request does not include the construction of one of the mitigation measures. This notice identifies Commission staff's intention to prepare an environmental assessment (EA) analyzing the recent changes to the proposed action. The planned schedule for the completion of the EA is April 7, 2025.¹ Revisions to the schedule may be made as appropriate. The EA will be issued and made available for review by all interested parties. All comments filed on the EA will be reviewed by staff and considered in the Commission's final decision on the proceeding.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Any questions regarding this notice may be directed to Rebecca Martin at 202-502-6012 or Rebecca.martin@ferc.gov.

(Authority: 42 U.S.C. 4321 *et seq.*)

Dated: March 6, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025-03925 Filed 3-13-25; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OP-OFA-169]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202-564-5632 or <https://www.epa.gov/nepa>. Weekly receipt of Environmental Impact Statements (EIS)

Filed March 3, 2025 10 a.m. EST

Through March 10, 2025 10 a.m. EST
Pursuant to 40 CFR 1506.9.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search>.

EIS No. 20250027, Final, USAF, AZ, 492nd Special Operations Wing Beddown, Review Period Ends: 04/14/2025, Contact: Mr. Nick Post 380-459-0507.

EIS No. 20250028, Draft, UDOT, UT, Kimball Junction, Comment Period Ends: 04/28/2025, Contact: Carissa Watanabe 503-939-3798.

EIS No. 20250029, Final, NMFS, CA, Consideration of Exempted Fishing Permits for Testing Fishing Practices To Target Swordfish and Other Marketable Highly Migratory Species in the United States West Coast Exclusive Economic Zone, Review Period Ends: 04/14/2025, Contact: Amber Rhodes 910-352-7186.

EIS No. 20250030, Draft, TVA, TN, Allen Aeroderivative Combustion Turbine Project, Comment Period Ends: 04/28/2025, Contact: Matthew Higdon 865-632-8051.

Dated: March 10, 2025.

Mark Austin,
Acting Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2025-04109 Filed 3-13-25; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

FEDERAL REGISTER CITATION NOTICE OF PREVIOUS ANNOUNCEMENT: 90 FR 11607.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Thursday, March 13, 2025 at 10 a.m.

Hybrid Meeting: 1050 First Street NE, Washington, DC (12th Floor) and Virtual.

CHANGES IN THE MEETING: The March 13, 2025 Open Meeting has been canceled.

CONTACT PERSON FOR MORE INFORMATION: Myles Martin, Deputy Press Officer, Telephone: (202) 694-1221.

(Authority: Government in the Sunshine Act, 5 U.S.C. 552b)

Vicktoria J. Allen,

Deputy Secretary of the Commission.

[FR Doc. 2025-04290 Filed 3-12-25; 4:15 pm]

BILLING CODE 6715-01-P

FEDERAL MARITIME COMMISSION

[Docket No. FMC-2025-0005]

Order of Investigation Into Transit Constraints at International Maritime Chokepoints

AGENCY: Federal Maritime Commission.

ACTION: Order of investigation and request for comments.

SUMMARY: The Federal Maritime Commission (Commission) has exercised its statutory authority to initiate a nonadjudicatory investigation into transit constraints at international maritime chokepoints, particularly concerning the effects of the laws, regulations or practices of foreign governments, and the practices of owners or operators of foreign-flag vessels, on shipping conditions in these chokepoints.

DATES: Submit comments on or before May 13, 2025.

ADDRESSES: You may submit comments, identified by Docket No. FMC-2025-0005, by the following method:

Federal eRulemaking Portal: Your comments must be written and in English. You may submit your comments electronically through the Federal Rulemaking Portal at www.regulations.gov. To submit comments on that site, search for Docket No. FMC-2025-0005 and follow the instructions provided.

FOR FURTHER INFORMATION CONTACT: For questions regarding submitting comments or the treatment of confidential information, contact David Eng, Secretary; Phone: (202) 523-5725; Email: Secretary@fmc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

Based on available information, it appears that constraints on transits

¹ The unique identification number for documents relating to this environmental review is EAXX-019-20-000-1741169216.

through the English Channel, the Malacca Strait, the Northern Sea Passage, the Singapore Strait, the Panama Canal, the Strait of Gibraltar, and the Suez Canal may have created shipping conditions that call for careful consideration by the Federal Maritime Commission (Commission) in connection with the determination of its policies and the carrying out of its duties. The Commission has a statutory mandate to monitor and evaluate conditions affecting shipping in U.S. foreign trade. 46 U.S.C. 42101. Section 42101(a) provides that the Commission “shall prescribe regulations affecting shipping in foreign trade . . . to adjust or meet general or special conditions unfavorable to shipping in foreign trade,” when those conditions are the result of a foreign country’s laws or regulations or the “competitive methods, pricing practices, or other practices” used by the owners, operators, or agents of “vessels of a foreign country.”

The Commission will conduct this investigation in accordance with its procedures for a nonadjudicatory investigation set forth in 46 CFR part 502, subpart R.

II. Summary of Apparent Conditions

Recent events have indicated that transit constraints at several critical points in the global shipping supply chain have led to conditions that are appropriate for the Commission to investigate. Such constraints have affected transits through the English Channel, the Malacca Strait, the Northern Sea Passage, the Singapore Strait, the Panama Canal, the Strait of Gibraltar, and the Suez Canal. The significance of these chokepoints is described below.

(A.) English Channel

The English Channel, with its narrow width of 21 miles and heavy traffic, experiences congestion, limited passing opportunities, and an elevated risk of collisions, especially near busy ports like Dover and Calais.¹ Navigational challenges are compounded by strong tidal currents, variable weather conditions, and hazards such as shallow areas and sandbanks, requiring precise maneuvering. The region’s strict environmental regulations, geopolitical tensions, security risks, and ongoing issues like smuggling and illegal migration can further cause delays and

disruptions. Additionally, political developments, border controls, and customs checks add complexities, with the Channel’s proximity to sensitive areas between the UK and France sometimes leading to heightened security concerns.

(B.) Malacca Strait

The Malacca Strait, with its narrow width, shallow areas, and limited navigational infrastructure in remote sections, presents significant challenges for large vessels, particularly in low visibility or harsh weather conditions such as monsoons, storms, and strong currents. These factors increase the risk of accidents and restrict the passage of deep-draft vessels. The high traffic volume, especially during peak seasons, leads to congestion, delays, and limited passing opportunities, further heightening the risk of accidents. Piracy, including hijackings and robberies, remains a significant concern, particularly in remote areas, while regional political instability and territorial disputes create additional security risks and potential disruptions² to transit.

(C.) Northern Sea Passage

The Northern Sea Passage is emerging as a critical maritime chokepoint as new shipping routes open, a development that could reshape global trade patterns. As the region’s waters become ice-free for longer periods, the Northern Sea Passage offers a shortcut between Europe and Asia, reducing travel time and fuel consumption. However, this has sparked competition over governance, with Russia seeking control over the shortest maritime route between Europe and Asia, and imposing fees, while other nations push for international access. The Northern Sea Passage’s strategic importance is further amplified by increased military activity from Russia and China, including new bases³ and icebreakers,⁴ reflecting its growing value for nuclear deterrence and missile defense. As a result, both Russia and NATO forces are ramping up

² Interview on *Geoeconomic Crossroads: The Strait of Malacca’s Impact on Regional Trade*, The National Bureau of Asian Research (Oct. 5, 2023), <https://www.nbr.org/publication/geoeconomic-crossroads-the-strait-of-malaccas-impact-on-regional-trade/>.

³ Laws, Jasmine, *Map Shows Locations of NATO and Russian Military Bases in the Arctic*, Newsweek (Feb. 3, 2025, 4:57 a.m.), <https://www.newsweek.com/nato-russias-military-bases-northern-sea-passage-map-2022961>.

⁴ Shkolnikova, Svetlana, *Russia and China Conducting Joint Arctic Operations for First Time*, *Coast Guard Says*, Stars and Stripes (Nov. 14, 2024), https://www.stripes.com/branches/coast_guard/2024-11-14/coast-guard-arctic-icebreakers-russia-china-15849293.html.

their military presence, increasing the potential for tensions and conflicts⁵ over access to the region’s trade routes and resources.

(D.) Singapore Strait

The narrow Singapore Strait presents significant challenges for maritime navigation, with limited passing opportunities that increase delays and the risk of accidents, particularly for large vessels that require precise navigation in congested areas. Shallow zones restrict the passage of deep-draft vessels, necessitating careful maneuvering to avoid grounding.⁶ The Strait is also subject to unpredictable weather conditions, including heavy rains, storms, and strong currents, which can slow vessel movement and complicate navigation, especially for larger ships. Environmental risks such as oil spills, marine pollution, and stringent regulations further constrain passage and cause delays. Although piracy has decreased, the Strait still faces security threats, including hijackings and robberies⁷ in remote areas, along with potential disruptions due to regional political tensions.

(E.) Panama Canal

While the Panama Canal underwent a major expansion in 2016 with the addition of a third set of locks to accommodate “New Panamax” vessels,⁸ it still faces significant capacity limitations and cannot accommodate the largest ships, such as ultra-large container vessels. During periods of high demand, congestion leads to delays, causing costly disruptions to global supply chains.⁹ The canal relies on freshwater from nearby lakes to operate its locks, and prolonged droughts, exacerbated by unpredictable rainfall patterns, can significantly

⁵ Grady, John, *Risks of Military Confrontation in Arctic Increasing, Say U.S. and Russian Officials*, USNI News (Dec. 25, 2024, 3:41 p.m.), <https://news.usni.org/2024/12/25/risks-of-military-confrontation-in-arctic-increasing-say-u-s-and-russian-officials>.

⁶ *IMO Navigation Rules at Straits of Malacca and Singapore*, International Register of Shipping (Dec. 7, 2019), <https://intlreg.org/2019/12/07/imo-navigation-rules-at-straits-of-malacca-and-singapore/>.

⁷ Marcus Hand, *Multiple Groups of Robbers Targeting Ships in Singapore Strait*, *Seatrade Maritime* (Mar. 3, 2025), <https://www.seatrade-maritime.com/piracy/multiple-groups-of-robbers-targeting-ships-in-singapore-straits>.

⁸ Kahuina Miller, and Tetsuro Hyodo, *Impact of the Panama Canal Expansion on Latin American and Caribbean Ports: Difference in Difference (DID) Method*, *Journal of Shipping and Trade* (July 8, 2021), <https://jshippingandtrade.springeropen.com/articles/10.1186/s41072-021-00091-5#>.

⁹ *Drought at the Panama Canal delays energy shipments, increasing shipping costs*, U.S. Energy Information Administration (Oct. 23, 2023), <https://www.eia.gov/todayinenergy/detail.php?id=60842#>.

¹ Squire, David, *The Hazards of Navigating the Dover Strait (Pas-de-Calais) Traffic Separation Scheme*, *Journal of Navigation* (May 2003), https://www.researchgate.net/publication/231921002_The_Hazards_of_Navigating_The_Dover_Strait_Pas-de-Calais_Traffic_Separation_Scheme.

reduce available water levels, impacting its functionality and efficiency. These environmental factors increase the canal's vulnerability to operational disruptions, especially during dry spells.

The Panama Canal also holds substantial geopolitical importance, crucial to the interests of the United States. Political instability or disruptions in its operation could have far-reaching consequences.

Panama's Ship Registry is one of the world's largest ship registries with over 8,000 vessels reportedly registered under the Panamanian flag. Remedial measures the Commission can take in issuing regulations to address conditions unfavorable to shipping in U.S. foreign trade include refusing entry to U.S. ports by vessels registered in countries responsible for creating unfavorable conditions. *See* 46 U.S.C. 42107.

(F.) Strait of Gibraltar

The Strait of Gibraltar, at just eight miles wide, is one of the world's busiest shipping lanes, with heavy traffic and limited space for large vessels, raising the risk of collisions, congestion, and delays, especially during peak periods.¹⁰ Navigational challenges such as strong currents, winds, and fog further complicate passage, while environmental risks like oil spills and pollution, along with strict regulations, create additional constraints. Geopolitical tensions between Spain, Morocco,¹¹ and issues surrounding the status of Gibraltar, along with piracy and smuggling, contribute to security concerns and potential disruptions in the region.

(G.) Suez Canal

The Suez Canal, handling between 10% and 12% of global trade,¹² is one of the busiest waterways in the world. Its narrow width and single-lane format often leads to delays, especially during peak seasons. Events such as the 2021 *Ever Given* blockage highlighted the canal's vulnerabilities, causing massive

trade disruptions,¹³ while its shallow depth makes it prone to weather-related issues, further increasing the risk of accidents. The canal's strategic importance also makes it a focal point for geopolitical tensions, including conflicts involving the Houthis and the Gaza Crisis,¹⁴ as well as threats from piracy and terrorism. Additionally, environmental concerns have arisen due to the potential spread of invasive species by ships passing through the waterway.

(H.) Other Transit Constraints

The Commission notes that other significant constraints affecting U.S. shipping may arise quickly in the global maritime environment. For example, when the Singapore-flagged containership *Dali* struck a bridge in Baltimore, Maryland in March 2024, six people were killed and maritime access to the Port of Baltimore was blocked, a situation that persisted for many weeks and led to losses that have been estimated to reach as high as \$4 billion.¹⁵

(I.) Initiation of Investigation

The Commission will investigate whether constraints in global maritime chokepoints have created unfavorable shipping conditions caused by the laws, regulations or practices of foreign governments or the practices of foreign-flag vessel owners or operators. The Commission "has extensive regulatory duties under the various acts it is charged with administering," and conducting investigations is "essential to the proper exercise" of those duties." 46 CFR 502.281. In particular, the Commission is authorized to initiate investigations on its own motion "when in its discretion the Commission determines that information is required for the purpose of rulemaking or is necessary or helpful in the determination of its policies or the carrying out of its duties, including whether to institute formal proceedings directed toward determining whether

any of the laws which the Commission administers have been violated." 46 CFR 502.282. Among the Commission's duties are to identify in its annual report to Congress "any otherwise concerning practices by ocean common carriers" with certain characteristics identified by Congress. 46 U.S.C. 46106(b)(7). Accordingly, the Commission, upon issuing an Order of Investigation, may authorize its representatives to conduct such an investigation; may hold investigational hearings; may issue orders or subpoenas to gather testimony or documentary evidence; may order that testimony be taken by deposition; and may order the filing of reports or answers to written questions. 46 CFR 502.283 through 502.288; *see generally* 46 CFR part 502, subpart R (Nonadjudicatory Investigations).

At the early stage of the investigation, the Commission will focus on providing a route for interested parties to provide information, perspectives, and proposed solutions. Discussion of remedial measures or any other actions, if needed, would occur later in the process, and would be accompanied by the opportunity for additional public comment.

III. Investigation and Initial Request for Comments

The Commission has determined that the above-described situation meets the threshold requirements for consideration under the relevant regulatory authority. *See* 46 CFR part 502, subpart R. The Commission has therefore determined to initiate an investigation. *See* 46 CFR 502.282. The Commission has designated its General Counsel to lead the investigation. The General Counsel will update the Commission quarterly on the status of constraints in the maritime chokepoints identified herein, as well as any similar issues that may arise, and may propose that the Commission initiate one or more specific proceedings under 46 U.S.C. 42101 and related statutes. To that end, the Commission issues this Order of Investigation. *See* 46 CFR 502.283.

Interested persons are requested to submit written comments containing experiences, arguments, and/or data relevant to the above-described maritime chokepoints, particularly concerning the effects of laws, regulations, practices or other actions by foreign governments, and/or the practices of owners or operators of foreign-flag vessels, on shipping conditions in these chokepoints. The Commission's jurisdiction under 46 CFR 502.282 is broad, and the agency welcomes comments not only from

¹⁰ *Container Ship and Oil Tanker Collide in Strait of Gibraltar*, Containerlift (Dec. 4, 2024), <https://www.containerlift.co.uk/container-ship-and-oil-tanker-collide-in-strait-of-gibraltar/>.

¹¹ *Spain and Morocco: Spain's permissiveness towards its southern neighbor*, University of Navarra, Global Affairs and Strategic Studies (Apr 19, 2023), <https://en.unav.edu/web/global-affairs/espana-y-marruecos-la-permisividad-espanola-ante-el-vecino-del-sur>.

¹² *The Importance of the Suez Canal to Global Trade*, New Zealand Ministry of Foreign Affairs and Trade, (Apr. 18, 2021), <https://www.mfat.govt.nz/en/trade/mfat-market-reports/the-importance-of-the-suez-canal-to-global-trade-18-april-2021#>.

¹³ Natasha Turak, *Suez Canal Blockage Could Cause Problems for the Globe: Here's What You Need to Know*, CNBC (Mar. 25, 2021), <https://www.cnbc.com/2021/03/25/suez-canal-cargo-ship-blockage-could-cause-problems-for-the-globe.html>.

¹⁴ Kamali et al., *Red Sea Attacks Disrupt Global Trade*, International Monetary Fund, IMFBlog (Mar 7, 2024), <https://www.imf.org/en/Blogs/Articles/2024/03/07/Red-Sea-Attacks-Disrupt-Global-Trade>.

¹⁵ Campbell Robertson and Peter Eavis, *Justice Department Files \$100 Million Claim in Fatal Baltimore Bridge Collapse*, N.Y. Times (Sept. 18, 2024), <https://www.nytimes.com/2024/09/18/us/justice-department-suit-baltimore-bridge-collapse.html>; Jane Byron, *The Baltimore bridge collapse: a \$4 billion question*, Lockton (July 9, 2024) <https://global.lockton.com/news-insights/the-baltimore-bridge-collapse-a-4-billion-question>.

government authorities and container shipping interests, but also from tramp operators, bulk cargo interests, vessel owners, individuals and groups with relevant information on environmental and resource-conservation considerations, and anyone else with relevant information or perspectives on these matters.

In particular, the Commission welcomes information and perspectives on the following:

1. What are the causes, nature, and effects, including financial and environmental effects, of constraints on one or more of the maritime chokepoints described above?
2. To what extent are constraints caused by or attributable to the laws, regulations, practices, actions, or inactions of one or more foreign governments?
3. To what extent are constraints caused by or attributable to the practices, actions, or inactions of owners or operators of foreign-flag vessels?
4. What will likely be the causes, nature, and effects, including financial and environmental effects, of any continued transit constraints during the rest of 2025?
5. What are the best steps the Commission might take, over the short term and the long term, to alleviate transit constraints and their effects?
6. What are the obstacles to implementing measures that would alleviate the above transit constraints and their effects, and how can these be addressed?

As the Commission proceeds with this investigation, it may determine to request additional comment or gather information through other means as authorized under 46 CFR part 502, subpart R.

By the Commission.

David Eng,
Secretary.

[FR Doc. 2025-04042 Filed 3-13-25; 8:45 am]

BILLING CODE 6730-02-P

FEDERAL MEDIATION AND CONCILIATION SERVICE

Stakeholder Survey for Qualitative Feedback on Agency Service Delivery

AGENCY: Federal Mediation and Conciliation Service (FMCS).

ACTION: 60-Day notice and request for comments.

SUMMARY: The Federal Mediation and Conciliation Service (FMCS), invites the public and other Federal Agencies to

take this opportunity to comment on the following information collection request, Stakeholder Survey for Qualitative Feedback on Agency Service Delivery. This information collection request will be submitted for approval to the Office of Management Budget (OMB) in compliance with the Paperwork Reduction Act (PRA). This collection was developed to improve the quality of service the Federal Mediation and Conciliation provides to clients.

DATES: Comments must be submitted on or before May 13, 2025.

ADDRESSES: You may submit comments, identified by Stakeholder Survey for Qualitative Feedback on Agency Service Delivery, through one of the following methods:

- *Email:* register@fmcs.gov;
- *Mail:* Office of the General Counsel, One Independence Square, 250 E St. SW, Washington, DC 20427.

FOR FURTHER INFORMATION CONTACT: Karen Pierce, 202-606-3672, kpierce@fmcs.gov.

SUPPLEMENTARY INFORMATION: Copies of the agency questions are available at the following links:

- Collective Bargaining Mediation Survey Questions
- Grievance Mediation Survey Questions
- Relationship Development Facilitation Survey Questions
- Relationship Development and Training Survey Questions

I. Request for Comments

FMCS solicits comments to:

- i. Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

- ii. Enhance the accuracy of the agency's estimates of the burden of the proposed collection of information.

- iii. Enhance the quality, utility, and clarity of the information to be collected.

- iv. Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic collection technologies or other forms of information technology.

II. Information Collection Request

Agency: Federal Mediation and Conciliation Service.

Title: Stakeholder Survey for Qualitative Feedback on Agency Service Delivery.

OMB Number: 3076-0017.

Type of Request: Extension without change of a currently approved collection.

Affected Public: Federal government, Private Sector, to include businesses or other for-profits and not-for-profit institutions, and State and local governments.

Frequency: Annually.

Burden: The total annual burden estimate is that FMCS will receive approximately 1,213 responses per year that will take about 3 minutes each to complete.

Information Collection Requirement

Purpose and Description of Data Collection

This information collection provides a means to garner qualitative client and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. This feedback will provide insights into client or stakeholder perceptions, experiences, and expectations. The surveys will provide notice of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services.

Use of Results

The surveys are not statistical surveys that yield quantitative results that can be generalized to the population of study. These collections will allow for ongoing, collaborative, and actionable communication between the Agency and its clients and stakeholders. It will also allow feedback to contribute directly to improving program management. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. Collecting this information is critical for ensuring quality service offered to the public.

III. The Official Record

The official records are electronic records.

Dated: March 10, 2025.

Alisa Zimmerman,

Deputy General Counsel.

[FR Doc. 2025-04062 Filed 3-13-25; 8:45 am]

BILLING CODE 6732-01-P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Notice of Board Meeting

DATES: March 25, 2025 at 9 a.m. ET.

ADDRESSES: Telephonic. Dial-in (listen only) information: Number: 1-202-599-1426, Code: 525 175 495#; or via web: <https://www.frtib.gov/>.

FOR FURTHER INFORMATION CONTACT:

James Kaplan, Director, Office of External Affairs, (202) 864-7150.

SUPPLEMENTARY INFORMATION:**Board Meeting Agenda***Open Session*

1. Approval of the February 25, 2025, Board Meeting Minutes
2. Monthly Reports
 - (a) Participant Report
 - (b) Investment Report
 - (c) Legislative Report
3. Investment Manager Annual Service Review

Closed Session

4. Information covered under 5 U.S.C. 552b (c)(10).

(Authority: 5 U.S.C. 552b (e)(1)).

Dated: March 10, 2025.

Dharmesh Vashee,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2025-04052 Filed 3-13-25; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090-0044; Docket No. 2025-0001; Sequence No. 4]

Information Collection; Application/Permit for Use of Space in Public Buildings and Grounds, GSA Form 3453

AGENCY: Public Buildings Service, General Services Administration (GSA).

ACTION: Notice of request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding the Application/Permit for Use of Space in Public Buildings and Grounds, GSA Form 3453.

DATES: Submit comments on or before: May 13, 2025.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link "Submit a Comment" that corresponds with "Information Collection 3090-0044, Application/Permit for Use of Space in Public Buildings and Grounds,

GSA Form 3453." Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "Information Collection 3090-0044, Application/Permit for Use of Space in Public Buildings and Grounds, GSA Form 3453," on your attached document.

Instructions: Please submit comments only and cite Information Collection 3090-0044, Application/Permit for Use of Space in Public Buildings and Grounds, GSA Form 3453, in all correspondence related to this collection. Comments received generally will be posted without change to regulations.gov, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check regulations.gov, approximately two-to-three business days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Ms. Karen Handsfield, Public Buildings Service, at telephone 227-225-3007, or via email to karen.handsfield@gsa.gov.

SUPPLEMENTARY INFORMATION:**A. Purpose**

The general public uses Application/Permit for Use of Space in Public Buildings and Grounds, GSA Form 3453, to request the use of public space in Federal buildings and on Federal grounds for cultural, educational, or recreational activities. A copy, sample, or description of any material or item proposed for distribution or display must also accompany this request.

B. Annual Reporting Burden

Respondents: 8,000.

Responses per Respondent: 1.

Hours per Response: 0.05.

Total Burden Hours: 400.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected.

Obtaining Copies of Proposals:

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. 3090-0044, Application/Permit for Use of Space in Public

Buildings and Grounds, GSA Form 3453, in all correspondence.

Nicole Bynum,

Acting Director, Regulatory Secretariat Division, General Services Administration.

[FR Doc. 2025-04115 Filed 3-13-25; 8:45 am]

BILLING CODE 6820-34-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration**

[Docket No. FDA-2024-N-5852]

Sage Therapeutics, Inc.; Withdrawal of Approval of a New Drug Application for ZULRESSO (Brexanolone) Solution, 100 Milligrams/20 Milliliters

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is withdrawing approval of a new drug application (NDA) for ZULRESSO (brexanolone) solution, 100 milligrams (mg)/20 milliliters (mL), held by Sage Therapeutics, Inc., 55 Cambridge Parkway, Cambridge, MA 02142 (Sage). Sage notified the Agency in writing that the drug product was no longer marketed and requested that the approval of the application be withdrawn.

DATES: Approval is withdrawn as of April 14, 2025.

FOR FURTHER INFORMATION CONTACT: Kimberly Lehrfeld, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6226, Silver Spring, MD 20993-0002, 301-796-3137, Kimberly.Lehrfeld@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Sage has informed FDA that ZULRESSO (brexanolone) solution, 100 mg/20 mL, is no longer marketed and has requested that FDA withdraw approval of NDA 211371 under the process in § 314.150(c) (21 CFR 314.150(c)). Sage has also, by its request, waived its opportunity for a hearing. Withdrawal of approval of an application or abbreviated application under § 314.150(c) is without prejudice to refiling.

Therefore, approval of NDA 211371, and all amendments and supplements thereto, is hereby withdrawn as of April 14, 2025. Approval of the entire application is withdrawn, including any strengths and dosage forms included in the application but inadvertently

missing from this notice. Introduction or delivery for introduction into interstate commerce of ZULRESSO (brexanolone) solution, 100 mg/20 mL, without an approved NDA violates sections 505(a) and 301(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(a) and 331(d)). Any ZULRESSO (brexanolone) solution, 100 mg/20 mL, that is in inventory on April 14, 2025 may continue to be dispensed until the inventories have been depleted or the drug products have reached their expiration dates or otherwise become violative, whichever occurs first.

Dated: March 7, 2025.

P. Ritu Nalubola,

Associate Commissioner for Policy.

[FR Doc. 2025-04101 Filed 3-13-25; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2025-N-0124]

**Bausch & Lomb Incorporated, et al.;
Withdrawal of Approval of Eight
Abbreviated New Drug Applications**

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is withdrawing approval of eight abbreviated new drug applications (ANDAs) from multiple applicants. The applicants notified the Agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

DATES: Approval is withdrawn as of April 14, 2025.

FOR FURTHER INFORMATION CONTACT: Martha Nguyen, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1676, Silver Spring, MD 20993-0002, 301-796-3471, *Martha.Nguyen@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: The applicants listed in table 1 have informed FDA that these drug products are no longer marketed and have requested that FDA withdraw approval of the applications under the process in § 314.150(c) (21 CFR 314.150(c)). The applicants have also, by their requests, waived their opportunity for a hearing. Withdrawal of approval of an application or abbreviated application under § 314.150(c) is without prejudice to refiling.

TABLE 1—ANDAs FOR WHICH APPROVAL IS WITHDRAWN

Application No.	Drug	Applicant
ANDA 040063	ACETIC ACID 2% IN AQUEOUS ALUMINUM ACETATE (acetic acid, glacial; aluminum acetate) solution/drop, 2%; 0.79%.	Bausch & Lomb Inc., 400 Somerset Corporate Blvd., Bridgewater, NJ 08807.
ANDA 060359	ERYTHROCIN STEARATE (erythromycin stearate) tablet, Equivalent to (EQ) 125 milligrams (mg) base, EQ 250 mg base, and EQ 500 mg base.	Azurity Pharmaceuticals, Inc., 8 Cabot Rd., Suite 2000, Woburn, MA 01801.
ANDA 074307	Levobunolol Hydrochloride (HCl) solution/drop, 0.25%	Bausch & Lomb Inc.
ANDA 074443	CROLOM (cromolyn sodium) solution/drop, 4%	Do.
ANDA 075546	Carteolol HCl solution/drop, 1%	Do.
ANDA 075819	Amantadine HCl syrup, 50 mg/5 milliliters (mL)	CMP Pharma, Inc., 8026 East Marlboro Rd., P.O. Box 147, Farmville, NC 27828.
ANDA 091307	Metoprolol Tartrate injectable, 1 mg/mL	American Regent, Inc., 5 Ramsey Rd., Shirley, NY 11967.
ANDA 207243	Azelastine HCl metered spray, 0.2055 mg/spray	Hikma Pharmaceuticals USA Inc., 1809 Wilson Rd., Columbus, OH 43228.

Therefore, approval of the applications listed in table 1, and all amendments and supplements thereto, is hereby withdrawn as of April 14, 2025. Approval of each entire application is withdrawn, including any strengths and dosage forms inadvertently missing from table 1. Introduction or delivery for introduction into interstate commerce of products listed in table 1 without an approved new drug application or ANDA violates sections 505(a) and 301(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(a) and 331(d)). Drug products that are listed in table 1 that are in inventory on April 14, 2025 may continue to be dispensed until the inventories have been depleted or the drug products have reached their expiration dates or otherwise become violative, whichever occurs first.

Dated: March 7, 2025.

P. Ritu Nalubola,

Associate Commissioner for Policy.

[FR Doc. 2025-04106 Filed 3-13-25; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2025-N-0104]

**Bausch & Lomb Incorporated, et al.;
Withdrawal of Approval of Four
Abbreviated New Drug Applications**

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is withdrawing approval of four abbreviated new drug applications (ANDAs) from multiple applicants. The

applicants notified the Agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

DATES: Approval is withdrawn as of April 14, 2025.

FOR FURTHER INFORMATION CONTACT: Martha Nguyen, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1676, Silver Spring, MD 20993-0002, 301-796-3471, *Martha.Nguyen@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: The applicants listed in table 1 have informed FDA that these drug products are no longer marketed and have requested that FDA withdraw approval of the applications under the process in § 314.150(c) (21 CFR 314.150(c)). The applicants have also, by their requests, waived their opportunity for a hearing. Withdrawal of approval of an application or abbreviated application

under § 314.150(c) is without prejudice to refiling.

TABLE 1—ANDAS FOR WHICH APPROVAL IS WITHDRAWN

Application No.	Drug	Applicant
ANDA 040065	Prednisolone Sodium Phosphate solution/drops, Equivalent to (EQ) 0.11% phosphate.	Bausch & Lomb Inc., 400 Somerset Corporate Blvd., Bridgewater, NJ 08807.
ANDA 202031	Gemcitabine Hydrochloride (HCl) injectable, EQ 200 milligrams (mg) base/vial and EQ 1 gram (g) base/vial.	American Regent, Inc., 5 Ramsey Rd., Shirley, NY 11967.
ANDA 202562	Dactinomycin injectable, 0.5 mg/vial	Do.
ANDA 213390	Vigabatrin for solution, 500 mg/packet	KubsTech Inc., U.S. Agent for Propel Pharma Corp, 22 Tanner Dr., Princeton, NJ 08540.

Therefore, approval of the applications listed in table 1, and all amendments and supplements thereto, is hereby withdrawn as of April 14, 2025. Approval of each entire application is withdrawn, including any strengths and dosage forms inadvertently missing from table 1. Introduction or delivery for introduction into interstate commerce of products listed in table 1 without an approved new drug application or ANDA violates sections 505(a) and 301(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(a) and 331(d)). Drug products that are listed in table 1 that are in inventory on April 14, 2025 may continue to be dispensed until the inventories have been depleted or the drug products have reached their expiration dates or otherwise become violative, whichever occurs first.

Dated: March 7, 2025.

P. Ritu Nalubola,

Associate Commissioner for Policy.

[FR Doc. 2025-04107 Filed 3-13-25; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2023-N-4938]

Bernardo Garmendia; Denial of Hearing; Final Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is denying a request for a hearing submitted by Bernardo Garmendia, also known as Bernardo Germendia, (Garmendia) and is issuing an order under the Federal Food, Drug, and Cosmetic Act (FD&C Act) permanently debaring Garmendia from providing services in any capacity to a person that has an approved or pending drug

product application. FDA bases this order on a finding that Garmendia was convicted of a felony under Federal law for conduct relating to the development or approval, including the process for development or approval, of any drug product under the FD&C Act. FDA provided notice to Garmendia of the proposed debarment and an opportunity to request a hearing within the timeframe prescribed by regulation. Garmendia submitted a request for hearing but failed to file with the Agency information and analyses sufficient to create a basis for a hearing.

DATES: The order is applicable March 14, 2025.

ADDRESSES: Any application for termination of debarment by Garmendia under section 306(d) of the FD&C Act (21 U.S.C. 335a(d)) (application) may be submitted as follows:

Electronic Submissions

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. An application submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your application will be made public, you are solely responsible for ensuring that your application 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 application, that information will be posted on <https://www.regulations.gov>.

- If you want to submit an application with confidential information that you do not wish to be made available to the public, submit the application 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. 10611, Rockville, MD 20852.

- For a written/paper application submitted to the Dockets Management Staff, FDA will post your application, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All applications must include the Docket No. FDA-2023-N-4938. An application will be placed in the docket and, unless 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 an application with confidential information that you do not wish to be made publicly available, submit your application 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 your application. 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 application 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, 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 between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500. Publicly available submissions may be seen in the docket.

FOR FURTHER INFORMATION CONTACT:

Karen Fikes, Office of Scientific Integrity, Food and Drug Administration, 10903 New Hampshire Avenue, Bldg. 1, Rm. 4232, Silver Spring, MD 20993, 301-796-9603.

SUPPLEMENTARY INFORMATION:

I. Background

Section 306(a)(2)(A) of the FD&C Act mandates permanent debarment if FDA finds that the individual has been convicted of a felony under Federal law for conduct relating to the development or approval, including the process for development or approval, of any drug product. On June 20, 2023, following a guilty plea, the U.S. District Court for the Southern District of Florida-Miami Division entered a judgment against Garmendia for one count of conspiracy to commit wire fraud in violation of 18 U.S.C. 1349.

Garmendia's conviction is based upon conduct from on or about September 2015 through on or about March 2018, committed in his capacity at AMB Research Center, Inc. (AMB Research), a medical clinic that conducted clinical trials of new drugs for pharmaceutical companies and sponsors. Garmendia was co-owner of AMB Research and served as vice president and back-up study coordinator. Garmendia and his co-conspirators did willfully, that is, with the intent to further the object of the conspiracy, and knowingly combine, conspire, confederate, and agree with each other to commit wire fraud, that is: to knowingly, and with the intent to defraud, devise and intend to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, and, for the purpose of executing the scheme and artifice, did transmit and cause to be

transmitted by means of wire communication and interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, in violation of 18 U.S.C. 1349.

Specifically, AMB Research entered into a clinical trial agreement with a contract research organization to lead a pharmaceutical company's clinical trial designed to evaluate the safety and efficacy of an investigational drug intended to treat persons with Clostridium difficile-associated diarrhea (CDAD clinical trial). Garmendia and his co-conspirators conspired to unlawfully enrich themselves by, among other things, securing contracts to conduct the CDAD clinical trial; fabricating and falsifying documents, study data, and other items related to the CDAD clinical trial to obtain payments and inflate the payments due and owing to the conspirators under the clinical trial agreement; receiving payment for the CDAD clinical trial by making material false and fraudulent representations; and using the fraudulently obtained funds for personal use and benefit, the use and benefit of others, and to further the conspiracy. Garmendia's conduct included direct involvement in falsifying and fabricating study documents. In addition, Garmendia transported study documents to the principal investigator for purposes of obtaining a signature for the CDAD clinical trial at AMB Research. Garmendia received \$80,027.44 in proceeds from payments made to AMB Research for the CDAD clinical trial.

Garmendia is subject to permanent debarment based on a finding by the Office of Regulatory Affairs (ORA), under section 306(a)(2)(A) of the FD&C Act, that he was convicted of a felony under Federal law for conduct relating to the development or approval, including the process for development or approval, of any drug product. By letter dated January 8, 2024, ORA informed Garmendia of the proposal to permanently debar him from providing services in any capacity to a person having an approved or pending drug product application. The letter also offered Garmendia an opportunity to request a hearing, providing 30 days from the date of Garmendia's receipt of the letter in which to file the request and 60 days from the date of Garmendia's receipt of the letter to support any hearing request with information sufficient to justify a hearing. In a letter dated February 6, 2024, Garmendia requested a hearing. More than 60 days have passed from the date Garmendia received ORA's letter, and Garmendia has not filed any

additional information to justify a hearing.

Under the authority delegated to him by the Commissioner of Food and Drugs, the Director, Office of Scientific Integrity (OSI Director), has considered Garmendia's request for a hearing. Hearings will be granted upon a showing of a genuine and substantial issue of fact; not on issues of policy or law, on mere allegations, denials, or general descriptions of positions and contentions, or on data and information insufficient to justify the factual determination urged, even if accurate (see 21 CFR 12.24(b)). Garmendia has failed to present any arguments or evidence raising a genuine and substantial issue of fact to support his hearing request. Accordingly, the OSI Director denies Garmendia's request for a hearing.

II. Findings and Order

Therefore, the OSI Director, under section 306(a)(2)(A) of the FD&C Act and authority delegated to him by the Commissioner of Food and Drugs, finds that Garmendia has been convicted of a felony under Federal law for conduct relating to the development or approval, including the process for development or approval, of any drug product.

As a result of the foregoing findings, Garmendia is permanently debarred from providing services in any capacity to a person with an approved or pending drug product application under sections 505, 512, or 802 of the FD&C Act (21 U.S.C. 355, 360b, or 382), or under section 351 of the Public Health Service Act (42 U.S.C. 262), effective March 14, 2025 (see 21 U.S.C. 335a(c)(1)(B) and (c)(2)(A)(ii) and 21 U.S.C. 321(dd)). Any person with an approved or pending drug product application, who knowingly uses the services of Garmendia, in any capacity during his period of debarment, will be subject to civil money penalties (section 307(a)(6) of the FD&C Act (21 U.S.C. 335b(a)(6))). If Garmendia, during his period of debarment, provides services in any capacity to a person with an approved or pending drug product application, he will be subject to civil money penalties (section 307(a)(7) of the FD&C Act). In addition, FDA will not accept or review any abbreviated new drug applications submitted by or with the assistance of Garmendia during his period of debarment (section 306(c)(1)(B) of the FD&C Act).

Dated: March 7, 2025.

George M. Warren,

Director, Office of Scientific Integrity.

[FR Doc. 2025-04117 Filed 3-13-25; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Statement of Organization, Functions, and Delegations of Authority

AGENCY: Office of the General Counsel, Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: This document revises and restates the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, Office of the General Counsel (OGC). Issuance of this Statement of Organization rescinds all prior Statements of Organization.

FOR FURTHER INFORMATION CONTACT: Sean Keveney Acting General Counsel, Office of the General Counsel, Office of the Secretary, 200 Independence Avenue SW, Washington, DC 20201. (202) 690-8454.

SUPPLEMENTARY INFORMATION: The Office of the Secretary (OS) Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, Office of the General Counsel (OGC), should now read as follows:

Section I. Mission

The General Counsel is responsible for providing all legal services and advice to the Secretary, Deputy Secretary, and all subordinate organizational components of the Department, which legal advice, to the maximum extent permitted under Executive Order 14215 (Feb. 18, 2025), shall be binding on the Department unless overturned by the Secretary. Under direction of the General Counsel, the Office of the General Counsel (OGC) serves as the sole officially designated source of legal advice and services to the Department's operating and staff divisions (except the OIG) to ensure that all the operating and staff divisions receive uniform advice. OIG is authorized to have its own Office of the Counsel to the Inspector General (OCIG) with respect to matters solely within the OIG's jurisdiction. See 62 FR 30859 (June 5, 1997).

Section II. Organization and Leadership

The Office of the General Counsel, under the supervision of a General Counsel, consists of:

1. Immediate Office
2. Divisions
3. Regional Offices

Subsection A. The Immediate Office of the General Counsel

1. The Immediate Office of the General Counsel

The Immediate Office of the General Counsel consists of the General Counsel, his or her executive assistant(s), a Principal Deputy General Counsel, such other Deputy General Counsel as the Secretary deems appropriate and appoints, such other Special Assistant Deputy General Counsel, Senior Counsel, Counsel, Senior Advisors and attorneys and staff as the General Counsel deems appropriate, and the Office of Legal Resources (OLR).

a. The General Counsel. The General Counsel is the chief legal officer of the Department and is directly responsible to the Secretary.

b. Principal Deputy General Counsel. The Principal Deputy General Counsel is the second-ranking legal officer of the Department and is usually a non-career inferior officer appointed by the Secretary and is directly responsible to the General Counsel and the Secretary.

c. Deputy General Counsel. The Deputy General Counsel report to the General Counsel and each shall be responsible for overseeing such substantive legal areas and corresponding OGC portfolios as designated by the General Counsel. Deputy General Counsel may be assigned oversight of one or more portfolios within the Office of the General Counsel. In addition, certain Deputy General Counsel may generally be responsible for OGC management and operations, oversight of OLR, and such litigation, substantive, or programmatic portfolios and other duties as determined by the General Counsel. For performance evaluation purposes, it is OGC's policy that, when feasible, a career Deputy General Counsel will be assigned to serve as the rating official for all career Associate General Counsel, Chief Counsel, the OLR Director, and any career Senior Counsel or Senior Advisor.

i. Chief Counsel for Food, Research, and Drugs. One Deputy General Counsel will be appointed as the Chief Counsel for Food, Research, and Drugs and will be responsible for supervising the Associate General Counsel, and their staff, who provide legal services to the National Institutes of Health and the Food and Drug Administration.

ii. Special Assistant Deputy General Counsel. The General Counsel may designate one or more attorneys to act as a special assistant and to carry the title Special Assistant Deputy General Counsel. Any Special Assistant Deputy General Counsel shall report directly to

the General Counsel or to such Deputy General Counsel as the General Counsel may designate.

d. Senior Counsel, Special Counsel, Counsel, or Senior Advisor to the General Counsel: Senior Counsel, Special Counsel, Counsel, or Senior Advisors to the General Counsel perform such duties as may be assigned to them by the General Counsel, Principal Deputy General Counsel, Deputy General Counsel, or Chief Counsel for Food, Research, and Drugs.

2. Order of Succession

a. General Counsel Vacancy. In the event of the General Counsel's absence, or in the event of a "vacancy" in the position of General Counsel as a result of death, resignation, or an inability to perform the functions and duties of the office, the Principal Deputy General Counsel shall act in the General Counsel's stead, or serve as the Acting General Counsel as dictated by the Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq.*

b. Principal Deputy General Counsel Vacancy. In the event of the absence of or vacancies in offices of both the General Counsel and the Principal Deputy General Counsel, the Deputy General Counsel with the greatest seniority in that position shall perform the functions of or serve as the Acting General Counsel as dictated by the Vacancies Reform Act of 1998.

3. The Office of Legal Resources, Immediate Office of the General Counsel

The Office of Legal Resources shall be headed by a Director, who is responsible for providing personnel, budget, correspondence, and information technology support to the Office of the General Counsel as well as providing legal information law services through the Law Library. The Office of Legal Resources includes six branches, each headed by a Director or Manager:

- a. Budget
- b. Correspondence
- c. Human Capital Services
- d. Information Technology
- e. Legal Information
- f. Procurement, Policy and Planning

Subsection B. Divisions

Each OGC Division is under the general supervision of the General Counsel. Each OGC office head reports directly to the designated Deputy General Counsel on substantive legal matters, litigation strategy, and other matters as directed by the General Counsel. The OGC office heads who provide legal services to the National Institutes of Health and the Food and Drug Administration will report directly

to the Chief Counsel for Food, Research, and Drugs. There are ten divisions in the Office of the General Counsel:

1. The Advanced Research Projects Agency for Health (ARPA-H) Division shall be headed by a Chief Counsel/ Associate General Counsel, who reports to the General Counsel through a designated Deputy General Counsel.

2. The Centers for Medicare & Medicaid Services Division (CMSD) shall be headed by an Associate General Counsel, who reports to the General Counsel through a designated Deputy General Counsel. The Division consists of three groups each headed by a Deputy Associate General Counsel reporting to the Associate General Counsel:

- a. Litigation Group
- b. Program Review Group
- c. Program Integrity Group

The Associate General Counsel may designate supervisory attorneys to report to the Deputy Associate General Counsel as appropriate.

3. The Children, Families, and Aging Division (CFAD) shall be headed by an Associate General Counsel, who reports to the General Counsel through a designated Deputy General Counsel. CFAD also includes a Deputy Associate General Counsel, who reports to the Associate General Counsel. The Associate General Counsel may designate supervisory attorneys to report to the Deputy Associate General Counsel as appropriate.

4. The Civil Rights, Privacy, and Technology Division (CRD) shall be headed by an Associate General Counsel, who reports to the General Counsel through a designated Deputy General Counsel. The Division will be responsible for providing legal advice on all civil rights, health policy, privacy, and related policy and enforcement matters in the Department, with the exception of defending claims filed by employees of HHS. The Division consists of two groups, each headed by a Deputy Associate General Counsel who reports to the Associate General Counsel:

- a. Civil Rights Branch
- b. Health Information Privacy and Technology Branch

5. The Ethics Division (ETH) shall be headed by an Associate General Counsel, who reports to the General Counsel through a designated Deputy General Counsel. The Division consists of two branches, each headed by a Deputy Associate General Counsel reporting to the Associate General Counsel:

- a. Ethics Advice and Policy Branch
- b. Ethics Program Administration Branch

The Associate General Counsel and Deputy Associate General Counsel for Ethics Advice and Policy simultaneously serve by secretarial delegation as the Department's Designated Agency Ethics Official and Alternate Designated Agency Ethics Official, respectively.

6. The Food and Drug Division (FDD) shall be headed by a Chief Counsel who shall be an Associate General Counsel and who shall report directly to the Chief Counsel for Food, Research, and Drugs in the Immediate Office of the General Counsel. The Division consists of two branches, each of which is headed by one or more Deputy Associate General Counsel who report to the Associate General Counsel:

- a. Litigation Branch
- b. Program Review Branch

7. The General Law Division (GLD) shall be headed by an Associate General Counsel, who reports to the General Counsel through a designated Deputy General Counsel. The Division consists of two branches, each headed by a Deputy Associate General Counsel reporting to the Associate General Counsel, as well as Assistant Deputy Associate General Counsel selected by the Associate General Counsel to provide oversight and supervision of Sections within the Division:

- a. Claims and Employment Law Branch
- b. Procurement, Fiscal, and Information Law Branch

8. The Legislation Division (GCL) shall be headed by an Associate General Counsel, who reports to the General Counsel through a designated Deputy General Counsel.

9. The Public Health Division (Ph.D.) shall be headed by an Associate General Counsel, who reports to the General Counsel through a designated Deputy General Counsel or the Chief Counsel for Food, Research, and Drugs. The Division consists of four branches, each of which is headed by a Deputy Associate General Counsel reporting to the Associate General Counsel:

- a. Indian Health Service (IHS) Branch
- b. Centers for Disease Control and Prevention Branch
- c. National Institutes of Health Branch
- d. Public Health and Science Branch

10. The National Complex Litigation and Investigations Division (NCLID) shall be headed by an Associate General Counsel, who reports to the General Counsel through a designated Deputy General Counsel. The Division shall also have a designated Deputy Associate General Counsel for E-Discovery, who reports to the Associate General Counsel.

Subsection C. Regional Offices

Each OGC Regional Office is under the general supervision of the General Counsel. Each OGC office head reports directly to the designated Deputy General Counsel on substantive legal matters, litigation strategy, and other matters as directed by the General Counsel. There are four OGC regional offices:

1. OGC Region 1—Philadelphia shall be headed by a Chief Counsel, who reports to the General Counsel through a designated Deputy General Counsel. The office has a Deputy Chief Counsel, who reports to the Chief Counsel.

2. OGC Region 2—Atlanta shall be headed by a Chief Counsel, who reports to the General Counsel through a designated Deputy General Counsel. The office consists of two branches, each of which is headed by a Deputy Chief Counsel reporting to the Chief Counsel:

- a. HHR Branch (Administration for Children and Families (ACF) and Centers for Medicare & Medicaid Services (CMS) Program Advice and Litigation)
- b. General Law Branch (Personnel and Contract Advice and Litigation)

3. OGC Region 3—Kansas City shall be headed by a Chief Counsel, who reports to the General Counsel through a designated Deputy General Counsel.

4. OGC Region 4—Denver shall be headed by a Chief Counsel, who reports to the General Counsel through a designated Deputy General Counsel. The office has a Deputy Chief Counsel, who reports to the Chief Counsel.

Section III. Functions

Subsection A. The General Counsel and the Office of the General Counsel

1. The General Counsel. The General Counsel is authorized to promulgate such directives and issue such legal opinions as may be necessary to carry out the responsibilities of the Office. The General Counsel, directly or through attorneys in the Office of the General Counsel, undertakes the following activities unless an applicable statute provides otherwise or the General Counsel has delegated the responsibility elsewhere:

a. Furnishes all legal services and advice to the Secretary, Deputy Secretary, and all offices, branches, and units of the Department in connection with the operations and administration of the Department and its programs, unless otherwise expressly delegated by statute to another agency or official.

b. Furnishes legal services and advice on such other matters as may be

submitted by the Secretary, the Deputy Secretary, any other senior leaders, and other persons authorized by the Secretary to request such service or advice.

c. Represents the Department in all litigation when such direct representation is not precluded by law, and in other cases, supervises the conduct of such litigation.

d. Acts as the Department's representative in communicating with the Department of Justice, including all United States Attorneys, on all civil and criminal matters.

e. Acts as the Department's representative in communicating with Office of White House Counsel and the Offices of General Counsel for any other Department or Agency.

f. Authorizes indemnification of Department employees, as appropriate, pursuant to 45 CFR part 36.

g. Provides legal review of all proposals for Federal legislation originating within the Department, as well as all proposed Federal legislation submitted to the Department or to any operating division of the Department for comment; as appropriate, prepares or reviews reports and letters to congressional committees, the Office of Management and Budget, and others on proposed Federal legislation; and prescribes procedures to govern the routing and review, within the Department, of material relating to proposed Federal legislation.

h. Supervises all legal activities of the Department and its operating and staff divisions, except with respect to certain matters within the jurisdiction of the OIG

i. Ensures that no one in the Department, other than those in OGC or expressly authorized by the General Counsel to do so, provides any legal advice to anyone in the Department that implies that they are functioning as a departmental lawyer.

j. Issues all Advisory Opinions except those relating to the Anti-Kickback Act (SSA 1128B(b)), the Anti-Inducement Act (SSA 1128A(a)(5)), and the Ethics in Patient Referral Act of 1989.

Subsection B. Functions and Responsibilities of the OGC Divisions

The Divisions within OGC provide legal counsel to their clients, as described below, subject to the professional supervision and control of the General Counsel and the designated Deputy General Counsel.

1. The Advanced Research Projects Agency for Health (ARPA-H) Division. The ARPA-H Division provides legal services to ARPA-H.

2. Centers for Medicare & Medicaid Services Division (CMSD). CMSD provides legal services to the Centers for Medicare & Medicaid Services (CMS), the Office of Medicare Hearings and Appeals (OMHA) and the Departmental Appeals Board (DAB).

3. Children, Families, and Aging Division (CFAD). CFAD provides legal services to the Administration for Children and Families and its various agencies, including the Office of Refugee Resettlement and Administration for Community Living. In addition, the Division advises the Department on the 477 initiative authorized by the Indian Employment, Training, and Related Services Demonstration Act of 2017.

4. Civil Rights, Privacy, and Emerging Technology Division (CRD). CRD provides legal services for the Office for Civil Rights (OCR) and provides advice with respect to the enforcement of civil rights laws, conscience statutes, the Health Insurance and Portability and Accountability Act of 1996 (Social Security Act § 1171 *et seq.*), the Health Information Technology for Economic and Clinical Health (HITECH) Act, and the rules implementing them with respect of HHS-funded programs and activities. CRD also provides legal services to the Assistant Secretary for Technology Policy and Office of the National Coordinator for Health Information Technology (ASTP/ONC). CRD does not defend claims filed by HHS employees.

5. Ethics Division (ETH). ETH administers and oversees Department-wide implementation of comprehensive government ethics program requirements under the Ethics in Government Act of 1978 as amended, Executive Order 12731, and implementing regulations at 5 CFR part 2638. This includes providing legal advice, training, and policy instruction and guidance consistent with core ethics program elements, including conflict of interest, impartiality, financial disclosure, outside activities, political activity, lobbying, pre-clearance ethics agreements, gifts, and travel payments from non-federal sources.

ETH also communicates on matters related to government ethics with the Office of Counsel to the President, the Office of Government Ethics, the Office of Special Counsel, the Office of Inspector General, Special Investigations Unit, the Department of Justice, the Office of Personnel Management, and the General Services Administration.

In addition, ETH develops component-specific conduct regulations and implementing procedures.

6. Food and Drug Division (FDD). FDD acts as the legal advisor to the Commissioner of Food and Drugs and provides legal services to the Food and Drug Administration (FDA). This includes representing the FDA in connection with judicial and administrative proceedings involving programs administered by the FDA, providing legal advice and policy guidance for programs administered by the FDA, and reviewing proposed and final regulations and **Federal Register** notices prepared by FDA. FDD acts as the Department and FDA's primary liaison to the Department of Justice and other federal departments for programs administered by FDA; all criminal prosecutions, investigations, and civil matters may be referred to the Department of Justice only through or in consultation with the Chief Counsel, appropriate Deputy General Counsel or the General Counsel.

7. General Law Division (GLD). GLD provides advice and representation with respect to laws and regulations that are applicable Government-wide including laws and regulations that govern business management activities and administrative operations such as procurement, contracting, personnel, budget, appropriations, federal real property, employment, information disclosure and privacy (but not health information privacy) and federal tort claims. In addition, the Associate General Counsel for GLD acts as the Department Claims Officer.

8. Legislation Division (GCL). GCL:

a. Drafts all proposed legislation originating in the Department, reviews specifications for such proposed legislation, and reviews all proposed legislation submitted to the Department or to any constituent unit of the Department for comment.

b. Prepares or reviews reports and letters to congressional committees, the Office of Management and Budget, and others on proposed legislation.

c. Reviews proposed testimony of Department officials before congressional committees relating to pending or proposed legislation.

d. Acts as Department liaison with the Office of Management and Budget on legislative matters.

e. Prescribes procedures to govern the routing and review, within the Department, of material relating to proposed federal legislation.

9. National Complex Litigation and Investigation Division (NCLID). NCLID provides legal services to all agencies and offices within the Department, as

directed by the General Counsel. NCLID provides legal services in connection with complex litigation or anticipated complex litigation by or against the Department. Such litigation may include cases for which other OGC divisions or regional offices request NCLID participation, cases spanning multiple OGC divisions or regional offices, or cases outside the scope of other OGC divisions or regional offices. NCLID administers the OGC-wide e-discovery program and coordinates the use of e-discovery technology with agencies and offices within the Department. NCLID will also conduct internal investigations at the request of the Secretary, Deputy Secretary, or General Counsel.

10. Public Health Division (Ph.D.). Ph.D. provides legal services to all Public Health Service agencies (except to FDA) and their programs, including the Office of the Surgeon General and the Commissioned Corps of the U.S. Public Health Service. The represented Public Health Service agencies include, but are not limited to: (i) the Office of the Assistant Secretary for Health, and its various programs; (ii) the Office of the Secretary's Office of Minority Health; (iii) the Centers for Disease Control and Prevention; (iv) the National Institutes of Health; (v) the Health Resources and Services Administration; (vi) the Indian Health Service; (vii) the Substance Abuse and Mental Health Services Administration; (viii) the Agency for Healthcare Research and Quality, (ix) the Administration for Strategic Preparedness and Response, and (x) the Agency for Toxic Substances and Disease Registry.

Subsection C. Functions and Responsibilities of the OGC Regional Offices

There are four OGC Regional Offices, each led by a Chief Counsel. Regional offices within OGC provide a full range of legal services, subject to the professional supervision and direction of the General Counsel and the designated Deputy General Counsel. This includes providing legal advice and representation in administrative and judicial litigation regarding programs operated by the Centers for Medicare and Medicaid Services, the Administration for Children and Families, the Administration for Community Living, and Public Health Service agencies including the Indian Health Service, the Health Resources and Services Administration, the Substance Abuse and Mental Health Services Administration, and the Centers for Disease Control and

Prevention; and providing legal advice and representation in administrative and judicial litigation relating to business management activities and administrative operations, such as employment and labor relations, information disclosure and privacy, federal tort claims, and suspensions, disallowances, and other recoveries of payments made under HHS programs, of HHS components operating in their regions.

The HHS regional offices are located in the following cities and cover all states and territories of the United States, as well as three independent states in the Pacific.

1. OGC Region 1—Philadelphia.
2. OGC Region 2—Atlanta.
3. OGC Region 3—Kansas City (MO).
4. OGC Region 4—Denver.

Robert F. Kennedy, Jr.,

Secretary, U.S. Health and Human Services.

[FR Doc. 2025-04130 Filed 3-13-25; 8:45 am]

BILLING CODE 4150-26-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Disease Control and Applied Immunology.

Date: April 8, 2025.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Ekaterina Mikhailovna Nestorovich, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827-1367, ekaterina.nestorovich@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Adaptive and Innate Immunity.

Date: April 8, 2025.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Kenneth A. Roebuck, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5214, MSC 7852, Bethesda, MD 20892, (301) 435-1166, roebuckk@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Mechanisms of Autoimmunity.

Date: April 9, 2025.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Lisa Ann Lewis, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480-2582, lisa.lewis3@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Applied Immunology and Disease Control.

Date: April 10, 2025.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Irene Ramos Lopez, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480-4891, irene.ramoslopez@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: HIV/AIDS Biological.

Date: April 11, 2025.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Bakary Drammeh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 805-P, Bethesda, MD 20892, (301) 435-0000, drammehbs@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Immunity and Host Defense.

Date: April 16, 2025.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Dayadevi Jirage, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4422, Bethesda, MD 20892, (301) 867-5309, jiragedb@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Pathogenic Eukaryotes.

Date: April 17, 2025.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Velasco Cimica, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-1760, velasco.cimica@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in HIV research.

Date: April 18, 2025.

Time: 10:00 a.m. to 8:00 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: Dayadevi Jirage, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4422, Bethesda, MD 20892, (301) 867-5309, jiragedb@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Infectious Disease Drug Development and Molecular Pharmacology.

Date: April 24-25, 2025.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Ekaterina Mikhailovna Nestorovich, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827-1367, ekaterina.nestorovich@nih.gov.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Pregnancy and Neonatology Study Section.

Date: April 28-30, 2025.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Andrew Maxwell Wolfe, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, Bethesda, MD 20892, (301) 402-3019, andrew.wolfe@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: March 10, 2025.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-04097 Filed 3-13-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topics in Transmission of Vector-Borne and Zoonotic Diseases.

Date: April 1, 2025.

Time: 12:00 p.m. to 8:00 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: Haruhiko Murata, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-594-3245, muratah@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Liver Diseases, Pharmacology and Toxicology.

Date: April 2-3, 2025.

Time: 9:00 a.m. to 8:00 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: Ganesan Ramesh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, 301-827-5467, ganesan.ramesh@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Fogarty HIV Research Training Program for Low- and Middle-Income Country Institutions.

Date: April 2, 2025.

Time: 2:00 p.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: Emily Foley, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 402-3016, emily.foley@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Urology and Nephrology.

Date: April 3-4, 2025.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Jianxin Hu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2156, Bethesda, MD 20892, 301-827-4417, jianxinh@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Etiology, Diagnostic, Intervention and Treatment of Infectious Diseases.

Date: April 3, 2025.

Time: 9:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Liangbiao Zheng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3202, MSC 7808, Bethesda, MD 20892, 301-996-5819, zhengli@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in HIV Comorbidities, Coinfections and Associated Cancers.

Date: April 3, 2025.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Shinako Takada, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD

20892, 301-827-5997, shinako.takada@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR-23-064 Program Projects: Interactions Between HIV-1 and Opioids.

Date: April 3, 2025.

Time: 11:00 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: Alok Mulky, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4203, Bethesda, MD 20892, (301) 435-3566, mulky@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: March 1, 2025.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-04098 Filed 3-13-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

[Docket Number DHS-2025-0005]

Agency Information Collection Activities: Request for Case Assistance Form, DHS Form 7001, 1601-0004

AGENCY: Department of Homeland Security (DHS).

ACTION: 60-Day notice and request for comments.

SUMMARY: The Department of Homeland Security will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted until May 13, 2025. This process is conducted in accordance with 5 CFR 1320.1

ADDRESSES: You may submit comments, identified by docket number Docket #DHS-2025-0005, at:

○ *Federal eRulemaking Portal:* <https://www.regulations.gov>. Please follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number Docket #DHS-2025-0005. All comments received will be

posted without change to <https://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>.

SUPPLEMENTARY INFORMATION: The Office of the Citizenship and Immigration Services Ombudsman (CIS Ombudsman) was created under section 452 of the Homeland Security Act of 2002 (Pub. L. 107-296) to: (1) assist individuals and employers in resolving problems with U.S. Citizenship and Immigration Services (USCIS); (2) to identify areas in which individuals and employers have problems in dealing with USCIS; and (3) to the extent possible, propose changes in the administrative practices of USCIS to mitigate problems. This form is used by individuals and employers who are experiencing problems with USCIS during the processing of immigration benefits. Authorities that support this information collection include:

- Section 452 of the Homeland Security Act provides the legal authority for the CIS Ombudsman.

The information is collected on the DHS Form 7001, Case Assistance Request, which is available electronically or via pdf on the CIS Ombudsman website. Individuals and employers (or their legal representatives) experiencing problems with USCIS may submit a DHS Form 7001. The information contained on the form allows the CIS Ombudsman to identify the problem encountered by individuals and employers seeking immigration benefits and inquire with USCIS to resolve the issue. In the past, this information has been used to understand the issue the customer is trying to resolve, to obtain information needed to research USCIS systems, and to relay USCIS communications to the customer. This information has been collected on the electronic or paper DHS Form 7001 for over a decade. The electronic version is automatically integrated into the CIS Ombudsman's Case Assistance Analytics and Data Integration (CAADI) case management system; paper versions received by email, mail or fax are ingested manually and saved electronically in the case management system.

(a) Proposed form enhancements:
To enhance the form's usability:

- Limit each request to one immigration issue.
- Remove questions customers did not historically answer correctly.
- Enhance the instructions in each form section.

- Re-order form sections (see below) to reflect the customer's perspective.

The revised form will include these re-ordered, merged, and re-named sections. Delete former Section 4, Form Type.

1. Move Section 10 to 1: Person Completing the Form
 - a. Ask who is completing the form upfront so that attorneys can enter their information first and upload the required Form G-28 in Section 9.
2. Move Sections 5 & 6 to 2: Name of Applicant or Petitioner & Contact Information
3. Rename Section 3: Application or Petition Filed with USCIS
4. Move Section 7 to 4 and rename: Biographical Information for Applicant or Petitioner
5. Delete old Section 4
6. Move Section 11 to 5: Beneficiary Information
 - a. Expanded to include more than just employment-based petitions
7. Move Section 2 to 6: Reason for Requesting Case Assistance
 - a. Now limited to one reason/issue
8. Merge Sections 1A & B, Actions Taken with USCIS and move to Section 7
9. Section 8: Supporting Documentation
 - a. Now cross-referenced with new Section 1.
10. Move Section 12 to 9: How Did You Learn About Our Case Assistance Services?
11. Merge Sections 9 and 10 into new Section 10: Consent
 - a. A new single consent section with a pop-up signature based on role, to include third parties.

The CIS Ombudsman collects and processes requests for case assistance, the majority of which are submitted electronically through the DHS website. This form provides the most efficient means for collecting and processing the required data. The electronic form feeds the information collected directly into CAADI. Per Paperwork Reduction Act (PRA) requirements, a fillable PDF version is also available on the website and may be emailed or printed and mailed or faxed to the CIS Ombudsman. The information on the paper forms are manually entered and then scanned into the CAADI system and then destroyed. Using the paper method may result in delays due to mail delivery and intake processing. Once approved, the online and PDF versions of the new form will be posted on the CIS Ombudsman's website at <https://www.dhs.gov/case-assistance>. The paper form remains available because some individuals are unable to access or lack the skill to use

the electronic version of the DHS Form 7001. The CIS Ombudsman has enhanced completion of the DHS Form 7001 on mobile devices to further reduce paper use.

Burden Reduction Initiatives in 2024

(a) See Section 2 for proposed form enhancements.

(b) **New Format for Hard Copy Version:** Once the renewed form is approved, the CIS Ombudsman will roll out a redesigned and updated hard copy version of the form in PDF format for both ease of use and compliance with the 21st Century Integrated Digital Experience Act.

(c) **New Foreign Language Capabilities:** The form must be submitted in English, but it will be translated into the following five most frequently requested languages to make it easier for immigrants from these countries to complete the form and instructions. The CIS Ombudsman also initiated translation and interpretation services for customers with limited English proficiency in October 2024.

(d) **New Online Portal:** The CIS Ombudsman launched a new web portal to provide better customer service while also saving staff time. Currently, customers who have submitted the Form 7001 call or email the CIS Ombudsman to check their case status, and where applicable, the CIS Ombudsman emails customers to request additional documents needed to process the request. The new web portal provides customers with an online self-service tool, enabling staff to focus on more complex customer inquiries. Customers can access the new web portal via a link on the online Form 7001 web page. The web portal then shares data with CAADI to provide two functions: (1) the Online Case Status Check functionality allows individuals and employers to check the current status of their case online; and (2) the Online Document Upload functionality allows individuals and employers to submit additional documentation for a previously submitted case. Users now have the ability to upload on-demand as well as in response to email requests initiated by the CIS Ombudsman. Case assistance request number and email address are required for submission, and a confirmation email is sent after document upload is successful. Customers do not have to create an account or login but are required to provide their case assistance request number, which was provided in their submission confirmation email, and their email address. The email address is needed to verify the identity of the requestor.

a. *What's new in 2024 for the customer:*

b. Before you submit: You will see a simpler, cleaner online DHS Form 7001, Request for Case Assistance page with an easy link to our Tips for Submitting a Case Assistance Request.

i. The tips address specific situations like signing on behalf of clients and requests involving multiple form types or family members.

c. While you complete the form: Instead of a series of accordion sections, you will see an interactive form with these new features:

i. A progress bar to help you see how much of the form you have completed.

ii. Sections that adapt the questions based on your answers to help you know what fields to complete.

iii. Alerts in each section that tell you if you are missing information.

iv. A clearer view of the forms and/or beneficiaries you have already added.

v. A screen for reviewing and editing your answers before submitting.

vi. Your CIS Ombudsman Request Number appearing on the confirmation page after you submit the form.

d. After you submit: Use these two new features:

i. Upload Requested Documents (*after submitting your request*): If you experience problems uploading documents when you submit DHS Form 7001 or if you need to add more documents afterwards, you can use this tab to upload documents.

ii. Check the Status of Your Request: You can use this tab to track the status of your case assistance request. You will also see an overview of the different steps your request goes through as we work on it.

(e) **Usability Test:** The CIS Ombudsman also completed a usability test on the form.

a. What was the purpose of the UX? To identify any pain points in completing the online form, both on a computer and a mobile phone.

b. How many participants? Six: 3 were familiar with the form and 3 were not.

c. Here is a list of customer findings and recommended form fixes by section:

(a) **General Observations:**

1. Average completion time for all six participants was 50 minutes. One completed the form in 20 minutes, while it took others over an hour to complete.

2. Some instructions are placed after the field requesting the related information.

a. For example, in Section 1A customers are asked to upload supporting documents but the instructions and functionality are in Section 8.

3. Some people wondered if they could go back and edit their data.

a. **FIX:** Add a note to the General Instructions that you can make edits at the end before submitting the form.

(b) **General Instructions:**

1. None of the participants opened and read the instructions.

a. **FIX:** Enhance the instructions within each section of the form.

(c) **Section 1A—Actions Taken:**

1. When we ask if they've already contacted USCIS, some did not understand that we are asking whether they used USCIS' customer service options.

a. **FIX:** suggest we make this very clear in our public-facing materials and engagements.

2. Some wanted to enter their complete history rather than focusing on the past 60–90 days as we want them to.

a. **FIX:** Instructions should emphasize we want their most RECENT contact date with USCIS and why we are asking.

3. Some wanted to tell whole life story in the small comment box about actions taken because they didn't read question carefully—and then later wanted to go back.

a. **FIX:** Recommend combining 1A and 1B.

4. Instructions above box say to attach documents without stating how to do so.

a. **FIX:** Add text on where and how to upload documents.

(d) **Section 1B—Other Actions:** Recommendation is to merge Sections 1A & B.

1. Can we delete Option 1: Contacted a U.S. government department or agency for assistance. People may assume it refers to USCIS.

2. Option 2: Congressional inquiry, "Response Received, Yes or No?"—do we want to know if they received a response to the congressional inquiry or if Congress received a response to their inquiry to USCIS?

a. **FIX:** add text to state we want the congressional response sent to the *individual*.

(e) **Section 2—Reasons for Request:**

1. We start with what actions did you take; the intent was to weed out people whose issues weren't ripe for a request for case assistance. But from their perspective, they want to tell us their problem and ask for our help and that's what we should let them do first.

a. **FIX:** Recommend moving this section before Section 1; see #3 below.

2. Checkbox comments: use plain language, shorten text, and alphabetize the list.

a. **FIX:** Edit the master redlined form accordingly.

3. Some said they already provided an explanation of their issue in section 1a, then retyped it here.

a. FIX: Reduce to one explanation box and emphasis that we need to know what happened when they contacted USCIS.

(f) Section 3—Applications/Petitions Filed:

1. For Form I-90, sub-options are confusing.

a. FIX: Do we need to know these things?

1. 10-year renewal.

2. initial issue or replacement.

2. Unable to cut and paste receipt number, even w/o dashes.

a. FIX: Ask developers if possible.

3. Some were confused about what is meant by “Primary”; others were confused about which form to submit.

a. FIX: Should we reformat this section to make it simpler? Options include:

1. Put the instructions at the top.

1. Check the “Primary” box next to the USCIS receipt number for which you seek assistance.

2. Receipt date/Filing date need to be clarified; language on Form 797 varies.

4. Recommend moving the view that shows that you submitted a form up at the top rather than below because folks thought it didn't save and started to put it in again.

a. FIX: Clarify instructions: after you SAVE, scroll down, and click on NEXT.

(g) Section 4—Type of Benefit: Recommendation is to delete this section.

(h) Section 5—Applicant Name:

1. Move Applicant Name to the top of the form with one form per person.

2. Confusion around selecting individual or organization. Do we want the individual's contact info or their attorney's?

a. FIX: Make it clear we will not contact a represented individual directly.

3. One participant said completing this section and #6 slows them down because it is not easy to cut and paste info from other sources into the form.

a. FIX: Ask developers if possible.

(i) Section 6—Contact Information:

1. Again, confusion about whose information to enter.

a. FIX: add instructions at the top and refer to Section 5.

b. The PDF version [with CX revisions] includes these instructions:

1. Provide contact information for the individual (applicant/petitioner) or employer encountering difficulties with USCIS.

2. If you provide a legal representative's contact information instead of the individual or employer's

contact information you must submit the Notice of Entry of Appearance (Form G-28) that you already have submitted to USCIS for the application/petition for which you seek our assistance. Full legal representative contact information can be added in Section 10 of this form.

2. Almost all participants were confused about email vs. snail mail options.

a. FIX: Box language has been adjusted as of 9/20/24.

3. Adding USPS address verification would be useful.

a. FIX: Added USPS address verification code in November 2024.

(j) Section 7—Identification:

1. Unable to cut and paste in the A-Number.

a. FIX: Ask developers if possible.

(k) Section 8—Supporting Documents:

1. First mention of G-28; mention earlier in the form?

a. FIX: Ask if submitter is an attorney, congressional rep, or DSO up front. If so, ask to upload appropriate form.

2. Suggest moving instructions in footer to top of section: file size/name/type.

a. Also add this information to the General Instructions.

3. Some had difficulty uploading documents, encountering either a delay or a blank screen.

a. There is a virus scan “pending” message.

(l) Section 11—Beneficiary Information:

1. Suggest delete this section if not useful or only make it appear for I-129 petitioners, and if can be just for H-2A/H-2B, even better.

2. If retained, add an N/A option.

When we last revised Form 7001, for the first time we added an addendum to allow certain petitioning employers to include beneficiary employee information that is needed for the CIS Ombudsman to inquire with USCIS. In the past, the CIS Ombudsman did not have a designated place to collect this beneficiary employee information and as a result, this caused delays in seeking assistance because the CIS Ombudsman had to reach out to petitioning employers for additional information.

If this information is not collected, the CIS Ombudsman will not be able to assist individuals and employers experiencing problems who request our assistance during the processing of an immigration benefit with USCIS.

The CIS Ombudsman follows fundamental ombudsman principles, such as confidentiality, neutrality, and independence while undertaking its statutory mission. In addition:

(a) Section 1367 confidentiality and prohibited source provisions prohibit

employees of DHS, Department of State, or Department of Justice from permitting the use or disclosure of any information relating to an individual for a pending or approved application or petition for victim-based immigration benefits to anyone other than a sworn officer or employee of these Departments for legitimate agency purposes, unless one of several exceptions apply.

Section 1367 is flagged for applicable customers in their CAADI case record. It can be set by the analyst but is also triggered by the specific form types. We follow USCIS procedures regarding confidential cases.

(b) Pursuant to the Privacy Impact Assessment for CAADI, any risk that information in the CAADI system may be accessed by individuals without the proper clearances and without a need to know is mitigated as follows: (1) CIS Ombudsman personnel receive annual privacy training and introductory training on CAADI before they are given an account name and password, and specialized access and security control training as a prerequisite for authorization to use the system; and (2) all staff are able to see information on any case, but the ability to edit information is restricted through user permissions and standard DHS rules of behavior.

The time estimate to complete the *current form* was increased from 30 to 50 minutes based on the customer usability study. However, the steps we will and have taken to reduce completion time using the new form are summarized in the responses to Questions 2 and 3.

The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Analysis

Agency: Department of Homeland Security (DHS).

Title: Request for Case Assistance Form.

OMB Number: 1601–0004.

Frequency: On Occasion.

Affected Public: Individuals or Households.

Number of Respondents: 23,591.

Estimated Time per Respondent: 50 mins.

Total Burden Hours: 19,659.

Robert Dorr,

Executive Director, Business Management Directorate.

[FR Doc. 2025–03914 Filed 3–13–25; 8:45 am]

BILLING CODE 9112–FL–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1432]

Certain Mobile Electronic Devices; Notice of Commission Determination Not To Review an Initial Determination Granting a Motion To Amend the Complaint and Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 6) of the presiding administrative law judge (“ALJ”) granting Complainant’s motion to amend the complaint and notice of investigation to allege infringement of additional patent claims.

FOR FURTHER INFORMATION CONTACT: Namoo Kim, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3459. 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, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 23, 2025, based on a

complaint filed by Maxell, Ltd. of Kyoto, Japan (“Maxell”). 90 FR 8032–33 (Jan. 23, 2025). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile electronic devices by reason of the infringement of certain claims of U.S. Patent No. 8,130,280; U.S. Patent No. 11,490,004; U.S. Patent No. 11,750,915; U.S. Patent No. 11,509,953; U.S. Patent No. 12,108,103; and U.S. Patent No. 11,445,241 (“the ‘241 patent’”). *Id.* The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation names as respondents Samsung Electronics Co., Ltd. of Suwon-Shi, Republic of Korea and Samsung Electronics America, Inc. of New Jersey (collectively, “Samsung”). *Id.* The Office of Unfair Import Investigations is not named as a party. *Id.*

On February 6, 2025, Maxell filed a motion to amend the complaint and notice of investigation to add infringement allegations as to claims 15 and 24 of the ‘241 patent. Maxell explained that, prior to institution, it submitted a first public supplement to assert claims 15 and 24 of the ‘241 patent. The notice of investigation, however, did not reflect this supplement. Therefore, Maxell argued that good cause exists because this motion is to address a clerical error in the notice of investigation.

On February 18, 2025, Samsung filed an opposition to Maxell’s motion. Samsung argued that there was no clerical error in the notice of investigation, and that Maxell failed to properly add claims 15 and 24 of the ‘241 patent during the pre-institution stage because Maxell needed to file an amended complaint pursuant to Commission Rule 210.14(a), 19 CFR 210.14(a), to add any additional claims as opposed filing a supplement. Samsung also argued that it would be unduly prejudiced if Maxell’s motion is granted.

On February 21, 2025, the ALJ issued the subject ID (Order No. 6) granting Maxell’s motion to amend the complaint and notice of investigation pursuant to Commission Rule 210.14(b), 19 CFR 210.14(b). The ID finds that the notice of investigation expressly acknowledged Maxell’s public supplements, including the first public supplement that alleged infringement of claims 15 and 24 of the ‘241 patent, and this acknowledgment is “indicative of a clerical oversight in the listing of instituted asserted claims.” ID

at 2; *see* 90 FR at 8032. The ID also finds that even if there was no clerical error, Maxell has now moved in a timely manner to add claims 15 and 24. *Id.* at 3. Lastly, the ID finds that any prejudice to Samsung is low because Samsung was on notice of Maxell’s intent to add claims 15 and 24. *Id.* at 3–4.

No petitions for review of the ID were filed.

The Commission has determined not to review the ID.

The Commission vote for this determination took place on March 10, 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: March 10, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–04049 Filed 3–13–25; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE**Antitrust Division**

Notice Pursuant to the National Cooperative Research and Production Act of 1993—UHD Alliance, Inc.

Notice is hereby given that, on February 24, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), UHD Alliance, Inc. (“UHD Alliance”) filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Optoma Technology, Inc., Fremont, CA, has been added as a party to this venture. Also, Teledyne LeCroy (Quantum Data, Inc.), Elgin, IL, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and UHD Alliance intends to file additional written notifications disclosing all changes in membership.

On June 17, 2015, UHD Alliance filed its original notification pursuant to

section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 17, 2015 (80 FR 42537).

The last notification was filed with the Department on December 3, 2024. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on January 28, 2025 (90 FR 8302).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2025-04067 Filed 3-13-25; 8:45 am]

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DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Undersea Technology Innovation Consortium

Notice is hereby given that, on January 17, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Undersea Technology Innovation Consortium (“UTIC”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Wider Security LLC, Warren, RI; Comark LLC, Milford, MA; Poroy Global Advisors LLC, Hull, MA; Parry Labs LLC, Alexandria, VA; Goodrich Corporation, Engineered Polymer Products, Jacksonville, FL; Questek Innovations LLC, Evanston, IL; VideoRay LLC, Pottstown, PA; Defense Operations & Execution Solutions, Inc., W Melbourne, FL; Pliant Energy Systems, Inc., Brooklyn, NY; Ashwin-Ushas Corporation, Holmdel, NJ; Georgia Tech Applied Research, Corp., Atlanta, GA; and Morphix Technologies, Inc., Virginia Beach, VA, have been added as parties to this venture.

Also, Decisive Analytics Corp., Arlington, VA; Saltenna LLC, Mclean, VA; Production Systems Automation LLC, Duryea, PA; Probus Test Systems, Inc., Lincroft, NJ; Photonic Systems, Inc., Billerica, MA; UnderSea Sensor Systems, Inc., Columbia City, IN; Tridentis LLC, Alexandria, VA; SubSeaSail LLC, San Diego, CA; Bishop Ascendant, Inc., Caldwell, NJ; Beacon Industries, Inc., Newington, CT; PCCI, Inc., Alexandria, VA; Northern Defense

Industries LLC, Stevensville, MD; Dive Technologies, Inc., Hingham, MA; Geodynamics LLC, Newport, NC; Embry-Riddle Aeronautical University, Daytona Beach, FL; Evans Capacitor Company, East Providence, RI; GK Mechanical Systems LLC, Brookfield, CT; Aegis Power Systems, Inc., Murphy, NC; The Ascendancy Group, Ltd., Virginia Beach, VA; Trident Systems LLC, Fairfax, VA; WR Systems, Ltd., Fairfax, VA; Submergence Group LLC, Cedar Park, TX; Major Tool and Machine, Inc., Indianapolis, IN; Intellisense Systems, Inc., Torrance, CA; HEBI Robotics, Inc., Pittsburgh, PA; and EpiSys Science, Inc., Poway, CA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and UTIC intends to file additional written notifications disclosing all changes in membership.

On October 9, 2018, UTIC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on November 2, 2018 (83 FR 55203).

The last notification was filed with the Department on October 10, 2024. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on January 24, 2025 (90 FR 8153).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2025-04065 Filed 3-13-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group Advanced Fluids for Electrified Vehicles 2

Notice is hereby given that, on November 12, 2024, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Cooperative Research Group Advanced Fluids for Electrified Vehicles 2 (“AFEV2”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act’s provisions limiting the recovery of antitrust

plaintiffs to actual damages under specified circumstances.

Pursuant to section 6(b) of the Act, the identities of the parties to the venture are: Afton Chemical Corporation, Richmond, VA; Aisin Corporation, Kariya, JAPAN; American Axle & Manufacturing, Detroit, MI; Cargill Incorporated, Wayzata, MN; Chevron U.S.A. Inc., Richmond, CA; Dana Incorporated, Maumee, OH; Deere and Company, Moline, IL; Emery Oleochemicals LLC, Cincinnati, OH; Eneos Corporation, Tokyo, JAPAN; ExxonMobil Technology and Engineering Company, Spring, TX; Petro-Canada Lubricants Inc., Ontario, CANADA; Idemitsu Kosan Co., Ltd., Chiyoda City, JAPAN; Infineum USA LP, Linden, NJ; The Lubrizol Corporation, Wickliffe, OH; Petronas Lubricants Italy S.p.A, Turin, ITALIAN REPUBLIC; Shell Global Solutions, US Inc., Wilmington, DE; SK Enmove Co., Ltd., Seoul, REPUBLIC OF KOREA; Toyota Motor Company, Aichi, JAPAN; Vanderbilt Chemicals, LLC, Norwalk, CT; and Volvo, Gothenburg, KINGDOM OF SWEDEN.

The general area of AFEV2’s planned activities is to better understand the unique stressors placed on electric vehicle fluids which will enable development and optimization of electric vehicle powertrains.

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2025-04063 Filed 3-13-25; 8:45 am]

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DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Spectrum Consortium, Inc.

Notice is hereby given that, on February 3, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), National Spectrum Consortium, Inc. (“NSC”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. On April 2, 2024, the National Spectrum Consortium commenced operating as a non-profit under the name National Spectrum Consortium, Inc. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages

under specified circumstances. Specifically, National Strategic Research Institute at the University of Nebraska, Omaha, NE; Rapid Offset Technologies LLC, Toano, VA; 3DFortify Inc., Charlestown, MA; DRS Training & Control Systems, LLC, Fort Walton Beach, FL; C-3 Comm Systems, LLC, Arlington, VA; University of Utah, Salt Lake City, UT; Whitespace Innovations, Huntsville, AL; Pacific Antenna Systems LLC., Camarillo, CA; The University of Southern Mississippi, Hattiesburg, MS; 10x National Security, Aldie, VA; Omni Fed LLC, Gainesville, VA; Rysavy Research LLC, Hood River, OR; C3 AI, Redwood City, CA; Fuse Integrations, San Diego, CA; Ozni AI, Colorado Springs, CO; VectorWave Corporation, Waltham, MA; MMB Solutions, Ridgeville, SC; Future Technologies Innovations, LLC, Suwanee, GA; Two Six Labs LLC, Arlington, VA; GPD Optoelectronics Corp., Salem, NH; Abside Networks, Inc., Acton, MA; Haigh-Farr, Inc., Bedford, NH; and Defense Operations & Execution Solutions, Inc., W. Melbourne, FL, have been added as parties to this venture.

Also, 1901 Group LLC, Reston, VA; Aarna Networks, Inc., San Jose, CA; Advanced Ground Information Systems, Inc., Jupiter, FL; Aether Argus, Inc., Atlanta, GA; Altagrove LLC, Herndon, VA; Anokiwave, Inc., Billerica, MA; Appliedinfo Partners, Inc., Somerset, NJ; ARD Global LLC, Vienna, VA; Athena Technologies LLC, Orlando, FL; Augmnt, Inc., Berthoud, CO; Aurora Insight, Inc., Denver, CO; AVATAR Partners, Inc., Irvine, CA; Blacksky Geospatial Solutions, Inc., Herndon, VA; BridgeComm, Inc., Denver, CO; Brigham Young University, Provo, UT; CGI Federal, Inc., Fairfax, VA; Clarity Cyber LLC, Linthicum, MD; Cobalt Solutions, Inc., Austin, TX; Cobham Advanced Electronic Solutions, Exeter, NH; Corning Specialty Materials, Keene, NH; Cyberspace Solutions LLC, Herndon, VA; DTC Communications, Inc., Herndon, VA; Dynetics, Inc., Huntsville, AL; Echo Ridge LLC, Sterling, VA; Epsilon Systems Solutions, Inc., San Diego, CA; Erebus Solutions, Inc., Rochester, NY; Exium, Inc., Allen, TX; Futures Action Network LLC, New York, NY; G3 Technologies, Inc., Columbia, MD; GPS Source, Inc., Colorado Springs, CO; Herrick Technology Laboratories, Inc., Germantown, MD; Hewlett Packard Enterprise Company, Reston, VA; Honeywell International, Inc., Clearwater, FL; Huckworthy LLC, Cape Charles, VA; iCallidus, Inc., Columbia, MD; Intelsat General Communications

LLC, McLean, VA; Intuitive Research and Technology Corp., Huntsville, AL; Iron Bow Technologies LLC, Herndon, VA; IT Consulting Partners LLC, Chagrin Falls, OH; Jacobs Technology, Inc., Tullahoma, TN; JACS Solutions, Inc., Linthicum Heights, MD; JEM Engineering LLC, Laurel, MD; Key Bridge Wireless LLC, McLean, VA; Kumu Networks, Sunnyvale, CA; Kyruus Tech, Inc., Sterling, VA; Leonardo Electronics, Inc., Arlington, VA; LinQuest Corp., Los Angeles, CA; Metamagnetics, Inc., Westborough, MA; National Instruments Corp., Austin, TX; Naval Systems, Inc., Lexington Park, MD; NEC Corp. of America, Irving, TX; NetScout Systems, Inc., Westford, MA; NeuComm Solutions LLC, Aurora, CO; NineTwelve Institute, Indianapolis, IN; Northeast UAS Airspace Integration Research Alliance, Inc., Syracuse, NY; Oceanit Laboratories, Inc., Honolulu, HI; Omnispace LLC, McLean, VA; OST, Inc., McLean, VA; Pacific Star Communications, Inc., Portland, OR; Pareto Frontier LLC, Westford, MA; Parry Labs LLC, Columbia, MD; PathFinder Digital LLC, Sanford, FL; Pathfinder Wireless Corp., Seattle, WA; Performance Defense LLC, Phoenix, AZ; Photonic Systems, Inc., Billerica, MA; Polaris Alpha Advanced Systems, Inc., Fredericksburg, VA; Power Fingerprinting, Inc., Vienna, VA; Qorvo Texas LLC, Richardson, TX; Quantum Xchange, Inc., Bethesda, MD; Rampart Communications, Inc., Hanover, MD; RDA Technical Services, Inc., Ft. Myers, FL; Rebel Space Technologies, Inc., Long Beach, CA; Rebellion Defense, Inc., Washington, DC; Rice University, Houston, TX; Robotic Research LLC, Clarksburg, MD; RT Logic, Colorado Springs, CO; Saab, Inc., East Syracuse, NY; Scalable Network Technologies, Inc., Culver City, CA; Science Applications International Corp., Reston, VA; SecureG, Inc., Herndon, VA; Shipcom Federal Solutions LLC, Belcamp, MD; Simba Chain, Inc., Plymouth, IN; Sol Firm LLC, Mount Pleasant, SC; Southern Methodist University, Dallas, TX; SRI International, Menlo Park, CA; Stevens Institute of Technology, Hoboken, NJ; Telesto Group LLC, McLean, VA; Terry Consultants, Inc., Annandale, VA; TLC Solutions, Inc., Saint Augustine, FL; Tyto Athene LLC, Herndon, VA; University of California, Irvine, Irvine, CA; University of Mississippi, University, MS; University of Virginia, Charlottesville, VA; Viavi Solutions, Inc., Germantown, MD; Vision Products LLC, Campbell, CA; VMware, Inc., Palo Alto, CA; Vorbeck Materials Corp., Jessup, MD; WaveLink, Inc., Huntsville,

AL; XCOM Labs, Inc., San Diego, CA; Zoic Labs LLC, Culver City, CA; Veritech LLC, Aberdeen, MD; University of Southern California, Marina del Rey, CA; Shift5, Inc., Arlington, VA; Radius Method LLC, Boca Raton, FL; and Electro Magnetic Applications, Inc., Lakewood, CO, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NSC intends to file additional written notifications disclosing all changes in membership.

On September 23, 2014, NSC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on November 4, 2014 (79 FR 65424).

The last notification was filed with the Department on April 3, 2024. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on June 28, 2024 (89 FR 54046).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2025-04068 Filed 3-13-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

[OMB Number 1125-0012]

Agency Information Collection Activities; Proposed Collection; Comments Requested; Extension of a Previously Approved Collection; Request for New Recognition, Renewal of Recognition, Extension of Recognition of a Non-Profit Religious, Charitable, Social Service, or Similar Organization (Form EOIR-31)

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Executive Office for Immigration Review (EOIR), Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until May 13, 2025.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the

proposed information collection instrument with instructions or additional information, please contact Laeticia Mukala-Nirere, Attorney Advisor, Office of the General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041, telephone: (703) 305-0470, *EOIR.PRA.Comments@usdoj.gov* or *Kabina.L.Mukala-Nirere@usdoj.gov*.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of EOIR, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Abstract: Regulations prescribe who may represent individuals in immigration proceedings. The Assistant Director for Policy (or the Assistant Director for Policy’s delegate), in the exercise of discretion, may accord recognition to organizations to practice before EOIR and the Department of Homeland Security (DHS). See 8 CFR 1292.11, 1292.13(a). To be eligible for initial recognition, an organization

must: (1) establish that it is a non-profit religious, charitable, social service, or similar organization; (2) demonstrate that it provides immigration legal services primarily to low-income and indigent clients within the United States; (3) demonstrate the organization’s currently valid federal tax-exempt status or pending application for federal tax-exempt status; (4) apply simultaneously to have at least one employee or volunteer approved as an Accredited Representative (using Form EOIR-31A); (5) demonstrate access to adequate knowledge, information, and experience in immigration law and procedure; and (6) designate at least one authorized officer to act on the organization’s behalf. 8 CFR 1292.11(a), (d). The organization applies for recognition by submitting a Form EOIR-31 to the Assistant Director for Policy (or the Assistant Director for Policy’s delegate) along with proof that they have served a copy of Form EOIR-31 on the U.S. Citizenship and Immigration Services (USCIS) offices in the jurisdictions where the organization offers or intends to offer immigration legal services. See 8 CFR 1292.13(a).

Overview of This Information Collection

1. *Type of Information Collection:* Renewal with change of a currently approved collection. EOIR has made non-substantive changes to the current Form EOIR-31. These changes include revisions to the form’s Privacy Act notice; addition of the expiration date for OMB approval on the form; updates to the address to which applications can be submitted; and addition of an alternative method by which applications can be submitted.

2. *The Title of the Form/Collection:* Request for New Recognition, Renewal of Recognition, Extension of Recognition of a Non-profit Religious, Charitable, Social Service, or Similar Organization.

3. *The agency form number, if any, and the applicable component of the*

Department sponsoring the collection: the form number is EOIR-31, and the sponsoring component is Executive Office for Immigration Review, United States Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Non-profit organizations seeking initial recognition, renewal of recognition, or extension of recognition to be recognized as legal service providers by the Office of Legal Access Programs of the Executive Office for Immigration Review (EOIR). Other: None. Abstract: This information collection will allow an organization to request and renew recognition of the organization to appear before EOIR and/or the Department of Homeland Security, or to extend recognition from a designated office to its other locations. This information collection is necessary to determine whether an organization meets the eligibility requirements for recognition pursuant to 8 U.S.C. 1103, 1229a, 1362 and 8 CFR 1292.11-19. Requests can be made using a fillable .pdf application or electronic submission.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 210 respondents will complete the form annually for initial recognition with an average of 2 hours per response. It is estimated that 90 respondents will complete the form annually for renewal of recognition with an average of 7 hours per response. It is estimated that 20 respondents will complete the form annually for standalone extension office requests with an average of 2 hours per response.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The estimated annual burden hours associated with this collection is 1,055 hours.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:*

TOTAL BURDEN HOURS—INITIAL RECOGNITION

Activity	Number of respondents	Frequency (annually)	Total annual responses	Time per response (hours)	Total annual burden (hours)
Title	210	1	210	2	420
Unduplicated Totals .....	.....	.....	.....	.....	.....

TOTAL BURDEN HOURS—RENEWAL OF RECOGNITION

Activity	Number of respondents	Frequency (annually)	Total annual responses	Time per response (hours)	Total annual burden (hours)
Title	90	1	90	7	630
Unduplicated Totals .....	.....	.....	.....	.....	.....

TOTAL BURDEN HOURS—STANDALONE EXTENSION OFFICE REQUESTS

Activity	Number of respondents	Frequency (annually)	Total annual responses	Time per response (hours)	Total annual burden (hours)
Title	20	1	20	2	40
Unduplicated Totals .....	.....	.....	.....	.....	.....

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC.

Dated: March 11, 2025.

Darwin Arceo,
Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025-04127 Filed 3-13-25; 8:45 am]

BILLING CODE 4410-30-P

DEPARTMENT OF JUSTICE

[OMB Number 1125-0013]

Agency Information Collection Activities; Proposed Collection; Comments Requested; Extension of a Previously Approved Collection; Request by Organization for Accreditation or Renewal of Accreditation of Non-Attorney Representative (Form EOIR-31A)

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Executive Office for Immigration Review (EOIR), Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until May 13, 2025.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time,

suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Laetitia Mukala-Nirere, Attorney Advisor, Office of the General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041, telephone: (703) 305-0470, *EOIR.PRA.Comments@usdoj.gov* or *Kabina.L.Mukala-Nirere@usdoj.gov*.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of EOIR, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Abstract: Regulations prescribe who may represent individuals in immigration proceedings. The Assistant Director for Policy (or the Assistant Director for Policy’s delegate), in the

exercise of discretion, may accord recognition to organizations, which are then able to seek full or partial accreditation of their representative(s) to practice before EOIR and the Department of Homeland Security (DHS). *See* 8 CFR 1292.12, 1292.13(a). For this to occur, the Assistant Director for Policy (or the Assistant Director for Policy’s delegate) must first approve a request for recognition from an eligible organization. Then, the Assistant Director for Policy (or the Assistant Director for Policy’s delegate) must approve a request from a recognized organization for accreditation of its representative(s). An individual who receives full accreditation may represent aliens before EOIR and DHS; an individual who receives partial accreditation may represent aliens before DHS only. 8 CFR 1292.12(a).

Overview of This Information Collection

1. *Type of Information Collection:* Renewal with change of a currently approved collection. EOIR has made non-substantive changes to the current Form EOIR-31A. These changes include revisions to the form’s Privacy Act notice; addition of the expiration date for OMB approval on the form; updates to the address to which applications can be submitted; and addition of an alternative method by which applications can be submitted.

2. *The Title of the Form/Collection:* Request by Organization for Accreditation or Renewal Accreditation of Non-Attorney Representative.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* the form number is EOIR-31A, and the sponsoring component is Executive Office for Immigration Review, United States Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Non-profit organizations seeking accreditation or renewal of accreditation of its representatives by the Office of Legal Access Programs of the Executive Office for Immigration Review. Other: None. Abstract: This information collection will allow an organization to seek accreditation or renewal of accreditation of a non-attorney representative to appear before EOIR and/or the Department of Homeland Security. This

information collection is necessary to determine whether a representative meets the eligibility requirements for accreditation pursuant to 8 U.S.C. 1103, 1229a, 1362 and 8 CFR 1292.11–19. Requests can be made using a fillable .pdf application or electronic submission.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 747 respondents will complete the form annually for initial accreditation with

an average of 3 hours per response. It is estimated that 314 respondents will complete the form annually for renewal of accreditation with an average of 7 hours per response.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The estimated annual burden hours associated with this collection is 4,439 hours.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:*

TOTAL BURDEN HOURS—INITIAL ACCREDITATION

Activity	Number of respondents	Frequency (annually)	Total annual responses	Time per response (hours)	Total annual burden (hours)
Title	747	1	747	3	2,241
Unduplicated Totals .....	.....	.....	.....	.....	.....

TOTAL BURDEN HOURS—RENEWAL OF ACCREDITATION

Activity	Number of respondents	Frequency (annually)	Total annual responses	Time per response (hours)	Total annual burden (hours)
Title	314	1	314	7	2,198
Unduplicated Totals .....	.....	.....	.....	.....	.....

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: March 11, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025–04128 Filed 3–13–25; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Definition of Plan Assets—Participant Contributions

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with

the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before April 14, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Michael Howell by telephone at 202–693–6782, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: The Department’s regulation at 29 CFR 2510.3–102 states that monies that a participant pays to, or has withheld by, an employer for contribution to an employee benefit plan become “plan assets” for purposes of Title I of ERISA and the related prohibited transaction provisions of the Internal Revenue Code (the Code) as of the earliest date on which such monies can be reasonably segregated from the employer’s general assets.

The regulation also establishes specific maximum time limits for contributions becoming plan assets that apply to employee pension benefit plans (with a special rule for SIMPLE IRA plans) and employee welfare benefit plans. The regulation sets a maximum time limit of 15 business days following the end of the month in which the participant contribution amounts are received or withheld by the employer. The regulation includes a procedure through which an employer receiving or withholding participant contributions for an employee pension benefit plan may obtain a 10-business-day extension of the 15-day maximum time period for contributions received or withheld in a single month if certain requirements, including information collection requirements, are met.

The regulation requires, among other things, that the employer provide written notice to plan participants within five business days after the end of the extension period and the employer’s transfer of the contributions to the plan, for which the employer elected to take the extension that month. The notice must explain why the employer could not transfer the participant contributions within the maximum time period, state that the participant contributions in question

have in fact been transmitted to the plan, and provide the date on which this was done. The employer must also provide a copy of the participant notice to the Secretary, along with a certification that the notice was distributed to participants and that the other requirements under the extension procedure were met, within five business days after the end of the extension period. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on July 9, 2024 (89 FR 56416).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–EBSA.

Title of Collection: Definition of Plan Assets—Participant Contributions.

OMB Control Number: 1210–0100.

Affected Public: Private sector, Businesses or other for-profits, Not-for-profit institutions.

Total Estimated Number of Respondents: 251.

Total Estimated Number of Responses: 251.

Total Estimated Annual Time Burden: 12 hours.

Total Estimated Annual Other Costs Burden: \$201.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michael Howell,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2025–04070 Filed 3–13–25; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; PTE 1990–1; Insurance Company Pooled Separate Accounts

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before April 14, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Michael Howell by telephone at 202–693–6782, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: Prohibited Transaction Exemption (PTE) 90–1 provides an exemption from the restrictions of ERISA section 406 and Code section 4975, in part, for certain transactions between insurance company pooled separate accounts and parties in interest to plans that invest assets in the pooled separate accounts. PTE 90–1 provides an exemption for certain transactions between a party in interest with respect to a plan and an insurance company pooled separate account in which the plan has an interest or any acquisition or holding by the pooled separate account of employer securities or employer real property, provided that the party in interest is not the insurance company (or an affiliate of the insurance company) which holds the plan assets in its pooled separate

account or any other separate account of the insurance company and that the amount of the plan's investment in the separate account does not exceed certain specified percentages (or that the separate account is a specialized account with a policy of investing, and invests, substantially all of its assets in certain specified short-term obligations).

PTE 90–1 also provides specific, additional relief for the following types of transactions with a party in interest: (1) furnishing goods to an insurance company pooled separate account, (2) leasing of real property of the pooled separate account, (3) transactions involving persons who are parties in interest to a plan solely because they are service providers or provide nondiscretionary services to the plan; (4) the insurance company's provision of any services provided to an insurance company pooled separate account (in which the plan has an interest) by the insurance company or its affiliate in connection with the management of the real property investments of the pooled separate account, and (5) furnishing of services, facilities, and goods incidental to the services and facilities by a place of public accommodations owned by the separate account.

In addition to other specified conditions, the insurance company intending to rely on the general exemption or any of the specific exemptions must maintain records of the transactions to which the exemption applies for a period of six years from the date of the transaction and make the records available on request to specified interested persons (including plan fiduciaries, participant and beneficiaries, contributing employers, the Department, and the Internal Revenue Service). For additional substantive information about this ICR, see the related notice published in the **Federal Register** on July 9, 2024 (89 FR 56416).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally

cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–EBSA.

Title of Collection: PTE 1990–1; Insurance Company Pooled Separate Accounts.

OMB Control Number: 1210–0083.

Affected Public: Private sector, Businesses or other for-profits, Not-for-profit institutions.

Total Estimated Number of Respondents: 46.

Total Estimated Number of Responses: 460.

Total Estimated Annual Time Burden: 77 hours.

Total Estimated Annual Other Costs Burden: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michael Howell,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2025–04069 Filed 3–13–25; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Foreign Currency Transactions, Prohibited Transaction Class Exemption 1994–20

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before April 14, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Michael Howell by telephone at 202–693–6782, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: Prohibited Transaction Exemption (PTE) PTE 94–20 provides an exemption for banks, broker-dealers, and their affiliates that are parties in interest to a plan to engage in foreign currency transactions with the plan, provided the transaction is directed by a plan fiduciary that is independent of the bank, broker-dealer, and any affiliate thereof and that certain other conditions are satisfied. To protect the interests of participants and beneficiaries of the employee benefit plan, the exemption requires, among other things, that a bank, broker-dealer, and any affiliate wishing to rely on the exemption (1) maintain written policies and procedures applicable to trading in foreign currencies with an employee benefit plan; (2) provide a written confirmation statement of each foreign currency transaction to the independent plan fiduciary directing the transaction for the plan; and (3) maintain records of the transactions for a period of six years from the date of the transaction and make them available upon request to specified interested persons, including plan fiduciaries, participants and beneficiaries, the Internal Revenue Service, and the Department. For additional substantive information about this ICR, see the related notice published in the *Federal Register* on July 9, 2024 (89 FR 56416).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally

cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–EBSA.

Title of Collection: Foreign Currency Transactions, Prohibited Transaction Class Exemption 1994–20.

OMB Control Number: 1210–0085.

Affected Public: Private sector, Businesses or other for-profits, Not-for-profit institutions.

Total Estimated Number of Respondents: 225.

Total Estimated Number of Responses: 1125.

Total Estimated Annual Time Burden: 188 hours.

Total Estimated Annual Other Costs Burden: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michael Howell,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2025–04072 Filed 3–13–25; 8:45 am]

BILLING CODE 4510–29–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NOTICE: 25–006]

Notice of Intent To Grant an Exclusive, Co-Exclusive or Partially Exclusive Patent License

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of intent to grant exclusive, co-exclusive or partially exclusive patent license.

SUMMARY: NASA hereby gives notice of its intent to grant an exclusive, co-exclusive or partially exclusive patent license to practice the inventions described and claimed in the patents and/or patent applications listed in **SUPPLEMENTARY INFORMATION** below.

DATES: The prospective exclusive, co-exclusive or partially exclusive license

may be granted unless NASA receives written objections including evidence and argument, no later than March 31, 2025 that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dole Act and implementing regulations. Competing applications completed and received by NASA no later than March 31, 2025 will also be treated as objections to the grant of the contemplated exclusive, co-exclusive or partially exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

Objections and Further Information:

Written objections relating to the prospective license or requests for further information may be submitted to Agency Counsel for Intellectual Property, NASA Headquarters at Email: hq-patentoffice@mail.nasa.gov. Questions may be directed to Phone: (202) 358-0646.

SUPPLEMENTARY INFORMATION: NASA intends to grant an exclusive, co-exclusive, or partially exclusive patent license in the United States to practice the inventions described and claimed in: U.S. Patent No. 11,394,168 entitled "MICRO NON-PLANAR RING OSCILLATOR WITH OPTIMIZED OUTPUT POWER AND MINIMIZED NOISE IN A REDUCED SIZE PACKAGE" to AVO Photonics, Inc. having its principal place of business in Horsham, PA. The fields of use may be limited. NASA has not yet made a final determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

This notice of intent to grant an exclusive, co-exclusive or partially exclusive patent license is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective license will comply with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Information about other NASA inventions available for licensing can be found online at <http://technology.nasa.gov>.

Trenton J. Roche,

Agency Counsel for Intellectual Property, National Aeronautics and Space Administration.

[FR Doc. 2025-04090 Filed 3-13-25; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meetings

TIME AND DATE: 10 a.m., Wednesday, March 12, 2025.

PLACE: Board Room, 7th Floor, Room 7B, 1775 Duke Street, Alexandria, VA 22314-3428.

STATUS: Closed.

NCUA Board unanimously determined that agency business required holding a closed meeting with less than seven days' notice to the public, and that no earlier notice of the meeting was possible.

MATTERS TO BE CONSIDERED:

1. Personnel. Closed pursuant to Exemption (2).

CONTACT PERSON FOR MORE INFORMATION: Melane Conyers-Ausbrooks, Secretary of the Board, Telephone: 703-518-6304.

Melane Conyers-Ausbrooks,
Secretary of the Board.

[FR Doc. 2025-04212 Filed 3-12-25; 11:15 am]

BILLING CODE 7535-01-P

NEIGHBORHOOD REINVESTMENT CORPORATION

Sunshine Act Meetings

TIME AND DATE: 2:30 p.m., Tuesday, March 25, 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:

Audit Committee of the 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. Sunshine Act Approval of Executive (Closed) Session
- III. Executive Session: External Auditor's Report
- IV. Executive Session: GAO Workplan Update
- V. Executive Session: Executive Session with Chief Audit Executive
- VI. Action Item: Approval of the FY2024 External Audit and Recommendation to the Board
- VII. Action Item: Internal Audit Status Reports

VIII. Discussion Item: Proposed Revision to the Audit Committee and Internal Audit Charters

IX. Discussion Item: Status on Quality Assurance Review (QAR) Improvements

X. Discussion Item: Internal Audit Status Reports

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. 2025-04315 Filed 3-12-25; 4:15 pm]

BILLING CODE 7570-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2025-0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of March 17, 24, 31, April 7, 14 and 21, 2025. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: <https://www.nrc.gov/public-involve/public-meetings/schedule.html>.

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301-287-0745, by videophone at 240-428-3217, or by email at Anne.Silk@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301-415-1969, or by email at Betty.Thweatt@nrc.gov or Samantha.Miklaszewski@nrc.gov.

MATTERS TO BE CONSIDERED:

Week of March 17, 2025

There are no meetings scheduled for the week of March 17, 2025.

Week of March 24, 2025—Tentative

There are no meetings scheduled for the week of March 24, 2025.

Week of March 31, 2025—Tentative

There are no meetings scheduled for the week of March 31, 2025.

Week of April 7, 2025—Tentative

Tuesday, April 8, 2025

10:00 a.m. Meeting with the Advisory Committee on the Medical Uses of Isotopes (Public Meeting) (Contact: Candace Spore: 301-415-8537; Katherine Tapp: 301-415-0236)

Additional Information: The meeting will be held in the Commissioners' Hearing Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—<https://video.nrc.gov/>.

Thursday, April 10, 2025

9:00 a.m. Micro-reactors: Current Status and Moving Forward (Public Meeting) (Contact: Jessica Lovett: 301-415-4002)

Additional Information: The meeting will be held in the Commissioners' Hearing Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—<https://video.nrc.gov/>.

Week of April 14, 2025—Tentative

There are no meetings scheduled for the week of April 14, 2025.

Week of April 21, 2025—Tentative

There are no meetings scheduled for the week of April 21, 2025.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Chris Markley at 301-415-6293 or via email at Christopher.Markley@nrc.gov.

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: March 12, 2025.

For the Nuclear Regulatory Commission.

Christopher Markley,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2025-04309 Filed 3-12-25; 4:15 pm]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION**724th Meeting of the Advisory Committee on Reactor Safeguards (ACRS)**

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232(b)), the Advisory Committee on Reactor Safeguards (ACRS) will hold meetings on April 2-4, 2025. The Committee will be conducting meetings that will include some Members being physically present headquarters of the U.S. Nuclear Regulatory Commission (NRC) while other Members participate remotely. Interested members of the public are encouraged to participate remotely in any open sessions via Microsoft (MS) Teams or via phone at 301-576-2978, passcode 227690711#. A more detailed agenda including the MSTeams link may be found at the ACRS public website at <https://www.nrc.gov/reading-rm/doc-collections/acrs/agenda/index.html>. If you would like the MSTeams link forwarded to you, please contact the Designated Federal Officer (DFO) as follows: Quynh.Nguyen@nrc.gov, or Lawrence.Burkhart@nrc.gov.

Wednesday, April 2, 2025

8:30 a.m.–8:35 a.m.: *Opening Remarks by the ACRS Chair (Open)*—The ACRS Chair will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:30 a.m.: *NuScale Standard Design Approval Application Topics Including NuScale Topical Reports on Extended Passive Cooling and Reactivity Control Methodology and Non-LOCA Methodology (Open/Closed)*—The Committee will have presentations and discussions with applicant representatives and NRC staff regarding the subject topic. [NOTE: Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

10:30 a.m.–1:00 p.m.: *Committee Deliberation on NuScale Standard Design Approval Application Including the NuScale Topical Reports on Extended Passive Cooling and Reactivity Control Methodology and Non-LOCA Methodology (Open/Closed)*—The Committee will deliberate regarding the subject topic and proceed to preparation of reports. [NOTE: Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

1:00 p.m.–3:00 p.m.: *Terrestrial Energy Topical Report on Principal Design Criteria (Open/Closed)*—The

Committee will have presentations and discussions with applicant representatives and NRC staff regarding the subject topic. [NOTE: Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

3:00 p.m.–6:00 p.m.: *Committee Deliberation on Terrestrial Energy Topical Report on Principal Design Criteria (Open/Closed)*—The Committee will deliberate regarding the subject topic and proceed to preparation of reports. [NOTE: Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Thursday, April 3, 2025

8:30 a.m.–1:00 p.m.: *Planning and Procedures Session/Future ACRS Activities/Reconciliation of ACRS Comments and Recommendations/Preparation of Reports (Open/Closed)*—The Committee will hear discussion of the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings, and/or proceed to preparation of reports.

[NOTE: Pursuant to 5 U.S.C. 552b(c)(2), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS.]

[NOTE: Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

1:00 p.m.–6:00 p.m.: *ADVANCE Act Information Briefing/Preparation of Reports (Open)*—The Committee will have discussion and deliberate regarding the subject topic and proceed to preparation of reports.

Friday, April 4, 2025

8:30 a.m.–5:00 p.m.: *Preparation of Reports/Committee Deliberation (Open/Closed)*—The Committee will proceed to preparation of reports and have committee deliberation.

[NOTE: Pursuant to 5 U.S.C. 552b(c)(2), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS.]

[NOTE: Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on June 13, 2019 (84 FR 27662). In

accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff and the DFO (Telephone: 301-415-5844, Email: Quynh.Nguyen@nrc.gov), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chair as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the cognizant ACRS staff if such rescheduling would result in major inconvenience.

An electronic copy of each presentation should be emailed to the cognizant ACRS staff at least three days before the meeting.

In accordance with Subsection 10(d) of Public Law 92-463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chair. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room (PDR) at pdr.resource@nrc.gov, or by calling the PDR at 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern daylight time (EDT), Monday through Friday, except Federal holidays, or from the Publicly Available Records System component of NRC's Agencywide Documents Access and Management System, which is accessible from the NRC website at <https://www.nrc.gov/reading-rm/adams.html> or <https://www.nrc.gov/reading-rm/doc-collections/#ACRS/>.

Dated: March 11, 2025.

For the Nuclear Regulatory Commission.

Russell E. Chazell,

Federal Advisory Committee Management Officer, Office of the Secretary.

[FR Doc. 2025-04095 Filed 3-13-25; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2024-0183]

Draft NUREG: Guidelines for Inservice Testing at Nuclear Power Plants: Inservice Testing of Pumps and Valves and Inservice Examination and Testing of Dynamic Restraints (Snubbers) at Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft report; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft report entitled NUREG-1482, Revision 4, "Guidelines for Inservice Testing at Nuclear Power Plants: Inservice Testing of Pumps and Valves and Inservice Examination and Testing of Dynamic Restraints (Snubbers) at Nuclear Power Plants." This report provides a basic understanding of the regulatory basis for pump and valve inservice testing (IST) programs and dynamic restraint (snubbers) examination and testing programs at nuclear power plants. It also provides information regarding the NRC's involvement in the development of the American Society of Mechanical Engineers (ASME) "Operation and Maintenance of Nuclear Power Plants," Division 1, "OM Code: Section IST" (OM Code).

DATES: Submit comments by April 14, 2025. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2024-0183. 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 listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* Office of Administration, Mail Stop: TWFN-7-A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and

Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Nicholas J. Hansing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-5318; email: Nicholas.Hansing@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2024-0183 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2024-0183.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. Draft NUREG-1482, Revision 4, is available in ADAMS under Accession No. ML24277A142.

- *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.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2024-0183 in your comment submission.

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

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

II. Discussion

Draft NUREG–1482, Revision 4 is applicable, unless stated otherwise, to editions and addenda (up to and including the 2020 Edition) to the OM Code that are incorporated by reference in paragraph 50.55a of title 10 of the *Code of Federal Regulations* (10 CFR), “Codes and standards.” The NRC staff discusses in this report IST program topics such as the NRC process for the review of the OM Code, conditions on the use of the OM Code, interpretations of the OM Code, and development of IST programs for new reactors. In this report, the NRC staff provides guidance included in NUREG–1482, Revision 3 that has been updated to reflect IST lessons learned and operating experience since the report was previously issued.

Effective August 16, 2024, the NRC amended 10 CFR 50.55a in a final rule (89 FR 58039; July 17, 2024) to provide more flexibility for nuclear power plant licensees by expanding the code of record interval from 10 years (120 months) to two consecutive IST and inservice inspection (ISI) program intervals. This rulemaking also incorporated by reference revisions to three NRC regulatory guides to approve new, revised, and reaffirmed ASME Code Cases. Accordingly, draft NUREG–1482, Revision 4 includes the new terminology for the code of record interval rather than the previous 120-month interval when discussing IST and ISI programs and also includes a new Appendix C that summarizes the final rule and its conditions.

Dated: March 10, 2025.

For the Nuclear Regulatory Commission.

Laura Dudes,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 2025–04048 Filed 3–13–25; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2025–1205 and K2025–1204; MC2025–1210 and K2025–1209; MC2025–1211 and K2025–1210; MC2025–1212 and K2025–1211; MC2025–1213 and K2025–1212]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission’s consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* March 18, 2025.

ADDRESSES: Submit comments electronically via the Commission’s Filing Online system at <https://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

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

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. Public Proceeding(s)
- III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service’s request(s) can be accessed via the Commission’s website (<http://www.prc.gov>). Non-public portions of the Postal Service’s request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as

defined by 39 CFR 3010.101(p), the title of each such request, the request’s acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service’s request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request’s acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. See 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s).*: MC2025–1205 and K2025–1204; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1338 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* March 10, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Kenneth Moeller; *Comments Due:* March 18, 2025.

2. *Docket No(s).*: MC2025–1210 and K2025–1209; *Filing Title:* USPS Request to Add USPS Ground Advantage Contract 12 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* March 10, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39

¹ See Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

CFR 3041.310; *Public Representative*: Maxine Bradley; *Comments Due*: March 18, 2025.

3. *Docket No(s)*: MC2025–1211 and K2025–1210; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 635 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: March 10, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Christopher Mohr; *Comments Due*: March 18, 2025.

4. *Docket No(s)*: MC2025–1212 and K2025–1211; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1341 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: March 10, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Maxine Bradley; *Comments Due*: March 18, 2025.

5. *Docket No(s)*: MC2025–1213 and K2025–1212; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1342 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: March 10, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Kenneth Moeller; *Comments Due*: March 18, 2025.

III. Summary Proceeding(s)

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2025–04122 Filed 3–13–25; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102553; File No. SR–NYSE–2025–05]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Increase Port Fees

March 10, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,²

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

notice is hereby given that on March 3, 2025, New York Stock Exchange LLC (“Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Item I below, which Item has been substantially prepared by the Exchange. The Exchange has designated this proposal for immediate effectiveness pursuant to Section 19(b)(3)(A) of the Act³ and Rule 19b–4(f) thereunder.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List to increase the Exchange’s port fees, operative March 3, 2025.

The proposed rule change, including the Exchange’s statement of the purpose of, and statutory basis for, the proposed rule change, is available on the Exchange’s website at <https://www.nyse.com> and on the Commission’s website at https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NYSE-2025-05.

II. 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.⁵ Comments may be submitted electronically by using the Commission’s internet comment form (https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NYSE-2025-05).

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b–4(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 to determine whether the proposed rule change should be approved or disapproved.

⁵ Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange.

[exchanges?file_number=SR-NYSE-2025-05](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NYSE-2025-05)) or by sending an email to rule-comments@sec.gov. Please include file number SR–NYSE–2025–05 on the subject line. Alternatively, paper comments may be sent to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090. All submissions should refer to file number SR–NYSE–2025–05. 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/national-securities-exchanges?file_number=NYSE-2025-05). Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSE–2025–05 and should be submitted on or before April 4, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025–04077 Filed 3–13–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102548; File No. SR–NYSECHX–2025–02]

Self-Regulatory Organizations; NYSE Chicago, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Increase Port Fees

March 10, 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 March 3, 2025, NYSE Chicago, Inc. (“Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Item I below, which Item has been substantially prepared by the Exchange. The Exchange has designated this proposal for immediate effectiveness pursuant to Section 19(b)(3)(A) of the

⁶ 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

Act³ and Rule 19b–4(f) thereunder.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fee Schedule to increase the Exchange's port fees, operative March 3, 2025.

The proposed rule change, including the Exchange's statement of the purpose of, and statutory basis for, the proposed rule change, is available on the Exchange's website at <https://www.nyse.com> and on the Commission's website at https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NYSECHX-2025-02.

II. 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.⁵ Comments may be submitted electronically by using the Commission's internet comment form (https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NYSECHX-2025-02) or by sending an email to rule-comments@sec.gov. Please include file number SR–NYSECHX–2025–02 on the subject line. Alternatively, paper comments may be sent to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090. All submissions should refer to file number SR–NYSECHX–

2025–02. 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/national-securities-exchanges?file_number=NYSECHX-2025-02). 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–NYSECHX–2025–02 and should be submitted on or before April 4, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2025–04074 Filed 3–13–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102560; File No. SR–NYSE–2024–44]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Adopt a Provision That the Exchange Will Not Review a Compliance Plan Submitted by a Listed Company That is Below Compliance With a Continued Listing Standard if the Company Owes Any Unpaid Fees to the Exchange and Will Instead Immediately Commence Suspension and Delisting Procedures if Such Fees Are Not Paid in Full

March 10, 2025.

On September 27, 2024, New York Stock Exchange LLC (“NYSE” or the “Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)¹ and Rule 19b–4 thereunder,² a proposed rule change to amend Sections 802.02 and 802.03 of the NYSE Listed Company Manual (“Manual”) to provide that the Exchange (1) will not review a compliance plan submitted by a

domestic or non-U.S. listed company that is determined to be below compliance with a continued listing standard unless the company has paid in full all outstanding listing or annual fees due to the Exchange and will immediately commence suspension and delisting procedures in accordance with Section 804.00 of the Manual if such fees are not paid in full by the plan submission deadline; or (2) with respect to any unpaid fees that have become due and payable since the commencement of its plan period, will immediately commence suspension and delisting procedures in accordance with Section 804.00 of the Manual if such fees are not paid in full at the time of any required periodic review of such plan. The proposed rule change was published for comment in the **Federal Register** on October 16, 2024.³

On November 25, 2024, pursuant to Section 19(b)(2) of the Exchange Act,⁴ the Commission designated a longer period within which to either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ On January 13, 2025, the Commission issued an order instituting proceedings under Section 19(b)(2) of the Exchange Act⁶ to determine whether to approve or disapprove the proposed rule change.⁷

Section 19(b)(2) of the Exchange Act⁸ provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for comment in the **Federal Register** on October 16,

³ See Securities Exchange Act Release No. 101295 (Oct. 9, 2024), 89 FR 83527 (“Notice”). Comments on the proposed rule change are available at: <https://www.sec.gov/comments/sr-nyse-2024-44/srnyse202444.htm>.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 101738, 89 FR 95283 (Dec. 2, 2024). The Commission designated January 14, 2025, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

⁶ 15 U.S.C. 78s(b)(2).

⁷ See Securities Exchange Act Release No. 102169, 90 FR 6037 (Jan. 17, 2025).

⁸ 15 U.S.C. 78s(b)(2).

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b–4(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 to determine whether the proposed rule change should be approved or disapproved.

⁵ Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange.

⁶ 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

2024.⁹ The 180th day after publication of the proposed rule change is April 14, 2025. The Commission is extending this time period for approving or disapproving the proposed rule change for an additional 60 days.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Exchange Act,¹⁰ designates June 13, 2025, as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR-NYSE-2024-44).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025-04082 Filed 3-13-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102558; File No. SR-NYSEAMER-2025-15]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Modify the NYSE American Options Fee Schedule To Increase Specialist and e-Specialist Manual Transaction Fees and Remove Obsolete Text Related to the Options Regulatory Fee and NYSE FANG+ Index

March 10, 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 March 7, 2025, NYSE American LLC (“NYSE American” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Item I below, which Item has been substantially prepared by the Exchange. The Exchange has designated this proposal for immediate effectiveness pursuant to Section 19(b)(3)(A) of the Act³ and Rule 19b-4(f) thereunder.⁴

⁹ See Notice, *supra* note 3, and accompanying text.

¹⁰ 15 U.S.C. 78s(b)(2).

¹¹ 17 CFR 200.30-3(a)(57).

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). At any time within 60 days of the filing of the proposed rule change, the

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 modify the NYSE American Options Fee Schedule (“Fee Schedule”) to (1) increase the rate for Manual transactions by Specialists and e-Specialists from \$0.30 to \$0.50 per contract and (2) remove obsolete text regarding expired or discontinued pricing related to the Options Regulatory Fee (“ORF”) and the NYSE FANG+ Index. The Exchange proposes to implement the fee change effective March 7, 2025.⁵

The proposed rule change, including the Exchange’s statement of the purpose of, and statutory basis for, the proposed rule change, is available on the Exchange’s website at www.nyse.com and on the Commission’s website at https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NYSEAMER-2025-15.

II. 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.⁶ Comments may be submitted electronically by using the Commission’s internet comment form (https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NYSEAMER-2025-15) or by sending an

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.

⁵ On March 3, 2025, the Exchange filed to amend the Fee Schedule (NYSEAMER-2025-10) and withdrew such filing on March 7, 2025.

⁶ Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange.

email to rule-comments@sec.gov. Please include file number SR-NYSEAMER-2025-15 on the subject line.

Alternatively, paper comments may be sent to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to file number SR-NYSEAMER-2025-15. 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/national-securities-exchanges?file_number=SR-NYSEAMER-2025-15). 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-NYSEAMER-2025-15 and should be submitted on or before April 4, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025-04080 Filed 3-13-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102550; File No. SR-NYSEAMER-2025-13]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Increase Port Fees

March 10, 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 March 3, 2025, NYSE American LLC (“Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Item I below, which Item has been substantially prepared by the Exchange. The Exchange has designated this proposal for immediate effectiveness pursuant to Section 19(b)(3)(A) of the Act³ and Rule

⁷ 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).

19b–4(f) thereunder.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fee Schedule to increase the Exchange's port fees and eliminate the open outcry port fee discount, operative March 3, 2025.

The proposed rule change, including the Exchange's statement of the purpose of, and statutory basis for, the proposed rule change, is available on the Exchange's website at <https://www.nyse.com> and on the Commission's website at https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NYSEAMER-2025-13.

II. 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.⁵ Comments may be submitted electronically by using the Commission's internet comment form (https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NYSEAMER-2025-13) or by sending an email to rule-comments@sec.gov. Please include file number SR–NYSEAMER–2025–13 on the subject line. Alternatively, paper comments may be sent to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090. All submissions should refer to file number

⁴ 17 CFR 240.19b–4(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 to determine whether the proposed rule change should be approved or disapproved.

⁵ Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange.

SR–NYSEAMER–2025–13. 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/national-securities-exchanges?file_number=NYSEAMER-2025-13). 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–NYSEAMER–2025–13 and should be submitted on or before April 4, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025–04075 Filed 3–13–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102555; File No. SR–NYSEAMER–2025–07]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing of Proposed Change To Amend Rule 915 To Permit Options on Commodity-Based Trust Shares

March 10, 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 February 24, 2025, NYSE American LLC (“NYSE American” or the “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 self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 915 (Criteria for Underlying Securities) to permit options on

Commodity-Based Trust Shares. The proposed rule change is available on the Exchange's website at www.nyse.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend Rule 915 (Criteria for Underlying Securities). Specifically, the Exchange proposes modify Rule 915, Commentary .06, regarding the criteria for listing and trading options on Exchange-Traded Fund Shares (“ETFs”), to allow options on units that represent interests in a trust that is a Commodity-Based Trust.

The Exchange notes that this proposal is competitive as Nasdaq ISE, LLC (“ISE”) has submitted a substantially identical rule change.³

A Commodity-Based Trust is defined in NYSE Arca, Inc. Rule 8.201(c)(1), The Nasdaq Stock Market LLC Rule 5711(d)(iv), and Cboe BZX Exchange, Inc. 14.11(e)(4) as a security (a) that is issued by a trust (“Trust”) that holds (1) a specified commodity deposited with the Trust, or (2) a specified commodity and, in addition to such specified commodity, cash; (b) that is issued by such Trust in a specified aggregate minimum number in return for a deposit of a quantity of the underlying commodity and/or cash; and (c) that, when aggregated in the same specified minimum number, may be redeemed at a holder's request by such Trust which will deliver to the redeeming holder the quantity of the underlying commodity and/or cash.

³ See Securities Exchange Act Release No. 102465 (February 20, 2025), 90 FR 10740 (February 26, 2025) (SR–ISE–2025–08) (Notice of Filing of Proposed Rule Change to Amend Options 4, Section 3, Criteria for Underlying Securities to permit options on Commodity-Based Trust Shares).

⁶ 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

The Exchange proposes to amend its listing criteria at Rule 915, Commentary .06(iv) to provide that

.06 Securities deemed appropriate for options trading shall include shares or other securities (“Exchange-Traded Fund Shares”) that are traded on a national securities exchange and are defined as an “NMS” stock under Rule 600 of Regulation NMS, and that . . . or (iv) represent interests in a security (a) issued by a trust that holds (1) a specified commodity deposited with the trust, or (2) a specified commodity and, in addition to such specified commodity, cash; (b) that is issued by such trust in a specified aggregate minimum number in return for a deposit of a quantity of the underlying commodity and/or cash; and (c) that, when aggregated in the same specified minimum number, may be redeemed at a holder’s request by such trust which will deliver to the redeeming holder the quantity of the underlying commodity and/or cash (“Commodity-Based Trust Share”).

The Exchange proposes to insert this proposed rule text and to remove the now-unnecessary references to SPDR® Gold Trust, the iShares COMEX Gold Trust, the iShares Silver Trust, the ETFs Silver Trust, ETFs Gold Trust, the ETFs Palladium Trust, and the ETFs Platinum, the iShares Bitcoin Trust, the Fidelity Wise Origin Bitcoin Fund, the ARK21Shares Bitcoin ETF, the Grayscale Bitcoin Trust (BTC), the Grayscale Bitcoin Mini Trust BTC, and the Bitwise Bitcoin ETF, which are all Commodity-Based Trust Shares.⁴ As a result of this amendment, the Exchange’s listing criteria would allow any ETF approved to list on the primary market as a Commodity-Based Trust Share to qualify as an underlying for options traded on the Exchange, provided other listing criteria have been met.⁵

⁴ See proposed Rule 915, Commentary .06(iv). Consistent with this change, the Exchange proposes to delete the text in both Commentary .10 to Rule 915 and Commentary .11 to Rule 916, and to designate each Commentary as “Reserved.”

⁵ The Exchange believes this proposal is consistent with the OCC’s recent amendment of “Fund Share” (which covers ETFs), as defined in Article I of OCC’s By-Laws (including the Interpretation and Policy), to remove reference to specific precious metals commodity-based ETFs as “no longer relevant or necessary.” See Securities Exchange Act Release No. 102018 (December 20, 2024), 89 FR 106660 (December 30, 2024) (SR–OCC–2024–018). The impetus for this rule change was the staff advisory issued by the Commodity Futures Trading Commission (“CFTC”) that deemed it “substantially likely” that spot commodity ETF shares would be held to be securities” which, in turn, resulted in the OCC’s determination that “it no longer needs to seek product-by-product exemptive relief from the CFTC to clear spot commodity-based ETF products, including precious

The Exchange’s initial listing standards in Rule 915 will apply to options on Commodity-Based Trust Shares. Rule 915(a) requires that a security on which options may be listed and traded on the Exchange must be duly registered (with the Commission) and be an NMS stock (as defined in Rule 600 of Regulation NMS under the Act) and be characterized by a substantial number of outstanding shares that are widely held and actively traded.⁶ Further, for an ETF to qualify for options transactions pursuant to Commentary .06(a) to Rule 915 (“Commentary .06”), the ETF must either (1) meet the criteria for underlying securities set forth in Commentary .01⁷ or (2) be available for creation and redemption each business day as set forth in Commentary .06(a)(ii).⁸

Additionally, Commodity-Based Trust Shares will also be subject to the Exchange’s continued listing standards for options on ETFs, including those set out in Commentary .07 to Rule 916. Moreover, Commodity-Based Trust Shares will not be deemed to meet the requirements for continued approval, and the Exchange will not open for trading any additional series of option contracts covering Commodity-Based Trust Shares if such security ceases to be an “NMS stock” as provided for in Commentary .01(5) to Rule 916 or the Commodity-Based Trust Share is halted from trading on its primary market.⁹ The Exchange notes that ETFs that hold financial instruments, money market instruments, or precious metal commodities on which the Exchange may already list and trade options

metals commodity-based ETFs.” See *id.*, 89 FR, at 106661. See also CFTC Staff Advisory Relating to the Clearing of Options on Spot Commodity Exchange Traded Funds (ETFs), Letter No. 24–16 (Nov. 15, 2024), available at <https://www.cftc.gov/csl/24-16/download>.

⁶ The criteria and guidelines for a security to be considered widely held and actively traded are set forth in Commentary .01 to Rule 915, subject to exceptions.

⁷ Commentary .01 to Rule 915 sets forth the guidelines and criteria relied on by the Exchange when evaluating potential underlying securities for Exchange option transactions.

⁸ Commentary .06(a)(ii) to Rule 915 requires that ETFs must be available for creation or redemption each business day from or through the issuer in cash or in kind at a price related to net asset value, and the issuer must be obligated to issue ETFs in a specified aggregate number even if some or all of the investment assets required to be deposited have not been received by the issuer, subject to the condition that the person obligated to deposit the investments has undertaken to deliver the investment assets as soon as possible and such undertaking is secured by the delivery and maintenance of collateral consisting of cash or cash equivalents satisfactory to the issuer, as provided in the respective prospectus.

⁹ See Commentary .07 to Rule 916.

pursuant to Commentary .06 are trusts structured in substantially the same manner as options on a Commodity-Based Trust Share and essentially offer the same objectives and benefits to investors, just with respect to different assets. The Exchange notes that it has not identified any issues with the continued listing and trading of any ETF options, including ETFs that hold commodities (*i.e.*, precious metals) that it currently lists and trades on the Exchange.

Consistent with Rule 903, which governs the opening of options series on a specific underlying security (including ETFs), the Exchange will open at least one expiration month for options on a Commodity-Based Fund Share¹⁰ at the commencement of trading on the Exchange and may also list series of options on such Commodity-Based Fund Share for trading on a weekly,¹¹ monthly,¹² or quarterly¹³ basis. The Exchange may also list long-term equity option series (“LEAPS”) that expire from twelve to thirty-nine months from the time they are listed.¹⁴

Pursuant to Rule 903, Commentary .05(a), which governs strike prices of series of options on ETFs, the interval between strike prices of series of options on a Commodity-Based Fund Share will be \$1 or greater when the strike price is \$200 or less and \$5 or greater where the strike price is over \$200.¹⁵ Additionally,

¹⁰ See Rule 903(c), Commentary .03. The monthly expirations are subject to certain listing criteria for underlying securities described within Rule 915. Monthly listings expire the third Friday of the month. The term “expiration date” (unless separately defined elsewhere in the OCC By-Laws), when used in respect of an option contract (subject to certain exceptions), means the third Friday of the expiration month of such option contract, or if such Friday is a day on which the exchange on which such option is listed is not open for business, the preceding day on which such exchange is open for business. See OCC By-Laws Article I, Section 1. Pursuant to Rule 903(d), additional series of options of the same class may be opened for trading on the Exchange when the Exchange deems it necessary to maintain an orderly market, to meet customer demand or when the market price of the underlying stock moves more than five strike prices from the initial exercise price or prices. New series of options on an individual stock may be added until the beginning of the month in which the options contract will expire. Due to unusual market conditions, the Exchange, in its discretion, may add a new series of options on an individual stock until the close of trading on the business day prior to expiration.

¹¹ See Rule 903(h).

¹² See Rule 903, Commentary .11.

¹³ See Rule 903, Commentary .09.

¹⁴ See Rule 903, Commentary .03.

¹⁵ The Exchange notes that for options listed pursuant to the Short Term Option Series Program, the Monthly Options Series Program, and the Quarterly Options Series Program, Rules 903(h) and Commentaries .09 and .03 to Rule 903, specifically set forth intervals between strike prices on Quarterly Options Series, Short Term Option Series, and Monthly Options Series, respectively.

the Exchange may list series of options pursuant to the \$1 Strike Price Interval Program,¹⁶ the \$0.50 Strike Program,¹⁷ the \$2.50 Strike Price Program,¹⁸ and the \$5 Strike Program.¹⁹ Pursuant to Rule 6.72–O, where the price of a series of options on a Commodity-Based Fund Share is less than \$3.00, the minimum increment will be \$0.05, and where the price is \$3.00 or higher, the minimum increment will be \$0.10.²⁰ Any and all new series of options on a Commodity-Based Fund Share that the Exchange lists will be consistent and comply with the expirations, strike prices, and minimum increments set forth in Rules 6.4–O and 6.72–O, as applicable.

Options on a Commodity-Based Trust Share will trade in the same manner as options on other ETFs on the Exchange. The Exchange Rules that currently apply to the listing and trading of all options on ETFs on the Exchange, including, for example, Rules that govern listing criteria, expirations, exercise prices, minimum increments, position and exercise limits, margin requirements, customer accounts and trading halt procedures would apply to the listing and trading of options on a Commodity-Based Trust Share on the Exchange in the same manner as they apply to other options on all other ETFs that are listed and traded on the Exchange.

Position and exercise limits for options, including options on a Commodity-Based Trust Share are determined pursuant to Rules 904 and 905, respectively. Position and exercise limits for options on ETFs vary according to the number of outstanding shares and the trading volumes of the underlying security over the past six months, where the largest in capitalization and the most frequently traded funds have an option position and exercise limit of 250,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market; and smaller capitalization funds have position and exercise limits of 200,000, 75,000, 50,000 or 25,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market.²¹ Further, the Exchange notes that Rule 462, which governs

margin requirements applicable to the trading of all options on the Exchange, including options on ETFs, will also apply to the trading of options on a Commodity-Based Trust Share.

The Exchange represents that the surveillance procedures applicable to all other options on ETFs will apply to options on Commodity-Based Trust Shares, and that it has the necessary systems capacity to support the new option series. The Exchange's existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from listing and trading options on ETFs, including options on Commodity-Based Trust Shares. Also, the Exchange may obtain trading information via the Intermarket Surveillance Group ("ISG")²² from other exchanges who are members of the ISG. In addition, the Exchange has a Regulatory Services Agreement with the Financial Industry Regulatory Authority ("FINRA"). Pursuant to a multi-party 17d–2 joint plan, all options exchanges allocate regulatory responsibilities to FINRA to conduct certain options-related market surveillances. Further, the Exchange will implement any new surveillance procedures it deems necessary to effectively monitor the trading of options on Commodity-Based Trust Shares.

The Exchange has also analyzed its capacity and represents that it believes the Exchange and the Options Price Reporting Authority ("OPRA") have the necessary systems capacity to handle the additional traffic associated with the listing of new series of ETFs, including options on a Commodity-Based Trust Share, up to the number of expirations currently permissible under the Exchange Rules. The Exchange believes any additional traffic generated from the trading of options on Commodity-Based Trust Shares would be manageable. The Exchange represents that Exchange members will not have a capacity issue as a result of this proposed rule change.

Further, quotation and last sale information for Commodity-Based Trust Shares is available via the Consolidated Tape Association ("CTA") high speed line. Quotation and last sale information for such securities is also available from the exchange on which such securities are listed. Quotation and last sale information for options on Commodity-Based Trust Shares will be available via OPRA²³ and major market data vendors.

The Exchange notes that the Commission has previously approved generic listing standards pursuant to Rule 19b–4(e) of the Act²⁴ for ETFs based on indexes that consist of stocks listed on U.S. exchanges²⁵ In addition, the Commission has previously approved proposals for the listing and trading of options on ETFs based on international indexes as well as global indexes (e.g., based on non-U.S. and U.S. component stocks).²⁶ In approving Commodity-Based Trust Shares for equities exchange trading, the Commission thoroughly considered the structure of the Commodity-Based Trust Shares, their usefulness to investors and to the markets, and SRO rules that govern their trading. The Exchange believes that allowing the listing of options overlying Commodity-Based Trust Shares that are listed pursuant to Commission approval on equities exchanges and applying Rule 19b–4(e)²⁷ should fulfill the intended objective of that rule by allowing options on those Commodity-Based Trust Shares that have satisfied the generic listing standards to commence trading, without the need for the public comment period and Commission approval. The proposed rule change has the potential to significantly reduce the time and costs associated with bringing options on Commodity-Based Trust Shares to market, thereby reducing the burden on issuers and other market participants, while also promoting competition among options exchanges, to the benefit of the investing public. The failure of a particular Commodity-Based Trust Share to comply with the generic listing standards under Rule

with respect to the trading of options on the markets of the OPRA participants, such as the number of options contracts traded, open interest and end of day summaries. OPRA also disseminates certain kinds of administrative messages.

²⁴ 17 CFR 240.19b–4(e).

²⁵ See Securities Exchange Act Release No. 54739 (November 9, 2006), 71 FR 66993 (November 17, 2006) (SR–AMEX–2006–78) (approval order relating to generic listing standards for ETFs based on international or global indexes).

²⁶ See, e.g., Securities Exchange Act Release Nos. 56778 (November 9, 2007), 72 FR 65113 (November 19, 2007) (SR–AMEX–2007–100) (approval order to list and trade options on iShares MSCI Mexico Index Fund; and 55648 (April 19, 2007), 72 FR 20902 (April 26, 2007) (SR–AMEX–2007–09) (approval order to list and trade options on Vanguard Emerging Markets ETF). See also Securities Exchange Act Release Nos. 50189 (August 12, 2004), 69 FR 51723 (August 20, 2004) (SR–AMEX–2001–05) (approving the listing and trading of certain Vanguard International Equity Index Funds); and 44700 (August 14, 2001), 66 FR 43927 (August 21, 2001) (SR–2001–34) (approving the listing and trading of series of the iShares Trust based on foreign stock indexes).

²⁷ 17 CFR 240.19b–4(e).

¹⁶ See Rule 903, Commentary .06.

¹⁷ See Rule 903, Commentary .13.

¹⁸ See Rule 903, Commentary .07(a).

¹⁹ See Rule 903, Commentary .12.

²⁰ If options on a Commodity-Based Trust Share are eligible to participate in the Penny Interval Program, the minimum increment of \$0.01 below \$3.00 and \$0.50 above \$3.00 would apply. See Rule 960NY(a)(3). See also Rule 960.1NY (which describes the requirements for the Penny Interval Program).

²¹ See Commentary .07(a)–(d) to Rule 904.

²² A complete list of the current members of the ISG, is available at <http://www.isgportal.org>.

²³ Last sale reports and quotations are the core of the information that OPRA disseminates. OPRA also disseminates certain other types of information

19b-4(e)²⁸ would not, however, preclude the Exchange from submitting a separate filing pursuant to Section 19(b)(2),²⁹ requesting Commission approval to list and trade options on a particular Commodity-Based Trust Share.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act,³⁰ in general, and furthers the objectives of Section 6(b)(5) of the Act³¹ in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanisms of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes the proposal will remove impediments to and perfect the mechanism of a free and open market and a national market system because it would allow the Exchange to immediately list and trade options on Commodity-Based Trust Shares, provided the initial listing criteria has been met, without requiring additional approvals from the Commission.³²

Commodity-Based Trust Shares are securities approved for trading by the Commission. The Exchange believes that allowing options on qualifying Commodity-Based Trust Shares soon after the listing of such underlying security in the primary market will benefit investors and the public interest as it will afford market participants the opportunity to hedge their positions in the underlying ETF in a timely manner. Given the potential to reduce the time to market for options on Commodity-Based Trust Shares, the proposed rule change will also reduce the burdens on issuers and other market participants, while also promoting competition among options exchanges to the benefit of the investing public.

This proposal will enable the listing of options on Commodity-Based Trust Shares in the same manner as all other securities listed and traded on the Exchange. The Exchange notes that most ETFs are eligible for options trading without the need for additional approvals, provided the ETFs meet the initial listing criteria. Accordingly, the

proposed rule change would align the treatment of Commodity-Based Trust Shares with other ETFs for purposes of options trading, which would add internal consistency to Exchange rules. The Exchange believes that the proposed rule change will facilitate the listing and trading of options on additional ETFs that will enhance competition among market participants, to the benefit of investors and the marketplace.

Like options on any other securities, options on Commodity-Based Trust Shares will provide investors with the ability to hedge exposure to the underlying security. The Exchange believes that offering options on Commodity-Based Trust Shares will benefit investors by providing them with a relatively lower-cost risk management tool, which will allow them to manage their positions and associated risk in their portfolios more easily in connection with exposure to the price of a commodity. Additionally, the Exchange's offering of options on Commodity-Based Trust Shares will provide investors with the ability to transact in such options in a listed market environment as opposed to in the unregulated OTC market, which would increase market transparency and enhance the process of price discovery conducted on the Exchange through increased order flow to the benefit of all investors. As noted herein, the Exchange already lists options on other commodity-based ETFs,³³ which are trusts structured in substantially the same manner as Commodity-Based Trust Shares. The Exchange has not identified any issues with the continued listing and trading of options on Commodity-Based Trust Shares.

The Exchange also believes the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system, because it is consistent with current Exchange Rules previously filed with the Commission. Options on Commodity-Based Trust Shares must satisfy the initial listing standards and continued listing standards currently in the Exchange Rules applicable to options on all ETFs, including ETFs that hold other commodities already deemed appropriate for options trading on the Exchange.³⁴ Options on Commodity-Based Trust Shares will trade in the same manner as any other ETF options—the same Exchange Rules that currently govern the listing and trading of options, including permissible

expirations, strike prices, minimum increments, and margin requirements, will govern the listing and trading of options on Commodity-Based Trust Shares in the same manner.

The Exchange believes the proposed rule change will result in increased competition as other exchanges will likely adopt an identical rule to the one proposed by the Exchange that would allow the listing and trading of options on Commodity-Based Trust Shares that are approved for trading on those other markets.³⁵ Multiple listing of ETFs, options and other securities and competition are some of the central features of the national market system. The Exchange believes that the proposal would encourage a more open market and national market system based on competition and multiple listing.

The Exchange represents that it has the necessary systems capacity to support the listing and trading of options on Commodity-Based Trust Shares as the Exchange lists these products today, except that it requires additional approvals prior to listing. The Exchange believes that its existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from listing and trading of options on Commodity-Based Trust Shares.

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. To the contrary, the Exchange believes that the proposal is pro-competitive and is a competitive response to the Exchange's inability to list options on Commodity-Based Trust Shares without submitting a separate proposed rule change. The Exchange believes the proposed rule change will result in additional investment options and opportunities to achieve the investment objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. Competition is one of the principal features of the national market system. The Exchange believes that this proposal will expand competitive opportunities to list and trade products on the Exchange as noted.

Intramarket Competition: The Exchange does not believe the proposal will impose any burden on intra-market competition that is not necessary or appropriate in furtherance of the

²⁸ *Id.*

²⁹ 15 U.S.C. 78s(b)(2).

³⁰ 15 U.S.C. 78f(b).

³¹ 15 U.S.C. 78f(b)(5).

³² As noted herein, the Exchange believes this proposal is consistent with the OCC's determination that, based on a staff advisory from the CFTC, the "it no longer needs to seek product-by-product exemptive relief from the CFTC to clear spot commodity-based ETF products." See *supra* note 5.

³³ See Rule 915, Commentary .10.

³⁴ See *id.*

³⁵ See *supra* note 3.

purposes of the Act because Commodity-Based Trust Shares, like any other ETF, would have to satisfy the Exchange's initial listing standards to be eligible for options trading. Additionally, the proposed rule change would apply to all market participants in the same manner as options on Commodity-Based Trust Shares will be equally available to all market participants who wish to trade such options.

Intermarket Competition: The Exchange does not believe the proposal will impose any burden on inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act, as nothing prevents the other options exchanges from proposing similar rules to list and trade options on Commodity-Based Trust Shares. As noted herein, ISE has submitted a proposal to adopt an identical rule to allow ISE list and trade options on Commodity-Based Trust Shares without submitting a separate proposed rule change.³⁶

Furthermore, the Exchange notes that listing and trading options on a Commodity-Based Trust Share on the Exchange will subject such options to transparent exchange-based rules as well as price discovery and liquidity, as opposed to alternatively trading such options in the OTC market. The Exchange believes that the proposed rule change may relieve any burden on, or otherwise promote, competition as it is designed to increase competition for order flow on the Exchange in a manner that is beneficial to investors by providing them with a lower-cost option to hedge their investment portfolios in a timely manner.

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

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 the 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/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSEAMER-2025-07 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-NYSEAMER-2025-07. 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 submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also 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-NYSEAMER-2025-07 and should be submitted on or before April 4, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁷

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2025-04086 Filed 3-13-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102554; File No. SR-NYSEAMER-2025-12]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Increase Port Fees

March 10, 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 March 3, 2025, NYSE American LLC ("Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Item I below, which Item has been substantially prepared by the Exchange. The Exchange has designated this proposal for immediate effectiveness pursuant to Section 19(b)(3)(A) of the Act³ and Rule 19b-4(f) thereunder.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List to increase the Exchange's port fees and delete obsolete language, operative March 3, 2025.

The proposed rule change, including the Exchange's statement of the purpose of, and statutory basis for, the proposed rule change, is available on the Exchange's website at <https://www.nyse.com> and on the Commission's website at <https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/>

³⁷ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(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 to determine whether the proposed rule change should be approved or disapproved.

³⁶ See *supra* note 3.

national-securities-exchanges?file_number=SR-NYSEAMER-2025-12.

II. 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.⁵ Comments may be submitted electronically by using the Commission's internet comment form (https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NYSEAMER-2025-12) or by sending an email to rule-comments@sec.gov. Please include file number SR-NYSEAMER-2025-12 on the subject line. Alternatively, paper comments may be sent to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to file number SR-NYSEAMER-2025-12. 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/national-securities-exchanges?file_number=NYSEARCA-2025-12). 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-NYSEAMER-2025-12 and should be submitted on or before April 4, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025-04078 Filed 3-13-25; 8:45 am]

BILLING CODE 8011-01-P

⁵ Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange.

⁶ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102551; File No. SR-NYSEARCA-2025-21]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Increase Port Fees

March 10, 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 March 3, 2025, NYSE Arca, Inc. ("Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Item I below, which Item has been substantially prepared by the Exchange. The Exchange has designated this proposal for immediate effectiveness pursuant to Section 19(b)(3)(A) of the Act³ and Rule 19b-4(f) thereunder.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fee Schedule to increase the Exchange's port fees and eliminate the open outcry port fee discount, operative March 3, 2025.

The proposed rule change, including the Exchange's statement of the purpose of, and statutory basis for, the proposed rule change, is available on the Exchange's website at <https://www.nyse.com> and on the Commission's website at https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NYSEARCA-2025-21.

II. 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.⁵ Comments may be submitted electronically by using the Commission's internet comment form (https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NYSEARCA-2025-21) or by sending an email to rule-comments@sec.gov. Please include file number SR-NYSEARCA-2025-21 on the subject line. Alternatively, paper comments may be sent to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to file number SR-NYSEARCA-2025-21. 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/national-securities-exchanges?file_number=NYSEARCA-2025-21). 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-NYSEARCA-2025-21 and should be submitted on or before April 4, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025-04076 Filed 3-13-25; 8:45 am]

BILLING CODE 8011-01-P

⁵ Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange.

⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(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 to determine whether the proposed rule change should be approved or disapproved.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102556; File No. SR–IEX–2025–04]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend IEX Rule 11.190 To Retire One of the Two Proprietary Mathematical Calculations the Exchange Utilizes To Assess the Probability of an Imminent Change to the Protected Quotation

March 10, 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 March 4, 2025, Investors Exchange LLC (“Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Item I below, which Item has been substantially prepared by the Exchange. The Exchange has designated this proposal for immediate effectiveness pursuant to Section 19(b)(3)(A) of the Act³ and Rule 19b–4(f) thereunder.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend IEX Rule 11.190 to retire one of the two proprietary mathematical calculations the Exchange utilizes to assess the probability of an imminent change to the Protected Quotation. Specifically, the Exchange proposes to retire CQI 1, and references thereto in IEX Rule 11.190, because the Exchange has determined that CQI 2 provides incrementally more protection, is used more frequently, and there is considerable overlap between the protection provided by both CQIs.

The proposed rule change, including the Exchange’s statement of the purpose of, and statutory basis for, the proposed rule change, is available on the

Exchange’s website at <https://www.iexexchange.io/resources/regulation/rule-filings>, and on the Commission’s website at https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-IEX-2025-04.

II. 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.⁵ Comments may be submitted electronically by using the Commission’s internet comment form (https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-IEX-2025-04) or by sending an email to rule-comments@sec.gov. Please include file number SR–IEX–2025–04 on the subject line. Alternatively, paper comments may be sent to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090. All submissions should refer to file number SR–IEX–2025–04. 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/national-securities-exchanges?file_number=SR-IEX-2025-04). 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–2025–04 and should be submitted on or before April 4, 2025.

⁵ Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025–04079 Filed 3–13–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35493; File No. 812–15604]

MA Specialty Credit Income Fund, et al.

March 11, 2025.

AGENCY: Securities and Exchange Commission (“Commission” or “SEC”).
ACTION: Notice.

Notice of application for an order (“Order”) under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the “Act”) and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit closed-end management investment companies and business development companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

APPLICANTS: MA Specialty Credit Income Fund, MA Asset Management, LLC, Blue Elephant Specialty Finance Fund, LP, and MA Eagle II LLC.

FILING DATES: The application was filed on July 23, 2024 and amended on January 8, 2025, January 15, 2025, and March 3, 2025.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC’s Secretary at Secretarys-Office@sec.gov and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on April 7, 2025, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer’s interest, any facts

⁶ 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b–4(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 to determine whether the proposed rule change should be approved or disapproved.

bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at Secretaries-Office@sec.gov.

ADDRESSES: The Commission: Secretaries-Office@sec.gov. Applicants: Paul Grady, paul.grady@mafinancial.com.

FOR FURTHER INFORMATION CONTACT: Kris Easter Guidroz, Senior Counsel, or Lisa Reid Ragen, Branch Chief, at (202) 551-6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' third amended and restated application, dated March 3, 2025, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at <https://www.sec.gov/edgar/searchedgar/companysearch>. You may also call the SEC's Office of Investor Education and Advocacy at (202) 551-8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-04110 Filed 3-13-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102559; File No. SR-FINRA-2024-022]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Amend the Codes of Arbitration Procedure To Make Clarifying, Technical, and Procedural Changes to the Arbitrator List Selection Process

March 10, 2025.

I. Introduction

On December 18, 2024, the Financial Industry Regulatory Authority, Inc. ("FINRA") filed with the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act

of 1934 ("Exchange Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to amend the Code of Arbitration Procedure for Customer Disputes ("Customer Code") and the Code of Arbitration Procedure for Industry Disputes ("Industry Code") (together, "Codes") to make changes to certain provisions relating to the arbitrator-selection process. Specifically, the proposed rule change would amend FINRA Rules 12403 (Cases with Three Arbitrators) and 13403 (Generating and Sending Lists to the Parties) to increase the odds that non-chair-qualified public arbitrators would be selected for the list of public arbitrator candidates that is sent to the parties in certain disputes that have a three-arbitrator panel. In addition, the proposed rule change would codify certain practices that FINRA has developed to efficiently administer arbitrator list selection; establish new timeframes for objecting to requests for additional information from arbitrators, withdrawing such requests for additional information, and filing motions to remove arbitrators after disclosures of causal challenges; and align provisions of the Codes related to the expungement of customer dispute information.³

The proposed rule change was published for comment in the **Federal Register** on December 30, 2024.⁴ The public comment period closed on January 21, 2025. The Commission received comment letters related to this filing.⁵ On January 27, 2025, FINRA consented to extend until March 28, 2025, the time period in which the Commission must approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.⁶

The Commission is publishing this order pursuant to Section 19(b)(2)(B) of the Exchange Act⁷ to institute proceedings to determine whether to approve or disapprove the proposed rule change.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Exchange Act Release No. 101993 (Dec. 19, 2024), 89 FR 106635, 106637 (Dec. 30, 2024) (File No. SR-FINRA-2024-022) ("Notice").

⁴ See Notice.

⁵ The comment letters are available at <https://www.sec.gov/comments/sr-finra-2024-022/srfinra2024022.htm>.

⁶ See letter from Bria Adams, Assistant General Counsel, FINRA (dated Jan. 27, 2025), <https://www.finra.org/sites/default/files/2025-01/FINRA-2024-022-Extension-3-28-25.pdf>.

⁷ 15 U.S.C. 78s(b)(2)(B).

II. Description of the Proposed Rule Change

A. Background

1. FINRA's Arbitration Forum

FINRA's Dispute Resolution Services ("DRS") provides an arbitration forum to resolve disputes between customers, member firms, and associated persons of member firms arising in connection with the business activities of a member firm or its associated persons, except disputes involving the insurance business activities of a member firm that is also an insurance company.⁸ FINRA maintains a roster for each of the three types of arbitrators that may be appointed to an arbitration panel to hear a claim: public, non-public, and chairperson arbitrators.⁹ In general, a "public" arbitrator is a person who is otherwise qualified to serve as an arbitrator and is not disqualified from service as a public arbitrator due to their current or past ties to the financial industry.¹⁰ A "non-public" arbitrator is a person who is otherwise qualified to serve as an arbitrator and is disqualified from service as a public arbitrator due to their current or past ties to the financial industry.¹¹ A public arbitrator is eligible to serve as a "chairperson" if he or she has completed FINRA's chairperson training and: (1) has a law degree, is a member of a bar of at least one jurisdiction, and has served as an arbitrator through award on at least one arbitration administered by a self-regulatory organization ("SRO") in which hearings were held; or (2) has served as an arbitrator through award on at least three arbitrations administered by a SRO in which hearings were held.¹²

2. The Arbitrator-Selection Process

The proposed rule change addresses rules in the Codes that govern the arbitrator-selection process in certain cases with three arbitrators. As relevant here, a three-arbitrator panel decides claims that are greater than \$100,000 (exclusive of interest and expenses), are unspecified, or do not request money damages (unless the parties agree in writing to one arbitrator).¹³ For claims greater than \$50,000 but not more than \$100,000, exclusive of interest and expenses, the panel will consist of one

⁸ See FINRA Rules 12101, 12200, 12201, 13101, 13200, 13201, 13202.

⁹ See FINRA Rules 12400(b), 13400(b).

¹⁰ See FINRA Rules 12100(aa), 13100(x).

¹¹ See FINRA Rules 12100(t), 13100(r).

¹² See FINRA Rules 12400(c), 13400(c). In customer disputes, the chairperson must be a public arbitrator. See FINRA Rule 12400(c).

¹³ See FINRA Rules 12401(c), 13401(c).

arbitrator unless the parties agree in writing to three.¹⁴

In these cases, the arbitrator-selection process begins with a computerized list-selection algorithm (the “list-selection algorithm”), which generates three pools of available arbitrators from DRS’s rosters for the selected hearing location: one for chair-qualified public arbitrators, one for public arbitrators (both chair-qualified and non-chair-qualified), and one for non-public arbitrators.¹⁵ From these pools, the list-selection algorithm randomly generates three lists of arbitrators for the parties.¹⁶ For a customer claim, the list-selection algorithm generates one list with 10 chair-qualified public arbitrators, one list with 15 public arbitrators, and one list with 10 non-public arbitrators.¹⁷ For an industry claim between associated persons or between or among member firms and associated persons,¹⁸ the list-selection algorithm generates one list with 10 chair-qualified public arbitrators, one list with 10 public arbitrators, and one list with 10 non-public arbitrators.¹⁹ In each case, the list-selection algorithm generates the public chairperson list before it generates the public list.²⁰ The algorithm then generates the list of public arbitrators, and any available chair-qualified public arbitrator is eligible for selection as a public arbitrator so long as he or she was not already selected for the chairperson list.²¹ In this way, the list-generation algorithm effectively gives chair-qualified public arbitrators two chances to appear on a list: once as a chairperson; and, if not selected for the chairperson list, a second as a public arbitrator.²²

Once the parties receive the three lists, they may exercise a specified number of strikes against each list and rank the remaining arbitrators on each list in order of preference.²³ The DRS

Director then consolidates the strike and ranking lists and appoints the highest-ranking arbitrator(s) who survived the parties’ strikes.²⁴

B. The Proposed Rule Change

1. Generating Public Lists in Cases With Three Arbitrators

The proposed rule change would amend the list-selection algorithm in certain cases with three arbitrators, increasing the chances that non-chair-qualified public arbitrators would appear on the public list.²⁵ Specifically, the proposed rule change would provide that, “[i]n preparing the public list, the list selection algorithm will provide two chances for selection to public arbitrators that are not chair-qualified, and will [continue to] provide one chance for selection to chair-qualified public arbitrators.”²⁶ Although non-chair-qualified public arbitrators would have two chances for selection to the public list, the proposed rule change would provide that “[a]n individual arbitrator cannot appear more than once on the public list selected for the same case.”²⁷

2. Other Proposed Rule Changes

FINRA stated that the proposed rule change would also codify certain practices that it has developed to efficiently administer arbitrator list selection; establish new timeframes for objecting to requests for additional information from arbitrators, withdrawing such requests for additional information, and filing motions to remove arbitrators after disclosures of causal challenges; and align provisions of the Codes related to the expungement of customer dispute information.²⁸ The Commission describes each proposed rule change in turn.

a. Sending Arbitrator Lists to the Parties

The Codes currently provide that the DRS Director will send the list(s) generated by the list-selection algorithm “to all parties at the same time, within approximately 30 days after the last answer is due, regardless of the parties’ agreement to extend any answer due

date.”²⁹ FINRA stated, however, that in practice the DRS sends the arbitrator lists to the parties “well within the 30-day timeframe provided by the rules.”³⁰ FINRA stated that the proposed rule change would codify current practice by amending FINRA Rules 12402(c)(1), 12403(b)(1), and 13403(c)(1) to shorten the 30-day timeframe to 20 days.³¹

b. Arbitrator-Disclosure Reports

Current FINRA rules provide that the parties will receive “employment history for the past 10 years” and other background information for each arbitrator on an arbitrator list.³² FINRA stated that its practice, however, is to request each arbitrator’s full post-education employment history and send “this employment history and other background information to the parties” in a “disclosure report.”³³ FINRA stated that the proposed rule change would codify this practice by removing “for the past 10 years” from the relevant rules and clarifying that employment history and background information will be provided in a “disclosure report.”³⁴

c. Requests for Additional Information About Arbitrators

The Codes provide that “[i]f a party requests additional information about an arbitrator, the [DRS] Director will request the additional information from the arbitrator[] and will send any response to all the parties at the same time.”³⁵ The proposed rule change would make three changes related to this process.³⁶ First, FINRA stated that the proposed rule change would codify

²⁹ FINRA Rules 12402(c)(1), 12403(b)(1), 13403(c)(1).

³⁰ Notice at 106637.

³¹ See proposed Rules 12402(c)(1), 12403(b)(1), 13403(c)(1).

³² FINRA Rules 12402(c)(1), 12403(b)(1), 12404(a), 13403(c)(1), 13407(a), 13804(b)(3)(A)(i), 13804(b)(3)(B)(i).

³³ Notice at 106637.

³⁴ See *id.* at 106637; proposed Rules 12402(c)(1), 12403(b)(1), 12404(a), 13403(c)(1), 13407(a), 13804(b)(3)(A)(i), 13804(b)(3)(B)(i).

³⁵ FINRA Rules 12402(c)(2), 12403(b)(2), 13403(c)(2).

³⁶ FINRA stated that the proposed rule change would also make “technical changes” that would result from these proposed rule changes. Notice at 106637 n.26. FINRA stated that the proposed rule change would relocate—without substantive changes—some text from FINRA Rules 12402(c)(2), 12403(b)(2), and 13403(c)(2) to new proposed subsections within the same FINRA rules. *Id.* Specifically, proposed Rules 12402(c)(2)(D), 12403(b)(2)(D), and 13403(c)(2)(D) would provide that “[t]he Director will send any response from the arbitrator to all of the parties at the same time.” In addition, proposed Rules 12402(c)(2)(E), 12403(b)(2)(E), and 13403(c)(2)(E) would provide that “[w]hen a party requests additional information, the Director may, but is not required to, toll the time for parties to return the ranked lists. . . .”

¹⁴ See FINRA Rules 12401(b), 13401(b).

¹⁵ See FINRA, How Parties Select Arbitrators, <https://www.finra.org/arbitration-mediation/about/arbitration-process/arbitrator-selection>.

¹⁶ See FINRA Rules 12403(a) (Generating Lists in Customer Cases with Three Arbitrators), 13403(b) (Lists Generated in Disputes Between Associated Persons or Between or Among Members and Associated Persons); see also FINRA Rules 12400(a), 13400(a).

¹⁷ See FINRA Rule 12403(a)(1).

¹⁸ Three-arbitrator panels also decide industry disputes between member firms, but those panels do not include public arbitrators and are therefore not relevant to this proposed rule change. See FINRA Rule 13403(a).

¹⁹ See FINRA Rule 13403(b)(2).

²⁰ FINRA Rules 12403(a)(2), 13403(b)(3).

²¹ See *id.*

²² Notice at 106636.

²³ See FINRA Rules 12403(c)(1), 12403(c)(2), 13404(a), 13404(c).

²⁴ See FINRA Rules 12402(e), 12402(f), 12403(d), 12403(e)(1), 13405, 13406.

²⁵ See Notice at 106636.

²⁶ Proposed Rules 12403(a)(3), 13403(b)(4).

FINRA stated that the list-selection algorithm would implement this proposed rule change by “including the names of public arbitrators who are not chair qualified twice on the roster of available public arbitrators used to randomly generate a Public List.” Notice at 106636 n.21.

²⁷ Proposed Rules 12403(a)(3), 13403(b)(4).

²⁸ Notice at 106637.

current practice by expressly providing that a party may request additional information about an arbitrator “at any stage of the proceeding” by filing such request with the Director and serving it upon all other parties.³⁷ Second, FINRA stated that the proposed rule change would amend FINRA Rules 12402, 12403, and 13403 to provide that a request for additional information about an arbitrator “may omit any information that would reveal the identity of the party making the request.”³⁸ The proposed rule change also would provide that “[i]f no opposing party objects to the request for additional information, the [DRS] Director and the parties shall not disclose the identity of the requesting party” to the arbitrator or the panel.³⁹ Finally, the proposed rule change would amend FINRA Rules 12402, 12403, and 13403 to provide that an opposing party may object to a request for additional information by filing its objection with the Director and serving it upon all other parties “[w]ithin ten days of receipt of the request” for additional information.⁴⁰ The proposed rule change also would provide that the Director will forward the request for additional information along with any objections to the arbitrator who is the subject of the request “[a]fter five days have elapsed from the service of any objections and provided that the request for additional information has not been withdrawn.”⁴¹

d. Striking Arbitrators for Any Reason

FINRA Rules 12402(d)(1), 12403(c)(1)(A), 12403(c)(2)(A), and 13404(a) and (b) provide that each separately represented party may strike a certain number of arbitrators from the lists of arbitrators that the list-selection algorithm generates.⁴² All but one of these provisions—FINRA Rule 12403(c)(1)(A) (governing striking arbitrators from the non-public arbitrator list)—expressly provides that a party may strike arbitrators from a list “for any reason.”⁴³ FINRA stated that even though FINRA Rule 12403(c)(1)(A) lacks this language, “there are no limitations on the reasons a party may strike an arbitrator.”⁴⁴ The proposed

rule change would amend FINRA Rule 12403(c)(1)(A) “to expressly provide that each separately represented party may strike any or all of the arbitrators from the Non-Public List for any reason.”⁴⁵

e. Electronic List Selection

FINRA Rules 12402(d)(1), 12403(c)(1)(A), 12403(c)(2)(A), and 13404(a) and (b) currently provide that each separately represented party may strike arbitrators from the list(s) of arbitrators “by crossing through the names of the arbitrators.”⁴⁶ FINRA stated that, in practice, parties generally use a web-based system, the Party Portal, to complete arbitrator list selection electronically.⁴⁷ FINRA stated that the proposed rule change would amend FINRA Rules 12402(d)(1), 12403(c)(1)(A), 12403(c)(2)(A), and 13404(a) and (b) to delete the phrase “by crossing through the names of the arbitrators.”⁴⁸

f. Extensions of Time To Complete Ranked Lists

FINRA rules currently provide that after striking and ranking the arbitrators on the arbitrator lists, each separately represented party must return their ranked lists to the DRS director “either within 20 days or no more than 20 days after the date upon which the Director sent the lists to the parties.”⁴⁹ FINRA stated that “parties frequently file requests with the Director to extend the 20-day deadline only after it has elapsed.”⁵⁰ Although FINRA rules permit the Director to extend or modify the deadline for good cause,⁵¹ FINRA stated that, in practice, the Director typically denies requests made after the deadline has expired absent a showing of extraordinary circumstances.⁵² The proposed rule change would codify current practice by expressly providing that, “[a]bsent extraordinary circumstances, the Director will not grant a party’s request for an extension

to complete the ranked list[s] that is filed after the deadline has elapsed.”⁵³

g. Agreements To Remove Arbitrators

Current FINRA guidance states that parties may agree to remove an arbitrator.⁵⁴ The proposed rule change would codify this guidance by amending FINRA Rules 12407 and 13410 to expressly provide that, “at any stage of the arbitration proceeding, the Director may remove an arbitrator if all of the named parties agree in writing to the arbitrator’s removal.”⁵⁵ However, the proposed rule change also would provide that “parties may not agree to remove an arbitrator who is considering a request to expunge customer dispute information, except that a party shall be permitted to challenge” for cause any arbitrator selected pursuant to FINRA Rule 12407(a)(1) or (b) or FINRA Rule 13410(a)(1) or (b).⁵⁶ FINRA stated that this proposed rule change is consistent with recent changes it made to the expungement process.⁵⁷

h. Prohibition on the Disclosure of Party-Initiated Challenges To Remove Arbitrators

FINRA Rules 12407 and 13410 permit parties to challenge arbitrators for cause.⁵⁸ Current DRS guidance advises the parties that “they may not inform the panel of an opposing party’s causal challenge.”⁵⁹ The proposed rule change would codify this guidance by expressly providing that “a party may not inform the panel or arbitrator of another party’s request to remove an arbitrator for cause.”⁶⁰ The proposed rule change would also create a remedy if a party discloses to the arbitrator or panel an opposing party’s request to remove an arbitrator for cause.⁶¹ Specifically, the proposed rule change would provide that the party that requested removal of the arbitrator “may file with the Director within five days of being made aware of the disclosure a written motion for removal of the arbitrator.”⁶² The proposed rule change also would provide that “[i]f the requesting party

³⁷ Proposed Rules 12402(c)(2)(A), 12403(b)(2)(A), 13403(c)(2)(A); Notice at 106638.

³⁸ *Id.*

³⁹ Proposed Rules 12402(c)(2)(C), 12403(b)(2)(C), 13403(c)(2)(C).

⁴⁰ Proposed Rules 12402(c)(2)(B), 12403(b)(2)(B), 13403(c)(2)(B).

⁴¹ *Id.*

⁴² FINRA Rules 12402(d)(1), 12403(c)(1)(A), 12403(c)(2)(A), 13404(a), 13404(b).

⁴³ *Id.*

⁴⁴ Notice at 106638.

⁴⁵ *Id.* (emphasis in original); proposed Rule 12403(c)(1)(A).

⁴⁶ FINRA Rules 12402(d)(1), 12403(c)(1)(A), 12403(c)(2)(A), 13404(a), 13404(b).

⁴⁷ Notice at 106639. The term “Party Portal” means “the web-based system that is accessible by arbitration and mediation parties and their representatives. The Party Portal allows invited participants to access a secure section of FINRA’s website to submit documents and view their arbitration and mediation case information and documents.” See FINRA Rules 12100(v), 13100(t).

⁴⁸ Notice at 106639.

⁴⁹ *Id.*; see FINRA Rules 12402(d)(3), 12403(c)(3), 12404(a), 13404(d), 13407(a).

⁵⁰ Notice at 106639.

⁵¹ FINRA Rules 12207(c), 13207(c).

⁵² Notice at 106639.

⁵³ *Id.*; see proposed Rules 12402(d)(3), 12403(c)(3), 12404(a), 13404(d), 13407(a).

⁵⁴ Notice at 106639.

⁵⁵ *Id.*; proposed Rules 12407(d)(1), 13410(d)(1). FINRA stated that “[r]equests to remove an arbitrator may not be granted when there are extraordinary circumstances which make removal inappropriate (e.g., requests based on discriminatory grounds).” Notice at 106639 n.35.

⁵⁶ *Id.* at 106639; see proposed Rules 12407(d)(2), 13410(d)(2).

⁵⁷ Notice at 106639–40.

⁵⁸ FINRA Rules 12407, 13410.

⁵⁹ Notice at 106640.

⁶⁰ *Id.*; proposed Rules 12407(e)(1), 13410(e)(1).

⁶¹ Notice at 106640.

⁶² Proposed Rule 12407(e)(2), 13410(e)(2).

does not file a motion for removal of the arbitrator within five days of being made aware of the disclosure, then the requesting party shall forfeit the opportunity to request removal of the arbitrator because of the disclosure.”⁶³ In addition, the proposed rule change would provide that, absent extraordinary circumstances, the DRS Director shall grant such a motion if the party that made the request to remove the arbitrator timely files the motion.⁶⁴

i. Updating Cross-References

FINRA Rules 13406(c) and 13411(d) cross-reference FINRA Rule 13100(r)(2) and (r)(3) to incorporate the definition of “non-public arbitrator.”⁶⁵ FINRA stated that prior to 2017, FINRA Rule 13100(r)(1), (r)(2), (r)(3), and (r)(4) “listed the specific criteria for inclusion on FINRA’s non-public arbitrator roster.”⁶⁶ FINRA stated that due to a rule change in 2017 that eliminated those four sub-sections, the aforementioned cross-references to FINRA Rule 13100(r) are outdated.⁶⁷ The proposed rule change would update FINRA Rules 13406(c) and 13411(d) with correct cross-references to FINRA Rule 13100(x)(2) through (11).⁶⁸

III. Proceedings To Determine Whether To Approve or Disapprove File No. SR-FINRA-2024-022 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act to determine whether the proposed rule change should be approved or disapproved.⁶⁹ Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Exchange Act, the Commission is providing notice of the grounds for disapproval under consideration.⁷⁰ The Commission is instituting proceedings to allow for additional analysis and input concerning whether the proposed rule change is consistent with the Exchange Act and the rules thereunder.

IV. Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposed rule change. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change is consistent with the Exchange Act and the rules thereunder.

Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b-4, any request for an opportunity to make an oral presentation.⁷¹

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be approved or disapproved by April 4, 2025. Any person who wishes to file a rebuttal to any other person’s submission must file that rebuttal by April 18, 2025.

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-FINRA-2024-022 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-FINRA-2024-022. 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 submission, all subsequent amendments, all written statements

⁷¹ Section 19(b)(2) of the Exchange Act, as amended by the Securities Acts Amendments of 1975, Public Law 94-29, 89 Stat. 97 (1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. See Securities Acts Amendments of 1975, Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. 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-FINRA-2024-022 and should be submitted on or before April 4, 2025. If comments are received, any rebuttal comments should be submitted on or before April 18, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷²

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025-04081 Filed 3-13-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102546; File No. SR-NYSE-2025-04]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Fees for Directed Orders Routed by the Exchange to an Algorithm

March 10, 2025.

Pursuant to Section 19(b)(1) ¹ of the Securities Exchange Act of 1934 (“Act”) ² and Rule 19b-4 thereunder,³ notice is hereby given that on February 27, 2025, New York Stock Exchange LLC (“NYSE” or the “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Item I below, which Item has been

⁷² 17 CFR 200.30-3(a)(12); 17 CFR 200.30-3(a)(57).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ FINRA Rules 13406(c), 13411(d).

⁶⁶ Notice at 106641.

⁶⁷ See *id.*

⁶⁸ Notice at 106641; proposed Rules 13406(c), 13411(d).

⁶⁹ 15 U.S.C. 78s(b)(2)(B).

⁷⁰ *Id.*

substantially prepared by the Exchange. The Exchange has designated this proposal for immediate effectiveness pursuant to Section 19(b)(3)(A) of the Act⁴ and Rule 19b-4(f) thereunder.⁵ 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 Price List to adopt fees for Directed Orders routed by the Exchange to an algorithm, effective March 3, 2025.

The proposed rule change, including the Exchange's statement of the purpose of, and statutory basis for, the proposed rule change, is available on the Exchange's website at <https://www.nyse.com> and on the Commission's website at https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NYSE-2025-04.

II. 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.⁶ Comments may be submitted electronically by using the Commission's internet comment form (https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NYSE-2025-04) or by sending an email to rule-comments@sec.gov. Please include file number SR-NYSE-2025-04 on the subject line. Alternatively, paper

⁴ 15 U.S.C. 78s(b)(3)(A).

⁵ 17 CFR 240.19b-4(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 to determine whether the proposed rule change should be approved or disapproved.

⁶ Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange.

comments may be sent to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to file number SR-NYSE-2025-04. 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/national-securities-exchanges?file_number=NYSE-2025-04). Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSE-2025-04 and should be submitted on or before April 4, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2025-04073 Filed 3-13-25; 8:45 am]

BILLING CODE 8011-01-P

DEPARTMENT OF STATE

[Public Notice: 12682]

Determination: Foreign Affairs Functions of the United States

1. Serving as America's 72nd Secretary of State is the highest honor of my professional life. In Executive Order 14150, President Trump has given me a clear direction to place our core national interests as the guiding mission of American foreign policy, and always put America and American citizens first.

2. Securing America's borders and protecting its citizens from external threats is the first priority foreign affairs function of the United States. This effort requires the United States to marshal all available resources and authorities. These resources and authorities also include, but are not limited to, those of the Department of State, the Department of Defense, the Department of Homeland Security, the Department of Justice, and many other federal agencies. See, e.g., Executive Orders 14150, 14157, 14160, 14161, 14165.

3. The threats to U.S. citizens from an unsecured border can include foreign spies, contraband, and harmful

⁷ 17 CFR 200.30-3(a)(12).

materials that flow across the border, as well as unchecked mass migration, narcotics trafficking, human smuggling and trafficking, and other destabilizing or unlawful activities, including the flow of dangerous drugs, weapons, and technology. Eliminating or mitigating these threats involves visa policies, export control enforcement policies and practices, and other foreign affairs functions entrusted to me, as Secretary of State, under the Constitution, at the direction of the President, and by statute.

4. The Department of State enjoys primacy among federal agencies in the conduct of our foreign policy. When he appointed me as Secretary of State, the President entrusted me with all matters respecting the conduct of foreign affairs, including my primary foreign affairs duty: the duty to protect the people of the United States from any threats originating from foreign actors or from foreign soil. For the Department of State, that includes all policy related to the protection and travel of U.S. citizens overseas, visa operations and visa issuance, implementation of the Arms Export Control Act, and implementation of the Mutual Educational and Cultural Exchange Act of 1961, as amended, among other authorities. But the scope of a foreign affairs function of the United States is much broader.

5. For these reasons, I hereby determine that all efforts, conducted by any agency of the federal government, to control the status, entry, and exit of people, and the transfer of goods, services, data, technology, and other items across the borders of the United States, constitute a foreign affairs function of the United States under the Administrative Procedure Act, 5 U.S.C. 553, 554.

Dated: February 21, 2025.

Marco Rubio,

Secretary of State.

[FR Doc. 2025-04116 Filed 3-13-25; 8:45 am]

BILLING CODE 4710-10-P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36842]

Mingus Mountain Railroad, LLC—Acquisition and Operation Exemption—Line of Clarkdale Arizona Central Railroad, L.C.

Mingus Mountain Railroad, LLC (MMRL), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Clarkdale Arizona Central Railroad, L.C. (CACR), and operate approximately 38.74 miles of rail line between milepost 0 + 15 feet

at Drake, Ariz., and the Phoenix Cement Plant at milepost 38 + 3940.3 feet near Clarkdale, Ariz. (the Line). The verified notice states that MMRL will also acquire by assignment from CACR approximately 2,985 feet of incidental trackage rights over certain connecting lines owned by Drake Cement, LLC, located between milepost 0 + 15 feet and milepost 0 + 3000 feet in Drake (the Drake Lines). See *Clarkdale Ariz. Cent. R.R.—Trackage Rts. Exemption—Drake Cement, LLC*, FD 35742 (Sub-No. 1) (STB served May 15, 2020).

According to the verified notice, MMRL and CACR have entered into a letter of intent that, subsequent to completion of an executed purchase and sale agreement, provides MMRL with the right to acquire the Line from CACR, conduct common carrier service over the Line, and acquire trackage rights over the Drake Lines. MMRL states that, after consummating the proposed transaction, it expects to operate as a Class III rail carrier.

MMRL certifies that the transaction does not involve any provision that would prohibit or limit future interchange with any third-party connecting carrier. MMRL further certifies that its projected annual revenues are not expected to exceed \$5 million and will not result in MMRL's becoming a Class I or Class II rail carrier.

The earliest this transaction may be consummated is March 30, 2025, the effective date of the exemption. If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than March 21, 2025 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36842, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on MMRL's representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606-3208.

According to MMRL, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at www.stb.gov.

Decided: March 10, 2025.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Kenyatta Clay,
Clearance Clerk.

[FR Doc. 2025-04051 Filed 3-13-25; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Request To Release Airport Property; Liberal Mid-America Regional Airport (LBL), Liberal, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on request to release airport property for land disposal.

SUMMARY: The FAA proposes to rule and invites public comment on the release and sale of eleven parcels of land at the Liberal Mid-America Regional Airport (LBL), Liberal, Kansas.

DATES: Comments must be received on or before April 14, 2025.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Amy J. Walter, Airports Land Specialist, Federal Aviation Administration, Airports Division, ACE-620G, 901 Locust Room 364, Kansas City, MO 64106.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to: Brian Fornwalt, Airport Manager, Liberal Mid-America Regional Airport, 302 Terminal Road, P.O. Box 2199, Liberal, KS 67901, (620) 626-0188.

FOR FURTHER INFORMATION CONTACT: Amy J. Walter, Airports Land Specialist, Federal Aviation Administration, Airports Division, ACE-620G 901 Locust Room 364, Kansas City, MO 64106, (816) 329-2603, amy.walter@faa.gov.

The request to release property may be reviewed, by appointment, in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release and sell a tract of land in the airport industrial park totaling approximately 13.23 acres of airport property at the Liberal Mid-America Regional Airport (LBL) under the provisions of 49 U.S.C. 47107(h)(2). The Airport Manager has requested from the FAA the release of airport property be released for sale for commercial use. The FAA determined the request to release and sell property at Liberal Mid-

America Regional Airport (LBL) meets the procedural requirements of the Federal Aviation Administration and the release and sale of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this Notice.

The following is a brief overview of the request: Liberal Mid-America Regional Airport (LBL) is proposing the release and sale of a tract of land in the airport industrial park totaling approximately 13.23 acres of airport property. The release of land is necessary to comply with Federal Aviation Administration Grant Assurances that do not allow federally acquired airport property to be used for non-aviation purposes. The sale of the subject property will result in the release of land and surface rights at the Liberal Mid-America Regional Airport (LBL) from the conditions of the AIP Grant Agreement Grant Assurances. In accordance with 49 U.S.C. § 47107(c)(2)(B)(i) and (iii), the airport will receive fair market value and the property will be used for development of a commercial business.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, request an appointment and inspect the application, notice and other documents determined by the FAA to be related to the application in person at the Liberal Mid-America Regional Airport.

Issued in Kansas City, MO, on March 10, 2025.

Edward A. Hyatt,

Acting Director, FAA Central Region, Airports Division.

[FR Doc. 2025-04108 Filed 3-13-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request for Form 14411

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to

comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning the burden related to Form 14411, *Systemic Advocacy Issue Submission*.

DATES: Written comments should be received on or before May 13, 2025 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 60 days of publication of this notice to omb.unit@irs.gov. Please include, "OMB Number: 1545-1832—Public Comment Request Notice" in the Subject line. Requests for additional information or copies of this collection can be directed to Ronald J. Durbala, at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Systemic Advocacy Issue Submission.

OMB Number: 1545-1832.

Project Number: Form 14411.

Abstract: This form is for taxpayers (individual and business), tax professionals, trade and business associations, etc. to submit systemic problems. These problems may pertain to experiences with the Internal Revenue Service's processes procedures or make legislative recommendations.

Current Actions: There is no change to the form previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals, not-for-profit institutions, farms, Federal, State, Local or Tribal governments.

Estimated Number of Respondents: 420.

Estimated Time per Respondent: 48 min.

Estimated Total Annual Burden Hours: 336.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: March 11, 2025.

Ronald J. Durbala,

IRS Tax Analyst.

[FR Doc. 2025-04100 Filed 3-13-25; 8:45 am]

BILLING CODE 4830-01-P



FEDERAL REGISTER

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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 U.S. Coast Guard Base Kodiak Homeporting Facility in Kodiak, Alaska; Notice

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XE174]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to U.S. Coast Guard Base Kodiak Homeporting Facility in Kodiak, Alaska

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

ACTION: Notice; proposed incidental harassment authorizations; request for comments on proposed authorization and possible renewal.

SUMMARY: NMFS has received a request from the U.S. Coast Guard (USCG) for authorization to take marine mammals incidental to 2 years of construction activities associated with the Base Kodiak Homeporting Facility project in Womens Bay, Kodiak Alaska. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue two consecutive 1-year incidental harassment authorizations (IHAs) 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 April 14, 2025.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service and should be submitted via email to ITP.Fleming@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-construction-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: Kate Fleming, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:**Background**

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as “mitigation”); and requirements pertaining to the monitoring and reporting of the takings. The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below and can be found in section 3 of the MMPA (16 U.S.C. 1362) and NMFS regulations at 50 CFR 216.103.

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 two consecutive IHAs) 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 IHAs qualifies to be categorically excluded from further NEPA review.

We will review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the request for two consecutive IHAs.

Summary of Request

On April 8, 2024, NMFS received a request from the USCG for two consecutive IHAs to take marine mammals incidental to construction associated with the USCG’s Base Kodiak Homeport Facility project in Womens Bay in Kodiak, Alaska. Following NMFS’ review of the application and associated discussions, the USCG submitted a revised version on June 14, 2024, July 17, 2024, and November 28, 2024. The application was deemed adequate and complete on December 7, 2024. The USCG’s request is for take of 12 species of marine mammals, by Level B harassment and, for Dall’s porpoise, harbor porpoise, harbor seal, northern elephant seal, Steller sea lion, and northern fur seal, Level A harassment. Neither the USCG nor NMFS expect serious injury or mortality to result from this activity and, therefore, IHAs are appropriate.

Description of Proposed Activity*Overview*

The USCG plans to upgrade waterfront facilities to construct a homeport facility for two Fast Response Cutters and two Offshore Patrol Cutters at Base Kodiak, in Womens Bay, Kodiak, Alaska. The facility will also provide berthing and supporting infrastructure for temporary homeporting (up to 5 years) and long-term major maintenance of an additional Fast Response Cutter to be homeported in Seward, Alaska.

The activities that have the potential to take marine mammals by Level A and Level B harassment include removal and installation of timber, concrete, and steel piles by vibratory or impact pile driving and down the hole (DTH) drilling. A total of 340 in-water construction days are planned across 2 years. The first year of construction activities would begin May 19, 2025 and continue through May 18, 2026, and the second year of construction activities would begin May 19, 2026 and continue through May 18, 2027.

The USCG has requested the issuance of two consecutive IHAs in association with the two project years. Given the similarities in activities between project years, NMFS is issuing a single **Federal Register** notice to solicit public comments on the issuance of the two similar, but separate, IHAs.

Dates and Duration

The USCG anticipates that the project will take place over 2 years. The Year 1 IHA would be effective from May 19, 2025 through May 18, 2026, and the Year 2 IHA would be effective from May 19, 2026 through May 18, 2027. The specified activities would occur any time during each project year, for 7–14 hours each day, depending on time of year, during daylight hours only. A total of 264 days of in-water work are planned in Year 1 and 76 construction days of in-water work are planned in year 2.

Specific Geographic Region

Coast Guard Base Kodiak is located on Womens Bay, a largely enclosed arm of the larger Chiniak Bay on the northeast side of Kodiak Island, Alaska's largest island. Womens Bay is separated from the rest of Chiniak Bay by Nyman

Peninsula providing a protected harbor for Coast Guard vessels. Womens Bay is approximately 3.5 miles (mi) (5.6 kilometers (km)) long and water depths range from 0 to 100 ft (31 meters (m)). Near the planned activities, Womens Bay is approximately 1,700 feet (ft) (519 m) wide and 30 ft (9 m) deep.

The shores of Womens Bay are relatively undeveloped; only the most inner portion of Womens Bay, which includes Base Kodiak and several other industries, have significant existing shoreline development. The peninsula and the inner shore host several waterfront and industrial uses that support current mission-related USCG operations, including the operational fuel pier and Cargo Wharf. The Cargo Wharf provides berthing for Base Kodiak cutters and visiting vessels and is where project activities are planned.

BILLING CODE 3510-22-P

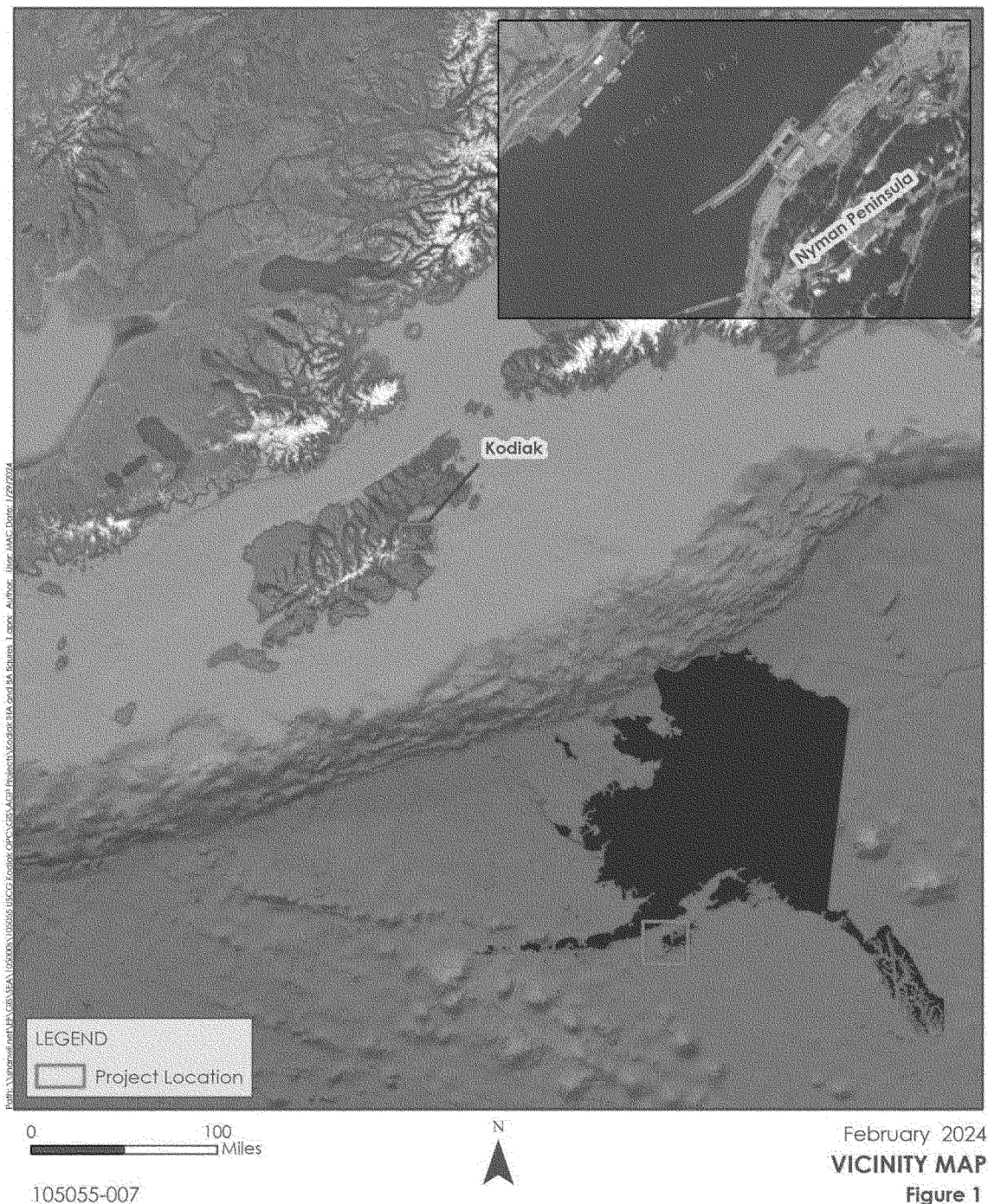


Figure 1 – Project Location on Kodiak Island, Alaska

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Detailed Description of the Specified Activity

At Base Kodiak in Womens Bay, Kodiak, Alaska, the USCG is upgrading existing waterfront and constructing new shore facilities to construct a homeport facility for two Fast Response Cutters and two Offshore Patrol Cutters and a temporary homeport facility for an additional Fast Response Cutter to be homeported in Seward, Alaska. The

USCG estimates that Year 1 activities associated with this IHA would include (1) demolition of 363 piles (14-in and 24-in timber; 12-in and 14-in steel; 24-in steel filled with concrete) via vibratory removal, pulling, or cutting (a 1.5 multiplier was added to the total number of existing piles to be removed to account for uncertainty in the existing site conditions. As such, 363 piles is a conservative estimate) (table 1); (2) installation of 217 permanent

piles (24-in and 42-in steel; and 24-inch pre-cast square concrete) piles via vibratory and impact pile driving and DTH drilling; (3) installation of 488 permanent stone columns installed below the mudline below mean high water using vibroflotation and replacement to improve soil stability; (4) installation of 495 permanent stone columns above the mean high water (in-air work) using vibroflotation and replacement to improve soil stability;

and (5) vibratory installation and removal of 94 36-in steel temporary guide piles. The USCG estimates that Year 2 activities would include (1) the installation of 75 permanent piles (24-in, 30-in, 36-in, and 42-in steel) via vibratory and impact pile driving and DTH; and (2) vibratory installation and removal of 44 36-in steel temporary guide piles. See the IHA application for a site-specific description of activities.

Vibratory hammers use vibratory drivers to rapidly alternate forces by rotating eccentric weights. This process “liquefies” the soil surrounding the pile so that the pile can either penetrate or be removed from the ground with reduced resistance. Vibratory hammers would be used for all pile extraction of existing piles (14-inch and 24-inch timber piles, 12-inch and 14-inch steel piles, and 24-inch concrete-filled piles) at an assumed rate of 20 piles per day. For pile installation of permanent and temporary piles, a vibratory hammer would likely be used until refusal which is anticipated to take 15 to 20 minutes per pile at a rate of four to six piles per day, after which either impact and/or DTH drilling would be employed to reach depth.

If piles cannot be removed using vibratory methods, they would be cut-off at the mudline using a hydraulic chainsaw or hydraulic shearing device operated by divers.

An impact hammer is a steel device that uses air or ignited fuel to lift a heavy piston, then allows gravity to drop the piston on top of the pile, repeating until the pile is driven into

the substrate (Washington State Department of Transportation [WSDOT], 2020). Impact pile driving is anticipated to occur during pile installation; piles would be impact-driven at a rate of four to six piles a day in combination with DTH drilling after vibratory methods have met refusal. Impact pile driving may also be used during pile proofing.

DTH systems use a combination of percussive and drilling mechanisms to advance a hole into the rock, with or without simultaneously advancing a pile or casing into that hole. Drill cuttings and debris at the rock face are removed by an air-lift exhaust up the inside of the pile (Guan and Miner, 2020). DTH systems will be used to drill a rock socket approximately 10 ft (3 m) depth below the pile tip. A rebar cage would then be inserted from the base of the socket to some distance into the pile and backfilled with concrete from the base of the socket to some distance up the pile. DTH methods are anticipated to take 150 minutes per pile with an installation rate of two piles per day.

Vibroflotation and replacement is a type of vibrocompaction commonly used to partially replace poor soil material by flushing out the weaker soil and replacing it with granular fill material resulting in a stone column (VGL, 2023). An approximately 30-inch-diameter torpedo-shaped, vibrating probe (a “vibroflot”) would be vibrated vertically into the fill placed within the bulkhead. The resulting hole would then be backfilled with gravel as the vibroflot is removed to create stone columns within the substrate. This

process would be repeated within a grid to create stone columns, approximately 2.5 ft (0.8 m) apart. Installation of vibroflot columns is assumed to require up to 45 minutes of vibratory equipment use per column. Vibroflotation and replacement would occur above and below the mean high water line. Vibroflotation and replacement above the mean high water line (*i.e.*, 135 vibroflots to stabilize some shoreline outside the bulkhead and 360 vibroflots to stabilize the approach bulkhead) is not expected to result in take of marine mammals as pinnipeds are not known to haulout within the project area.

Permanent piles would be installed through sand and gravel with a vibratory hammer until advancement stops. Then, the pile will be driven to depth with an impact hammer. If design tip elevation is still not achieved, the contractor will utilize a DTH drill to secure the pile. Pile depths are expected to be approximately 40 to 70 ft (12 m to 21 m) below the mudline and estimated to take approximately 1.25 to 4 hours per pile to be driven, depending on which method is utilized. Temporary 36-inch-diameter piles will be installed and removed using a vibratory hammer. Soil-stabilizing stone columns will be installed using vibroflotation and replacement, a type of vibrocompaction commonly used within offshore fills. To account for unforeseen circumstances like poor weather, the contractor added a 20 percent contingency to the number of days of effort for each pile type.

TABLE 1—YEAR 1 SUMMARY OF PLANNED ACTIVITIES

Pile size and type	Number of piles for removal	Number piles for installation	Vibratory piles/day; min/pile	Impact piles/day; strikes/pile	Days of effort		
					Vibratory	Impact	DTH
Temporary Piles:							
36-in Steel	94	94	6/day; 20 min/pile	N/A	38	0	0
Permanent Piles:							
14-in Timber	158	N/A	20/day; 10 min/pile	N/A	10	N/A	N/A
24-in Timber	24	N/A	20/day; 10 min/pile	N/A	2	N/A	N/A
12-in Steel	147	N/A	20/day; 10 min/pile	N/A	9	N/A	N/A
14-in Steel	30	N/A	20/day; 10 min/pile	N/A	2	N/A	N/A
24-in Steel	N/A	22	6/day; 20 min/pile	6/day; 1,800 strikes/pile	5	5	7
42-in Steel	N/A	160	6/day; 20 min/pile	6/day; 2,400 strikes/pile	32	32	48
24-in steel filled with concrete.	4	N/A	20/day; 10 min/pile	N/A	1	N/A	N/A
24-in precast square concrete.	N/A	35	6/day; 20 min/pile	6/day; 2,400 strikes/pile	7	7	N/A
Soil stabilizing stone columns:							
Vibroflot soil stabilization columns [below Mean High Water (MHW)].	N/A	488	10/day; 45 min/pile	N/A	59	N/A	N/A

TABLE 2—YEAR 2 SUMMARY OF PLANNED ACTIVITIES

Pile size and type	Number of piles for removal	Number piles for installation	Vibratory piles/day; min/pile	Impact piles/day; strikes/pile	Days of effort		
					Vibratory	Impact	DTH
Temporary Piles:							

TABLE 2—YEAR 2 SUMMARY OF PLANNED ACTIVITIES—Continued

Pile size and type	Number of piles for removal	Number piles for installation	Vibratory piles/day; min/pile	Impact piles/day; strikes/pile	Days of effort		
					Vibratory	Impact	DTH
36-in Steel	44	44	6/day; 20 min/pile	N/A	18	0	0
Permanent Piles:							
24-in Steel	N/A	20	6/day; 20 min/pile	6/day; 1,800 strikes/pile	4	4	6
30-in Steel	N/A	23	6/day; 20 min/pile	6/day; 1,800 strikes/pile	5	5	7
36-in Steel	N/A	8	4/day; 20 min/pile	4/day; 1,800 strikes/pile	3	3	3
42-in Steel	N/A	24	6/day; 20 min/pile	6/day; 2,400 strikes/pile	5	5	8

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (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>).

Table 3 lists all species or stocks for which take is expected and proposed to be authorized both proposed IHAs, and 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. PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no serious injury or mortality (M/SI) is anticipated or proposed to be authorized here, PBR and annual serious injury and mortality from anthropogenic sources

are included here as gross indicators of the status of the species or stocks and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' U.S. Alaska and Pacific SARs. All values presented in table 3 are the most recent available at the time of publication (including from the 2023 SARs) and are available online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>.

TABLE 3—SPECIES ¹ WITH ESTIMATED TAKE FROM THE SPECIFIED ACTIVITIES

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) ²	Stock abundance (CV, N _{min} , most recent abundance survey) ³	PBR	Annual M/SI ⁴
Order Artiodactyla—Cetacea—Mysticeti (baleen whales)						
<i>Family Eschrichtiidae:</i>						
Gray Whale	<i>Eschrichtius robustus</i>	ENP	- , - , N	26,960 (0.05, 25,849, 2016) ..	801	131
<i>Family Balaenopteridae (rorquals):</i>						
Fin Whale	<i>Balaenoptera physalus</i>	Northeast Pacific	E, D, Y	UND (UND, UND, 2013) ⁵	UND	0.6
Humpback Whale	<i>Megaptera novaeangliae</i>	Hawai'i	- , - , N	11,278 (0.56, 7,265, 2020)	127	27.09
		Mexico-North Pacific	T, D, Y	N/A (N/A, N/A, 2006) ⁶	UND	0.57
		Western-North Pacific	E, D, Y	1,0844 (0.88, 1,007, 2006)	⁷ 3.4	⁷ 5.82
Minke Whale	<i>Balaenoptera acutorostrata</i>	AK	- , - , N	N/A (N/A, N/A, N/A) ⁸	UND	0
Odontoceti (toothed whales, dolphins, and porpoises)						
<i>Family Delphinidae:</i>						
Killer Whale	<i>Orcinus orca</i>	ENP Alaska Resident	- , - , N	1,920 (N/A, 1,920, 2019) ⁹	19	1.3
		ENP Gulf of Alaska, Aleutian Islands and Bering Sea Transient.	- , - , N	587 (N/A, 587, 2012) ¹⁰	5.9	0.8
Pacific White-Sided Dolphin.	<i>Lagenorhynchus obliquidens</i>	N Pacific	- , - , N	26,880 (N/A, N/A, 1990)	UND	0
<i>Family Phocoenidae (porpoises):</i>						
Dall's Porpoise	<i>Phocoenoides dalli</i>	AK	- , - , N	UND (UND, UND, 2015) ¹¹	UND	37
Harbor Porpoise	<i>Phocoena phocoena</i>	Gulf of Alaska	- , - , Y	31,046 (0.21, N/A, 1998)	UND	72
Order Carnivora—Pinnipedia						
<i>Family Otariidae (eared seals and sea lions):</i>						
Northern Fur Seal	<i>Callorhinus ursinus</i>	Eastern Pacific	- , D, Y	626,618 (0.2, 530,376, 2019)	11,403	373
Steller Sea Lion	<i>Eumetopias jubatus</i>	Western	E, D, Y	9,837 (N/A, 49,837, 2022) ¹² ..	299	267

TABLE 3—SPECIES¹ WITH ESTIMATED TAKE FROM THE SPECIFIED ACTIVITIES—Continued

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) ²	Stock abundance (CV, N _{min} , most recent abundance survey) ³	PBR	Annual M/SI ⁴
<i>Family Phocidae (earless seals):</i>						
Harbor Seal	<i>Phoca vitulina</i>	South Kodiak	- , - , N	26,448 (N/A, 22,351, 2017) ...	939	127
Northern Elephant Seal	<i>Mirounga angustirostris</i>	CA Breeding	- , - , N	187,697 (N/A, 85,369, 2013)	5,122	13.7

¹ Information on the classification of marine mammal species can be found on the web page for The Society for Marine Mammalogy's Committee on Taxonomy (<https://marinemammalscience.org/science-and-publications/list-marine-mammal-species-subspecies/>; Committee on Taxonomy (2022)).

² Endangered Species Act (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-cause mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

³ NMFS marine mammal stock assessment reports online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region>. CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance.

⁴ These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (e.g., commercial fisheries, 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.

⁵ The best available abundance estimate for this stock is not considered representative of the entire stock as surveys were limited to a small portion of the stock's range. Based on upon this estimate and the N_{min}, the PBR value is likely negatively biased for the entire stock.

⁶ Abundance estimates are based upon data collected more than 8 years ago and therefore, current estimates are considered unknown.

⁷ PBR in U.S waters = 0.2, M/SI in U.S. waters = 0.06.

⁸ Reliable population estimates are not available for this stock. See Friday *et al.*, 2013 and Zerbini *et al.*, 2006 for additional information on number of minke whales in Alaska.

⁹ Nest is based upon counts of individuals identified from photo-ID catalogs.

¹⁰ The most recent abundance estimate is likely unreliable as it covered a small area that may not have included females and juveniles, and did not account for animals missed on the trackline. The calculated PBR is not a reliable index for the stock as it is based upon a negatively biased minimum abundance estimate.

¹¹ The best available abundance estimate is likely an underestimate for the entire stock because it is based upon a survey that covered only a small portion of the stock's range.

¹² Nest is best estimate of counts, which have not been corrected for animals at sea during abundance surveys. Estimates provides are for the United States only. The overall N_{min} is 73,211 and overall PBR is 439.

As indicated above, all 12 species (with 15 managed stocks) in table 3 temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur. All species that could potentially occur in the proposed construction area are included in table 3–1 of the application for two consecutive IHAs. While North Pacific right whale and Goose-beaked whales have been reported in waters off of Kodiak Island, the temporal and/or spatial occurrence of these species is such that take is not expected to occur, and they are not discussed further beyond the explanation provided here. Goose-beaked whale prefer deep, pelagic waters and both species would be considered very rare in the project area. Additionally, USCG initially requested take for sperm whale, but sperm whale inhabit deep water and the project area is well outside their range.

In addition, the northern sea otter may be found in Kodiak, Alaska. However, northern sea otter are managed by the U.S. Fish and Wildlife Service and are not considered further in this document.

Gray Whale

Gray whales are found most regularly throughout the North Pacific Ocean in shallow coastal waters, occasionally crossing deep waters during migration (NOAA Fisheries, 2022f).

Two distinct population segments (DPS) of gray whale occur in the north Pacific: the Eastern North Pacific Distinct Population Segment (delisted

and the Western North Pacific DPS (Endangered). The Eastern North Pacific DPS is more likely to occur near Kodiak Archipelago.

During aerial surveys conducted between 1999 and 2005 for Sea Grant Gulf Apex Predator-Prey Project, gray whales were primarily observed near Ugak Bay, approximately 30 (km) (17 mi) south of the project area (straightline) (Sea Grant Alaska, 2012). Smaller numbers of gray whales were also observed approximately 15 km (9 mi) to the southeast of the project site, in Chiniak Bay (Sea Grant Alaska 2012). During a ferry terminal reconstruction and dock improvement project completed in Kodiak Harbor, approximately 9 km (6 m) north of site, monitors observed marine mammals during construction activities on 110 days between November 10, 2015 and June 16, 2016 (ABR, Inc., 2016). No gray whales were observed during that time.

Wild *et al.*, 2023 identified a Gray Whale Migratory Route Biologically Important Area (BIA) that intersects with a small portion of the project area during the months of January, March, April, May, November and December, with an importance score of 1 (the lowest of three possible scores (1, 2, or 3), reflecting an intensity score of 2 (indicating an area of moderate comparative significance) and a Data Support score of 1 (lower relative confidence in the available supporting data). Wild *et al.*, 2023 also identified the waters to the south east of Kodiak Island as a BIA for Gray Whale for

feeding during June through August, April and May, and September and October. However, this BIA does not intersect with the project area.

While the shallow waters of Womens Bay do not represent preferred habitat for large whales, given confirmed gray whale sightings in Chiniak Bays, and that a small portion of the project area at the mouth of Womens Bay overlaps with a small portion of a BIA for this species, gray whales could occur within the project area.

Fin Whale

Fin whales are known to occur in the Kodiak Island area, though their distributions shift between years (Zerbini *et al.*, 2006). Aerial surveys conducted between 1999 and 2005 for Sea Grant Gulf Apex Predator-Prey Project indicate that some of the highest concentrations of fin whale in the region occur around Kodiak Island (Sea Grant Alaska, 2012). Across 110 monitoring days between November 10, 2015 and June 16, 2016 no fin whales were observed during the ferry terminal reconstruction and dock improvement project in Kodiak Harbor (ABR, Inc. *et al.*, 2016).

Wild *et al.* (2023) identified the waters around Kodiak Island (including a small portion of the proposed project area) as a BIA for fin whales for feeding during the months of June through September, with an importance score of 1 (the lowest of three possible scores (1, 2, or 3), reflecting an Intensity score of 1 (indicating an area of lower

comparative significance) and a Data Support score of 2 (moderate relative confidence in the available supporting data).

There are no known recent observations of fin whale in Womens Bay and the shallow waters of Womens Bay do not represent preferred habitat for large whales. However, fin whales do use coastal areas in the Gulf of Alaska and a small portion of the project area at the mouth of Womens Bay overlaps with a small portion of a BIA for this species, and as such, fin whale could occur within the project area.

Humpback Whale

Humpback whales occur along the coastline of the Kodiak Archipelago, including areas just outside of Womens Bay in Chiniak Bay (Baraff, 2006; Sea Grant Alaska, 2012). Humpback whales often feed in shallower waters closer to the coastline, and have been documented in shallow coastal waters near Kodiak Island on some years (Baraff 2006, ABR Inc., 2016). The highest concentrations occur near Ugak Bay with numbers peaking in August (Sea Grant Alaska, 2012). Across 110 monitoring days between November 10, 2015 and June 16, 2016 one humpback whale was observed during the ferry terminal reconstruction and dock improvement project in Kodiak Harbor (ABR, Inc. *et al.*, 2016).

According to Wade *et al.*, 2023, humpback whales in Kodiak are most likely to be from the Hawaii DPS (88 percent probability), with an 11 percent probability of being from the threatened Mexico DPS and 1 percent probability of being from the endangered Western North Pacific DPS.

Wild *et al.* (2023) identified the waters around and to the East of Kodiak Island as a feeding BIA for humpback whales during the months of May through September, with an importance score of 1 (the lowest of three possible scores (1, 2, or 3), reflecting an Intensity score of 2 (indicating an area of moderate comparative significance) and a Data Support score of 1 (lower relative confidence in the available supporting data). A small portion of the project area at the mouth of Womens Bay overlaps with a small portion of this BIA.

While the shallow waters of Womens Bay do not represent preferred habitat for large whales, given confirmed humpback whale sightings in Chiniak Bay, and that a small portion of the project area at the mouth of Womens Bay overlaps with a small portion of this BIA, humpback whales could occur within the project area

Minke Whale

During the Gulf of Alaska Line-Transsect Survey (GOALS) II, so few individuals were sighted in the central Gulf of Alaska that no abundance estimates could be computed (Rone *et al.*, 2014). Across 110 monitoring days between November 10, 2015 and June 16, 2016 no minke whales were observed during the ferry terminal reconstruction and dock improvement project in Kodiak Harbor (ABR, Inc. *et al.*, 2016). However, a few observations of minke whale were recorded in nearshore waters near Kodiak Island during line transect surveys conducted in central Alaska coastal waters (Zerbini *et al.*, 2006). They are often observed in groups of two or three (Guerrero, 2008).

Killer Whale

The fish-eating Alaska Resident stock of killer whale most commonly occurs in nearshore waters near the project area throughout the year. Transient killer whales are known to frequent the Kodiak Harbor area to hunt Steller sea lions during the months of February through May (UAF, 2015). A total of 19 killer whales in 4 pods were observed across 110 days of monitoring between November 10, 2015 and June 16, 2016 during the Kodiak Ferry Terminal Dock Improvements Project, (ABR, Inc., 2016). The largest of these pods included seven individuals. The Sunaq Tribe of Kodiak indicated that killer whales have only been observed in the project area approximately two times in the last 5 years (Van Daele, 2024, personal communication).

Pacific White-Sided Dolphin

Pacific white-sided dolphins sometimes occur in pods of thousands, but group sizes are usually between 10 and 100 animals (Clark, 2008b; NMFS, 2022). In 2015, NOAA Fisheries Southwest Fisheries Science Center (SWFSC) in collaboration with NOAA Fisheries Alaska Fisheries Science Center undertook a robust whale survey along the U.S. and Canadian Pacific coast (Weller, 2021). During the SWFSC survey several Pacific white-sided dolphins were sighted south of the project area between Chiniak and Sitkalidak Island (Weller, 2021). Across 110 monitoring days between November 10, 2015 and June 16, 2016 no Pacific white-sided dolphins were observed during the ferry terminal reconstruction and dock improvement project in Kodiak Harbor (ABR, Inc. *et al.*, 2016). Given their preference for deeper, pelagic waters, Pacific white-sided dolphins have the potential to occur near Base Kodiak, which is situated

close to the edge of the continental shelf and the Chiniak trough.

Dall's Porpoise

Several surveys conducted by the National Marine Mammal Laboratory (NMML) in the late 1990s documented dozens of Dall's porpoises in waters around Kodiak Island (Hobbs, 2004). They have been documented around Kodiak Island and occur in nearshore habitats. However, across 110 monitoring days between November 10, 2015 and June 16, 2016 no Dall's porpoise were observed during the ferry terminal reconstruction and dock improvement project in Kodiak Harbor (ABR, Inc. *et al.*, 2016), and the Sunaq Tribe of Kodiak indicates that this species has never been observed in Womens Bay (Van Daele, 2024, personal communication).

Harbor Porpoise

During the 1992 NMML Harbor Porpoise Aerial Survey conducted around Kodiak Island, dozens of harbor porpoises were spotted, with one documentation occurring within the action area (Dahlheim *et al.*, 2000). Group sizes reported during the same survey averaged 1.41 individuals (Dahlheim *et al.*, 2000). A total of six harbor porpoise were documented across 110 monitoring days between November 10, 2015 and June 16, 2016 during the ferry terminal reconstruction and dock improvement project in Kodiak Harbor (ABR, Inc. *et al.*, 2016). The largest group size was two.

Harbor porpoises are known to frequent nearshore habitats, including bays, and have been documented in bays near the project area (Van Daele, 2024, personal communication); therefore, harbor porpoises may intermittently enter the project area.

Northern Elephant Seal

Northern elephant seals are uncommon in Alaskan waters and rarely seen as far north as Kodiak Island. However, the Sunaq Tribe of Kodiak indicated that a northern elephant seal was observed near the project area for about 10 days in 2023.

Northern Fur Seal

Northern fur seals inhabit deep pelagic waters for most of their lives. The closest documented occurrence occurred approximately 60 miles west of the project area (Hobbs, 2004). Across 110 monitoring days between November 10, 2015 and June 16, 2016 no northern fur seal were observed during the ferry terminal reconstruction and dock improvement project in Kodiak Harbor (ABR, Inc. *et al.*, 2016).

Steller Sea Lion

Steller sea lions in the project area are anticipated to be part of the western DPS (western stock; Hastings *et al.*, 2020).

Steller sea lions do not follow traditional migration patterns, but will move from offshore rookeries in the summer to more protected haulouts closer to shore in the winter. They use rookeries and haulouts as resting spots as they follow prey movements and take foraging trips for days, usually within a few miles of their rookery or haulout. They are generalist marine predators and opportunistic feeders based on seasonal abundance and location of prey. Steller sea lions forage in nearshore as well as offshore areas, following prey resources.

Steller sea lion critical habitat in western Alaska includes a 20 nautical mile buffer around all major haulouts and rookeries as well as associated terrestrial, air and aquatic zones, and three large offshore foraging areas. The project area would overlap with the aquatic zone of Steller sea lion haulouts designated as critical habitat.

Limited data exist to inform the potential occurrence of Steller sea lion in Womens Bay. Although the Comprehensive Plan for the Womens Bay community does note that sea lions inhabit the bay (Kodiak Island Borough *et al.*, 2006), the Sunaq Tribe of Kodiak suggests that Steller Sea Lion are rarely observed in Womens Bay. Steller sea

lion are more abundant approximately 9 km northeast of the project area, where the Kodiak Ferry Terminal project was planned in 2015 (80 FR 51211, August 24, 2015). At this location, Steller sea lions regularly haul out on the artificial haulout float called Dog Bay in St. Herman Harbor, near the Kodiak Ferry Terminal. This haulout is not designated as a major haulout and is not considered Steller Sea Lion critical habitat. A bi-weekly census of Steller sea lions at the Dog Bay float, was conducted from November 2015 to June 2016 in association with the Kodiak Ferry Terminal project, revealing maximum numbers (>100) from mid-March through mid-June, with 5,111 total observations from November 2015 to June 2016 (ABR Inc, 2016). Additionally, counts conducted by Protected Species Observers during the Kodiak Terminal and Dock Improvements Project documented 6 to 114 Steller sea lion (33 on average) observations daily (ABR, Inc., 2016).

Harbor Seal

The Sunaq Tribe of Kodiak indicates that large congregations (approximately 24 individuals) of harbor seals are frequently observed within the project area, concentrating near Mary’s Island to dive for prey. During the Kodiak Ferry Terminal and Dock Improvements Project (approximately 6 miles northeast of the Proposed Action), 13 sightings of seals, with a maximum group size of 3,

were reported during the 110 days of monitoring (ABR Inc, 2016).

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.*). Note that no direct measurements of hearing ability have been successfully completed for mysticetes (*i.e.*, low-frequency cetaceans). Subsequently, NMFS (2024) described updated generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges chosen based on the ~65 decibel (dB) threshold from composite audiograms, previous analyses in NMFS (2019, and/or data from Southall *et al.*, (2007) and Southall *et al.*, (2019). Marine mammal hearing groups and their associated hearing ranges are provided in table 4.

TABLE 4—MARINE MAMMAL HEARING GROUPS [NMFS, 2024]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 36 kHz.
High-frequency (HF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
Very High-frequency (VHF) cetaceans (true porpoises, <i>Kogia</i> , river dolphins, Cephalorhynchid, <i>Lagenorhynchus cruciger</i> & <i>L. australis</i>).	200 Hz to 165 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	40 Hz to 90 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 68 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.*, all species within the group), where individual species’ hearing ranges may not be as broad. Generalized hearing range chosen based on ~65 dB threshold from composite audiogram, previous analysis in NMFS 2018, and/or data from Southall *et al.*, 2007; Southall *et al.*, 2019. Additionally, animals are able to detect very loud sounds above and below that “generalized” hearing range.

For more detail concerning these groups and associated frequency ranges, please see NMFS (2024) for a review of available information.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

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 Sound Sources

The marine soundscape is comprised of both ambient and anthropogenic sounds. Ambient sound is defined as the all-encompassing sound in a given place and is usually a composite of sound from many sources both near and

far (American National Standards Institute (ANSI), 1995). The sound level of an area is defined by the total acoustical energy being generated by known and unknown sources. These sources may include physical (e.g., waves, wind, precipitation, earthquakes, ice, atmospheric sound), biological (e.g., sounds produced by marine mammals, fish, and invertebrates), and anthropogenic sound (e.g., vessels, dredging, aircraft, construction).

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 shipping 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 the 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 the specified activity may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals.

In-water construction activities associated with the project would include impact pile driving, vibratory pile driving and removal, and use of DTH equipment. The sounds produced by these activities fall into one of two general sound types: impulsive and non-impulsive. Impulsive sounds (e.g., explosions, gunshots, sonic booms, impact pile driving) are typically transient, brief (less than 1 second), broadband, and consist of high peak sound pressure with rapid rise time and rapid decay (ANSI, 1986; National Institute of Occupational Safety and Health (NIOSH), 1998; NMFS, 2018). Non-impulsive sounds (e.g., aircraft, machinery operations such as drilling or dredging, vibratory pile driving, and active sonar systems) can be broadband, narrowband or tonal, brief or prolonged (continuous or intermittent), and typically do not have the high peak sound pressure with rapid rise/decay time that impulsive sounds do (ANSI, 1995; NIOSH, 1998; NMFS, 2018). 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., Ward, 1997, in Southall *et al.*, 2007).

Three types of hammers would be used on this project: impact, vibratory, and DTH. Impact hammers operate by repeatedly dropping a heavy piston onto a pile to drive the pile into the substrate. Sound generated by impact hammers is characterized by rapid rise times and high peak levels, a potentially injurious combination (Hastings and Popper, 2005). Vibratory hammers install piles by vibrating them and allowing the weight of the hammer to push them into the sediment. Vibratory hammers produce significantly less sound than impact hammers. Peak sound pressure levels (SPLs) may be 180 dB or greater, but are generally 10 to 20 dB lower than SPLs generated during impact pile driving of the same-sized pile (Oestman *et al.*, 2009). Rise time is slower, reducing the probability and severity of injury, and sound energy is distributed over a greater amount of time (Nedwell and Edwards, 2002; Carlson *et al.*, 2005).

A DTH hammer is essentially a drill bit that drills through the bedrock using a rotating function like a normal drill, in concert with a hammering mechanism operated by a pneumatic (or sometimes hydraulic) component integrated into the DTH hammer to increase speed of progress through the substrate (*i.e.*, it is similar to a hammer drill hand tool). The sounds produced by the DTH method contain both continuous, non-impulsive, component from the drilling action and an impulsive component from the hammering effect. Therefore, we treat DTH systems as both impulsive and continuous, non-impulsive sound source types simultaneously.

The likely or possible impacts of USCG’s proposed activity on marine mammals could involve both non-acoustic and acoustic stressors. Potential non-acoustic stressors could result from the physical presence of equipment and personnel; however, any impacts to marine mammals are expected to be primarily acoustic in nature. Acoustic stressors include effects of heavy equipment operation during pile installation and removal.

Acoustic Effects

The introduction of anthropogenic noise into the aquatic environment from pile driving and removal and DTH is the means by which marine mammals may be harassed from USCG’s specified activity. In general, animals exposed to natural or anthropogenic sound may experience behavioral, physiological, and/or physical effects, ranging in

magnitude from none to severe (Southall *et al.*, 2007, 2019). In general, exposure to pile driving and DTH noise has the potential to result in behavioral reactions (e.g., avoidance, temporary cessation of foraging and vocalizing, changes in dive behavior) and, in limited cases, an auditory threshold shift (TS). Exposure to anthropogenic noise can also lead to non-observable physiological responses such as an increase in stress hormones. Additional noise in a marine mammal’s habitat can mask acoustic cues used by marine mammals to carry out daily functions such as communication and predator and prey detection. The effects of pile driving noise on marine mammals are dependent on several factors, including, but not limited to, sound type (e.g., impulsive vs. non-impulsive), the species, age and sex class (e.g., adult male vs. mom with calf), duration of exposure, the distance between the pile and the animal, received levels, behavior at time of exposure, and previous history with exposure (Wartzok *et al.*, 2004; Southall *et al.*, 2007). Here we discuss physical auditory effects (TSs) followed by behavioral effects and potential impacts on habitat.

NMFS defines a noise-induced TS 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 (NMFS, 2024). The amount of TS is customarily expressed in dB. A TS can be permanent or temporary. As described in NMFS (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 and vocalization 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 and Permanent Threshold Shift (PTS)—NMFS defines auditory injury (AUD INJ) as “damage to the inner ear that can result in destruction of tissue . . . which may or may not result in PTS” (NMFS, 2024). NMFS defines PTS 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). Available data from humans and other terrestrial mammals indicate that a 40-dB TS approximates PTS onset (Ward *et al.*, 1958, 1959; Ward 1960; Kryter *et al.*, 1966; Miller, 1974; Ahroon *et al.*, 1996; Henderson *et al.*, 2008). PTS levels for marine mammals are estimates, as with the exception of a single study unintentionally inducing PTS in a harbor seal (Kastak *et al.*, 2008), there are no empirical data measuring PTS in marine mammals largely due to the fact that, for various ethical reasons, experiments involving anthropogenic noise exposure at levels inducing PTS are not typically pursued or authorized (NMFS, 2018).

Temporary Threshold Shift (TTS)—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, 2018). Based on data from cetacean TTS measurements (Southall *et al.*, 2007, 2019), a TTS of 6 dB is considered the minimum TS clearly larger than any day-to-day or session-to-session variation in a subject's normal hearing ability (Schlundt *et al.*, 2000; Finneran *et al.*, 2000, 2002). As described in Finneran (2015), marine mammal studies have shown the amount of TTS increases with cumulative sound exposure level (SEL_{cum}) in an accelerating fashion: At low exposures with lower SEL_{cum}, the amount of TTS is typically small and the growth curves have shallow slopes. At exposures with higher SEL_{cum}, the growth curves become steeper and approach linear relationships with the noise SEL.

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 (similar to those discussed in *Masking*, below). 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 takes place during a time when the animal is traveling through the open ocean, 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. We note that reduced hearing sensitivity as a simple function of aging has been

observed in marine mammals, as well as humans and other taxa (Southall *et al.*, 2007), so we can infer that strategies exist for coping with this condition to some degree, though likely not without cost.

Many studies have examined noise-induced hearing loss in marine mammals (see Finneran (2015) and Southall *et al.* (2019) for summaries). TTS is the mildest form of hearing impairment that can occur during exposure to sound (Kryter, 2013). 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 (in cases of strong TTS). In many cases, hearing sensitivity recovers rapidly after exposure to the sound ends. For cetaceans, published data on the onset of TTS are limited to captive bottlenose dolphin (*Tursiops truncatus*), beluga whale, harbor porpoise, and Yangtze finless porpoise (*Neophocoena asiatica*) (Southall *et al.*, 2019). For pinnipeds in water, measurements of TTS are limited to harbor seals, elephant seals (*Mirounga angustirostris*), bearded seals (*Erignathus barbatus*) and California sea lions (*Zalophus californianus*) (Kastak *et al.*, 1999, 2007; Kastelein *et al.*, 2019b, 2019c, 2021, 2022a, 2022b; Reichmuth *et al.*, 2019; Sills *et al.*, 2020). TTS was not observed in spotted (*Phoca largha*) and ringed (*Pusa hispida*) seals exposed to single airgun impulse sounds at levels matching previous predictions of TTS onset (Reichmuth *et al.*, 2016). These studies examine hearing thresholds measured in marine mammals before and after exposure to intense or long-duration sound exposures. The difference between the pre-exposure and post-exposure thresholds can be used to determine the amount of threshold shift at various post-exposure times.

The amount and onset of TTS depends on the exposure frequency. Sounds at low frequencies, well below the region of best sensitivity for a species or hearing group, are less hazardous than those at higher frequencies, near the region of best sensitivity (Finneran and Schlundt, 2013). At low frequencies, onset-TTS exposure levels are higher compared to those in the region of best sensitivity (*i.e.*, a low frequency noise would need to be louder to cause TTS onset when TTS exposure level is higher), as shown for harbor porpoises and harbor seals (Kastelein *et al.*, 2019a, 2019c). Note that in general, harbor seals and harbor porpoises have a lower TTS onset than other measured pinniped or cetacean

species (Finneran, 2015). In addition, TTS can accumulate across multiple exposures, but the resulting TTS will be less than the TTS from a single, continuous exposure with the same SEL (Mooney *et al.*, 2009; Finneran *et al.*, 2010; Kastelein *et al.*, 2014, 2015). This means that TTS predictions based on the total, cumulative SEL will overestimate the amount of TTS from intermittent exposures, such as sonars and impulsive sources. Nachtigall *et al.* (2018) describe measurements of hearing sensitivity of multiple odontocete species (bottlenose dolphin, harbor porpoise, beluga, and false killer whale (*Pseudorca crassidens*)) when a relatively loud sound was preceded by a warning sound. These captive animals were shown to reduce hearing sensitivity when warned of an impending intense sound. Based on these experimental observations of captive animals, the authors suggest that wild animals may dampen their hearing during prolonged exposures or if conditioned to anticipate intense sounds. Another study showed that echolocating animals (including odontocetes) might have anatomical specializations that might allow for conditioned hearing reduction and filtering of low-frequency ambient noise, including increased stiffness and control of middle ear structures and placement of inner ear structures (Ketten *et al.*, 2021). Data available on noise-induced hearing loss for mysticetes are currently lacking (NMFS, 2018). Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species.

Relationships between TTS and PTS thresholds have not been studied in marine mammals, and there is no PTS data for cetaceans, but such relationships are assumed to be similar to those in humans and other terrestrial mammals. PTS typically occurs at exposure levels at least several decibels above that inducing mild TTS (*e.g.*, a 40-dB threshold shift approximates PTS 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 PTS thresholds for impulsive sounds (such as impact pile driving pulses as received close to the source) are at least 6 dB higher than the TTS threshold on a peak-pressure basis and PTS cumulative sound exposure level thresholds are 15 to 20 dB higher than TTS cumulative sound exposure level thresholds (Southall *et al.*, 2007, 2019). Given the higher level

of sound or longer exposure duration necessary to cause PTS as compared with TTS, it is considerably less likely that PTS could occur.

Activities for this project include impact and vibratory pile driving and removal and DTH. For the proposed project, these activities would not occur at that same time and there would likely be pauses in activities producing the sound during each day. Given these pauses and the fact that many marine mammals are likely moving through the project areas and not remaining for extended periods of time, the potential for TS declines.

Behavioral Harassment—Exposure to noise from pile driving and DTH also has the potential to behaviorally disturb marine mammals. Generally speaking, NMFS considers a behavioral disturbance that rises to the level of harassment under the MMPA a non-minor response—in other words, not every response qualifies as behavioral disturbance, and for responses that do, those of a higher level, or accrued across a longer duration, have the potential to affect foraging, reproduction, or survival. 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 may include changing durations of surfacing and dives, changing direction and/or speed; reducing/increasing vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); eliciting a visible startle response or aggressive behavior (such as tail/fin slapping or jaw clapping); avoidance of areas where sound sources are located. Pinnipeds may increase their haul out time, possibly to avoid in-water disturbance (Thorson and Reyff, 2006). 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.*, 2004; 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). In general, pinnipeds seem more tolerant of, or at least habituate more quickly to, potentially disturbing underwater sound than do cetaceans, and generally seem to be less responsive to exposure to industrial sound than most cetaceans. Please see Appendices B and C of Southall *et al.* (2007) and Gomez *et al.* (2016) for reviews 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.*, 2004). 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 above, 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; Wartzok *et al.*, 2004; National Research Council (NRC), 2005). Controlled experiments with captive marine mammals have showed pronounced behavioral reactions, including avoidance of loud sound sources (Ridgway *et al.*, 1997; Finneran *et al.*, 2003). Observed responses of wild marine mammals to loud pulsed sound sources (*e.g.*, seismic airguns) have been varied but often consist of avoidance behavior or other behavioral changes (Richardson *et al.*, 1995; Morton and Symonds, 2002; Nowacek *et al.*, 2007).

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). However, 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; Costa *et al.*, 2003; Ng and Leung, 2003; Nowacek *et al.*, 2004; Goldbogen *et al.*, 2013a, 2013b). Variations in dive behavior may reflect interruptions 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.*, 2007). A determination of whether foraging disruptions incur 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.

Variations 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). For example, harbor porpoise' respiration rate increased in response to pile driving sounds at and above a received broadband SPL of 136 dB (zero-peak SPL: 151 dB re 1 micropascal (μPa); SEL of a single strike: 127 dB re 1 $\mu\text{Pa}^2\text{-s}$) (Kastelein *et al.*, 2013).

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 (Miller *et al.*, 2000; Frstrup *et al.*, 2003) or vocalizations (Foote *et al.*, 2004), respectively, while North Atlantic right whales (*Eubalaena glacialis*) 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).

Avoidance is the displacement of an individual from an area or migration path as a result of the presence of a 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). 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., Blackwell *et al.*, 2004; Bejder *et al.*, 2006; Teilmann *et al.*, 2006).

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; Bowers *et al.*, 2018). 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 (England *et al.*, 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 fishes 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.

In 2015 and 2016, the Alaska Department of Transportation and Public Facilities documented observations of marine mammals during construction activities (i.e., pile driving and DTH) at the Kodiak Ferry Dock (see 80 FR 60636, October 7, 2015) across 110 monitoring days. In the marine mammal monitoring report for that project, 1,281 Steller sea lions were observed within the estimated Level B harassment zone during pile driving or drilling. Of these, 19 individuals demonstrated an alert behavior, seven were fleeing, and 19 swam away from the project site. All other animals (98 percent) were engaged in activities such as milling, foraging, or fighting and did not change their behavior. In addition, two sea lions approached within 20 m of active vibratory pile driving activities. Three harbor seals were observed within the disturbance zone

during pile driving activities; none of them displayed disturbance behaviors. Fifteen killer whales and 3 harbor porpoises were also observed within the estimated Level B harassment zone during pile driving. The killer whales were travelling or milling while all harbor porpoises were travelling. No signs of disturbance were noted for either of these species. Given the similarities in activities and habitat and the fact the same species are involved, we expect similar behavioral responses of marine mammals to the USCG's specified activity. That is, disturbance, if any, is likely to be temporary and localized (e.g., small area movements).

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 sufficient 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), however distress is an unlikely result of this project based on observations of marine mammals during previous, similar projects in the area.

Auditory Masking—Since many marine mammals rely on sound to find prey, moderate social interactions, and facilitate mating (Tyack, 2008), noise from anthropogenic sound sources can interfere with these functions, but only if the noise spectrum overlaps with the hearing sensitivity of the receiving marine mammal (Southall *et al.*, 2007; Clark *et al.*, 2009; Hatch *et al.*, 2012). Chronic exposure to excessive, though not high-intensity, noise could cause masking at particular frequencies for marine mammals that utilize sound for vital biological functions (Clark *et al.*, 2009). Acoustic masking is when other noises such as from human sources interfere 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). Therefore, under certain circumstances, marine mammals whose acoustical sensors or environment are being severely masked could also be impaired from maximizing their performance fitness in survival and reproduction. 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 (Hotchkinn and Parks, 2013).

Under certain circumstances, marine mammals experiencing significant masking could also be impaired from maximizing their performance fitness in survival and reproduction. Therefore, when the coincident (masking) sound is human-made, it may be considered harassment when disrupting or altering critical behaviors. 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 TS) is not associated with abnormal physiological function, it is not considered a physiological effect, but rather a potential behavioral effect (though not necessarily one that would be associated with harassment).

The frequency range of the potentially masking sound is important in determining 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 can be reduced 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 (Hotchkinn and Parks, 2013). 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).

Marine mammals at or near the proposed USCG project site may be

exposed to anthropogenic noise which may be a source of masking. Vocalization changes may result from a need to compete with an increase in background noise and include increasing the source level, modifying the frequency, increasing the call repetition rate of vocalizations, or ceasing to vocalize in the presence of increased noise (Hotchkinn and Parks, 2013). For example, in response to loud noise, beluga whales may shift the frequency of their echolocation clicks to prevent masking by anthropogenic noise (Tyack, 2000; Eickmeier and Vallarta, 2022).

Masking is more likely to occur in the presence of broadband, relatively continuous noise sources such as vibratory pile driving. Energy distribution of pile driving covers a broad frequency spectrum, and sound from pile driving would be within the audible range of pinnipeds and cetaceans present in the proposed action area. While some construction during the USCG’s activities may mask some acoustic signals that are relevant to the daily behavior of marine mammals, the short-term duration and limited areas affected make it very unlikely that the fitness of individual marine mammals would be impacted.

Airborne Acoustic Effects—Airborne noise would primarily be an issue for pinnipeds that are swimming or hauled out near the project site within the range of noise levels elevated above the acoustic criteria. We recognize that pinnipeds in the water could be exposed to airborne sound that may result in behavioral harassment when looking with their heads above water. Most likely, airborne sound would cause behavioral responses similar to those discussed above in relation to underwater sound. For instance, anthropogenic sound could cause hauled-out pinnipeds to exhibit changes in their normal behavior, such as reduction in vocalizations, or cause them to temporarily abandon the area and move further from the source. However, these animals would previously have been “taken” because of exposure to underwater sound above the behavioral harassment thresholds, which are in all cases larger than those associated with airborne sound. Thus, the behavioral harassment of these animals is already accounted for in these estimates of potential take. Therefore, we do not believe that authorization of incidental take resulting from airborne sound for pinnipeds is warranted, and airborne sound is not discussed further. Cetaceans are not expected to be exposed to airborne sounds that would

result in harassment as defined under the MMPA.

Marine Mammal Habitat Effects

The USCG's proposed construction activities could have localized, temporary impacts on marine mammal habitat and their prey by increasing in-water SPLs and slightly decreasing water quality. Increased noise levels may affect acoustic habitat (see *Masking*) and adversely affect marine mammal prey in the vicinity of the project area (see discussion below). During vibratory and impact pile driving and DTH, elevated levels of underwater noise would ensonify a portion of Womens Bay, where both fish and mammals occur and could affect foraging success. Additionally, marine mammals may avoid the area during construction; however, displacement due to noise is expected to be temporary and is not expected to result in long-term effects to the individuals or populations. In-water pile driving activities would also cause short-term effects on water quality due to increased turbidity. Temporary and localized increase in turbidity near the seafloor would occur in the immediate area surrounding the area where piles and vibroflots are installed or removed. In general, turbidity associated with pile installation is localized to about a 25 ft (7.6 m) radius around the pile (Everitt *et al.*, 1980). The sediments of the project site would settle out rapidly when disturbed. Cetaceans are not expected to be close enough to the pile driving areas to experience effects of turbidity, and any pinnipeds could avoid localized areas of turbidity.

In-water Construction Effects on Potential Foraging Habitat—The proposed activities would not result in permanent impacts to habitats used directly by marine mammals. The areas likely impacted by the proposed action are relatively small compared to the total available habitat in the Gulf of Alaska. The total seafloor area affected by piling activities is small compared to the vast foraging areas available to marine mammals at either location. At best, the areas impacted provide marginal foraging habitat for marine mammals and fishes. Furthermore, pile driving at the project locations would not obstruct movements or migration of marine mammals.

In-water Construction Effects on Potential Prey—Sound may affect marine mammals through impacts on the abundance, behavior, or distribution of prey species (*e.g.*, crustaceans, cephalopods, fish, zooplankton). Marine mammal prey varies by species, season, and location and, for some, is not well

documented. Here, we describe studies regarding the effects of noise on known marine mammal prey.

Fish utilize the soundscape and components of sound in their environment to perform important functions such as foraging, predator avoidance, mating, and spawning (*e.g.*, Zelick *et al.*, 1999; Fay, 2009). Depending on their hearing anatomy and peripheral sensory structures, which vary among species, fishes hear sounds using pressure and particle motion sensitivity capabilities and detect the motion of surrounding water (Fay *et al.*, 2008). The potential effects of noise on fishes depends on the overlapping frequency range, distance from the sound source, water depth of exposure, and species-specific hearing sensitivity, anatomy, and physiology. Key impacts to fishes may include behavioral responses, hearing damage, barotrauma (pressure-related injuries), and mortality.

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. Short duration, sharp sounds can cause overt or subtle changes in fish behavior and local distribution. The reaction of fish to noise depends on the physiological state of the fish, past exposures, motivation (*e.g.*, feeding, spawning, migration), and other environmental factors. Hastings and Popper (2005) identified several studies that suggest fish may relocate to avoid certain areas of sound energy. Additional studies have documented effects of pile driving on fish, although several are based on studies in support of large, multiyear bridge construction projects (*e.g.*, Scholik and Yan, 2001, 2002; Popper and Hastings, 2009). Several studies have demonstrated that impulse 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). However, some studies have shown no or slight reaction to impulse sounds (*e.g.*, Pena *et al.*, 2013; Wardle *et al.*, 2001; Jorgenson and Gyselman, 2009; Cott *et al.*, 2012). More commonly, though, the impacts of noise on fish are temporary.

SPLs of sufficient strength have been known to cause AUD INJ, non-AUD INJ, and mortality to fish. 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.* (2012a)

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. Injury caused by barotrauma can range from slight to severe and can cause death, and is most likely for fish with swim bladders. Barotrauma injuries have been documented during controlled exposure to impact pile driving (Halvorsen *et al.*, 2012b; Casper *et al.*, 2013).

In year 1, the greatest potential impact to fishes during construction would occur during impact pile installation of 24-in and 42-in steel pipe piles, and 24-in precast square concrete, which is estimated to occur on up to 44 days for a maximum of 14,400 strikes per day, and DTH installation of 19–42-inch steel piles, which is estimated to occur up to 55 days for a maximum of 180,000 strikes per day. In year 2, the greatest potential impact to fishes during construction would occur during impact pile installation of 24-in through 42-in steel pipe piles, which is estimated to occur on up to 17 days for a maximum of 14,400 strikes per day, and DTH installation of 19–24 inch steel piles, which is estimated to occur up to 24 days for a maximum of 180,000 strikes per day. In-water construction activities would only occur during daylight hours, allowing fish to forage and transit the project area in the evening. Vibratory pile driving would possibly elicit behavioral reactions from fishes such as temporary avoidance of the area but is unlikely to cause injuries to fishes or have persistent effects on local fish populations.

The most likely impact to fishes from pile driving and DTH activities in the project area would be temporary behavioral avoidance of the area. The duration of fish avoidance of the area after pile driving stops is unknown but a rapid return to normal recruitment, distribution, and behavior is anticipated. There are times of known seasonal marine mammal foraging when fish are aggregating but the impacted areas are small portions of the total foraging habitats available in the regions. In general, impacts to marine mammal prey species are expected to be minor and temporary. Further, it is anticipated that preparation activities for pile driving and DTH (*i.e.*, positioning of the hammer) and upon initial startup of devices would cause fish to move away from the affected area where injuries may occur. Therefore, relatively small portions of the proposed project area would be affected for short periods of time, and the potential for effects to fish would be temporary and

limited to the duration of sound-generating activities.

In summary, given the short daily duration of sound associated with individual pile driving and DTH, and the relatively small areas being affected, pile driving and DTH activities associated with the proposed action are not likely to have a permanent adverse effect on any fish habitat, or populations of fish species. Any behavioral avoidance by fish of the disturbed area would still leave significantly large areas of fish and marine mammal foraging habitat in the nearby vicinity. Thus, 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 IHAs, which will inform NMFS' consideration of "small numbers," the negligible impact determinations, and impacts on subsistence uses.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines "harassment" as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would primarily be by Level B harassment, as use of the acoustic sources (*i.e.*, vibratory and impact pile driving, DTH) has the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for AUD INJ (Level A harassment) to result, primarily for very high frequency species, phocids, and otariids, because predicted AUD INJ zones are larger than are observable. AUD INJ is unlikely to occur for high-frequency species and mysticetes. The proposed mitigation and monitoring measures are expected to minimize the

severity of the taking to the extent practicable.

As described previously, no serious injury or mortality is anticipated or 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 the best available science indicates marine mammals will be behaviorally harassed or incur some degree of injury; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) the number of days of activities. We note that while these factors can contribute to a basic calculation to provide an initial prediction of potential takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.*, previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the 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 re 1 μ Pa) for continuous (*e.g.*, vibratory pile driving, drilling) and above RMS SPL 160 dB re 1 μ Pa for non-explosive impulsive (*e.g.*, seismic airguns) or intermittent (*e.g.*, scientific sonar) sources. Generally speaking, Level B harassment take estimates based on these behavioral harassment thresholds are expected to include any likely takes by 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.

USCG's proposed activity includes the use of continuous (vibratory pile driving and DTH) and impulsive (impact pile driving and DTH) sources, and therefore the RMS SPL thresholds of 120 AND/OR 160 dB re 1 μ Pa are applicable.

Level A Harassment—NMFS' 2024 Updated Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 3.0) (Updated Technical Guidance, 2024) identifies dual criteria to assess 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). USCG's proposed activity includes the use of impulsive (impact pile driving and DTH) and non-impulsive (vibratory pile driving and DTH) sources.

The 2024 Updated Technical Guidance criteria include both updated thresholds and updated weighting functions for each hearing group. These thresholds criteria thresholds are provided in the table below. The references, analysis, and methodology used in the development of the criteria thresholds, as well as the detailed description of the updated weighting

functions, are described in NMFS' 202418 Updated Technical Guidance,

which may be accessed at: <https://www.fisheries.noaa.gov/national/>

[marine-mammal-protection/marine-mammal-acoustic-technical-guidance](https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance).

TABLE 5—THRESHOLDS IDENTIFYING THE ONSET OF AUD INJ BASED ON 2024 TECHNICAL GUIDANCE

Hearing group	AUD INJ onset thresholds * (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	Cell 1: $L_{p,0-pk,flat}$: 222 dB; $L_{E,p,LF,24h}$: 183 dB	Cell 2: $L_{E,p,LF,24h}$: 197 dB.
High-Frequency (HF) Cetaceans	Cell 3: $L_{p,0-pk,flat}$: 230 dB; $L_{E,p,HF,24h}$: 193 dB	Cell 4: $L_{E,p,HF,24h}$: 201 dB.
Very High-Frequency (VHF) Cetaceans	Cell 5: $L_{p,0-pk,flat}$: 202 dB; $L_{E,p,VHF,24h}$: 159 dB	Cell 6: $L_{E,p,VHF,24h}$: 181 dB.
Phocid Pinnipeds (PW) (Underwater)	Cell 7: $L_{p,0-pk,flat}$: 223 dB; $L_{E,p,PW,24h}$: 183 dB	Cell 8: $L_{E,p,PW,24h}$: 195 dB.
Otariid Pinnipeds (OW) (Underwater)	Cell 9: $L_{p,0-pk,flat}$: 230 dB; $L_{E,p,OW,24h}$: 185 dB	Cell 10: $L_{E,p,OW,24h}$: 199 dB.

*Dual metric thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating AUD INJ onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds are recommended for consideration.

Note: Peak sound pressure level ($L_{p,0-pk}$) has a reference value of 1 μ Pa, and weighted cumulative sound exposure level ($L_{E,p}$) has a reference value of 1 μ Pa^{2s}. In this table, thresholds 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 (*i.e.*, 7 Hz to 165 kHz). The subscript associated with cumulative sound exposure level thresholds 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 thresholds 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 thresholds will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that are used in estimating the area ensonified above the acoustic thresholds, including source levels and transmission loss coefficient.

The sound field in the project area is the existing background noise plus

additional construction noise from the proposed project. Marine mammals are expected to be affected via sound generated by the primary components of the project (*i.e.*, vibratory pile driving and removal, impact pile driving, and DTH).

The project includes vibratory pile installation and removal, impact pile driving, and DTH. Source levels for

these activities are based on reviews of measurements of the same or similar types and dimensions of pile available in the literature. Source levels for each pile size and activity each year are presented in tables 6 and 7. Source levels for vibratory installation and removal of piles of the same diameter are assumed to be the same.

TABLE 6—YEAR 1 ESTIMATES OF MEAN UNDERWATER SOUND LEVELS * GENERATED DURING VIBRATORY, IMPACT, AND DTH PILE INSTALLATION AND VIBRATORY PILE REMOVAL

Method	Pile type	Pile size	dB RMS	dB peak	dB SEL	Reference
Vibratory installation and extraction ...	Timber	14	160	N/A	N/A	Greenbusch 2018.
		24	160	N/A	N/A	Greenbusch 2018.
	Steel Pipe	12	155	N/A	N/A	CalTrans 2015.
		14	154	N/A	N/A	CalTrans 2020.
		24	153	N/A	N/A	CalTrans 2020.
		36	170	N/A	N/A	CalTrans 2015.
		42	169	N/A	N/A	Illingworth and Rodkin 2019.
		24	163	N/A	N/A	NAVFAC SW 2022.
	Precast square concrete	24	163	N/A	N/A	NAVFAC SW 2022.
		30	159	N/A	N/A	CalTrans 2020.
Stone column via Vibroflot	Steel Pipe	24	190	203	177	CalTrans 2015.
		42	192	213	179	CalTrans 2020.
Impact	Precast Square Concrete	**24	176	195	164	CalTrans (measured at 17.5 m).
		24	190	203	177	CalTrans 2015.
DTH	Steel Pipe	19–24	167	184	159	Heyvaert & Reyff 2021.
		25–42	174	194	164	Denes <i>et al.</i> , 2019; Heyvaert, 2019; Reyff, 2020.

Note: dB peak = peak sound level; rms = root mean square; SEL = sound exposure level.

* All sound levels are referenced at 10 m unless otherwise indicated.

** Sound levels for impact installation of 24-inch precast square concrete are measured at 17.5 m.

TABLE 7—YEAR 2 ESTIMATES OF MEAN UNDERWATER SOUND LEVELS * GENERATED DURING VIBRATORY, IMPACT, AND DTH PILE INSTALLATION AND VIBRATORY PILE REMOVAL

Method	Pile type	Pile size	dB RMS	dB peak	dB SEL	Reference
Vibratory installation and extraction ...	Steel Pipe	24	153	N/A	N/A	CalTrans 2020.
		30	159	N/A	N/A	CalTrans 2020.
		36	170	N/A	N/A	CalTrans 2015.
		42	169	N/A	N/A	Illingworth and Rodkin 2019.
Impact	Steel Pipe	24	190	203	177	CalTrans 2015.
		30	190	210	177	CalTrans 2020.
		36	193	210	183	CalTrans 2020.
		42	192	213	179	CalTrans 2020.
DTH	Steel Pipe	19–24	167	184	159	Heyvaert & Reyff 2021.

TABLE 7—YEAR 2 ESTIMATES OF MEAN UNDERWATER SOUND LEVELS * GENERATED DURING VIBRATORY, IMPACT, AND DTH PILE INSTALLATION AND VIBRATORY PILE REMOVAL—Continued

Method	Pile type	Pile size	dB RMS	dB peak	dB SEL	Reference
		25–42	174	194	164	Denes <i>et al.</i> , 2019; Heyvaert, 2019; Reyff, 2020.

Note: dB peak = peak sound level; rms = root mean square; SEL = sound exposure level.
 * All sound levels are referenced at 10 m.

DTH systems have both continuous, non-impulsive, and impulsive components as discussed in the *Description of Sound Sources* section above. When evaluating Level B harassment, NMFS recommends treating DTH as a continuous source and applying RMS SPL thresholds of 120 dB re 1 µPa. When evaluating Level A harassment, NMFS recommends treating DTH as an impulsive source. NMFS (2022) guidance on DTH systems (https://media.fisheries.noaa.gov/2022-11/PUBLIC%20DTH%20Basic%20Guidance_November%202022.pdf) recommends source levels for DTH systems; NMFS has applied those levels in our analysis (see tables 6 and 7 for NMFS' proposed source levels).

TL is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. TL parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography. The general formula for underwater TL is: $TL = B \times \text{Log}_{10} (R_1/R_2)$,

Where:

- TL = transmission loss in dB
- B = transmission loss coefficient
- R₁ = the distance of the modeled SPL from the driven pile, and
- R₂ = the distance from the driven pile of the initial measurement

Absent site-specific acoustical monitoring with differing measured TL, a practical spreading value of 15 is used as the TL coefficient in the above formula. Site-specific TL data for the Womens Bay are not available; therefore, the default coefficient of 15 is used to determine the distances to the Level A harassment and Level B harassment thresholds.

The ensoufied area associated with Level A harassment is more technically challenging to predict due to the need to account for a duration component. Therefore, NMFS developed an optional User Spreadsheet tool to accompany the 2024 Updated Technical Guidance that can be used to relatively simply predict an isopleth distance for use in conjunction with marine mammal density or occurrence to help predict potential takes. We note that because of

some of the assumptions included in the methods underlying this optional tool, we anticipate that the resulting isopleth estimates are typically going to be overestimates of some degree, which may result in an overestimate of potential take by Level A harassment. However, this optional tool offers the best way to estimate isopleth distances when more sophisticated modeling methods are not available or practical. For stationary sources such as pile driving and DTH, the optional User Spreadsheet tool predicts the distance at which, if a marine mammal remained at that distance for the duration of the activity, it would be expected to incur AUD INJ, which includes but is not limited to PTS. Inputs used in the optional User Spreadsheet tool (e.g., number of piles per day, duration, and/or strikes per pile), are presented in tables 1, 2, the sound levels are presented in tables 6 and 7, and the resulting estimated isopleths and total ensoufied areas are reported below in tables 8 and 9.

TABLE 8—PROJECTED DISTANCES TO LEVEL A AND LEVEL B HARASSMENT ISOPLETHS (m) AND ASSOCIATED AREAS ¹ (km²) BY MARINE MAMMAL HEARING GROUP—YEAR 1 ACTIVITIES

Pile type	Pile size	LF	HF	VHF	PW	OW	Level B harassment
Vibratory Installation and Extraction:							
Timber	14	17.7	6.8	14.4	22.7	7.6	² 4,642 (7.52)
	24	17.7	6.8	14.4	22.7	7.6	² 4,642 (7.52)
Steel	12	18.2	3.1	6.7	10.5	3.5	2,154
	14	7.0	2.7	5.7	9.0	3.0	1,848
	24	4.3	1.6	3.5	5.5	1.9	1,585
	36	58.3	22.4	47.6	75.0	25.3	² 21,544 (7.52)
	42	50.0	19.2	40.8	64.3	21.7	² 18,478 (7.52)
Steel/Concrete	24	28	10.7	22.9	36.0	12.1	² 7,356 (7.52)
Precast Concrete	24	19.9	7.6	16.3	25.6	8.6	² 7,356 (7.52)
Vibroflot	30	26	10	21.2	33.5	11.3	3,981
Impact Pile Driving:							
Steel	24	1,935.4	246.9	2,995.1	1,719.3	640.9 (1.07)	1,000
	42	3,187.1	406.6	4,932.1	2,831.3	1,055 (1.32)	1,359
Precast Concrete	24	557.7	71.2	863.1	495.5	184.7	204
Down-the-hole Drilling:							
Steel	19–24	796.8	101.7	1,233.0 (1.49)	707.8 (1.07)	263.8 (0.32)	² 13,594 (7.52)
	25–42	1,716.6	219.0	2,656.5 (4.17)	1,525.0 (1.83)	568.4 (0.91)	² 39,811 (7.52)

Abbreviations: LF = low-frequency cetaceans, HF = high-frequency cetaceans, VHF = very high-frequency cetaceans, PW = phocid pinnipeds in water, OW = otariid pinnipeds in water.

¹ Only harassment areas used in take estimate calculations are presented.

² Total harassment areas are the same despite having varying calculated isopleths because the maximum distance is truncated by the other side of Womens Bay.

TABLE 9—PROJECTED DISTANCES TO LEVEL A AND LEVEL B HARASSMENT ISOPLETHS (m) AND ASSOCIATED AREAS¹ (km²) BY MARINE MAMMAL HEARING GROUP—YEAR 2 ACTIVITIES

Pile type	Pile size	LF	HF	VHF	PW	OW	Level B harassment
Vibratory Installation and Extraction:							
Steel	24	4.3	1.6	3.5	5.5	1.9	1,585
	30	10.8	4.1	8.8	13.9	4.7	3,981
	36	58.3	22.4	47.6	75.0	25.3	² 21,544 (7.52)
	42	50.0	19.2	40.8	64.3	21.7	² 18,478 (7.52)
Impact Pile Driving:							
Steel	24	1,935.4	246.9	2,995.1	1,719.3	640.9 (1.01)	1,000
	30	1,935.4	246.9	2,995.1	1,719.3	640.9 (1.01)	1,000
	36	3,710.0	473.4	15,741.3	3,295.9	1,228.6 (1.49)	1,585
	42	3,187.1	406.6	¹ 4,932.1	2,831.3	1,055 (1.32)	1,359
Down-the-hole Drilling:							
Steel	19–24	796.8	101.7	1,233.0 (1.49)	707.8 (1.07)	263.8 (0.32)	² 13,594 (7.52)
	25–42	1,716.6	219.0	2,656.5 (4.17)	1,525.0 (1.83)	568.4 (0.91)	² 39,811 (7.52)

Abbreviations: LF = low-frequency cetaceans, HF = high-frequency cetaceans, VHF = very high-frequency cetaceans, PW = phocid pinnipeds in water, OW = otariid pinnipeds in water.

¹ Only harassment areas used in take estimate calculations are presented.

² Total harassment areas are the same despite having varying calculated isopleths because the maximum distance is truncated by the other side of Womens Bay.

Level A harassment zones are typically smaller than Level B harassment zones. However, in rare cases such as during impact pile driving of 24, 30, 36 and 42-inch steel piles and 24-inch precast concrete piles, the calculated Level A harassment isopleth is greater than the calculated Level B harassment isopleth for low frequency cetaceans, very high-frequency cetaceans, and phocids (tables 8 and 9). Calculation of Level A harassment isopleths include a duration component, which in the case of impact pile driving, is estimated through the total number of daily strikes and the associated pulse duration. For a stationary sound source such as impact pile driving, we assume here that an animal is exposed to all of the strikes expected within a 24-hour period. Calculation of a Level B harassment zone does not include a duration component. Depending on the duration included in the calculation, the calculated Level A harassment isopleths can be larger than the calculated Level B harassment isopleth for the same activity. This is the case for this project for low frequency cetaceans, very high frequency cetaceans, and phocids during impact pile driving of 24 and 42-inch steel piles and 24-inch precast concrete piles in year 1, and during impact pile driving of 24, 30, 36, and 42-inch steel piles in year 2.

Marine Mammal Occurrence and Take Estimation

In this section we provide information about the occurrence of marine mammals, including density or other relevant information which will inform the take calculations. Additionally, we describe how the occurrence information is synthesized to produce a quantitative estimate of the take that is reasonably likely to occur and proposed for authorization. Available information

regarding marine mammal occurrence in the vicinity of the project area includes site-specific and nearby survey information and knowledge from local tribes. Data sources consulted included: (1) Anecdotal input from the Sunaq Tribe of Kodiak’s Natural Resources Director (Van Daele, personal communication, 2024), (2) Protected Species Observer (PSO) monitoring completed in Near Island Channel on 110 days between November 205 and June 2016 during the Kodiak Ferry Terminal and Dock Improvements Project, approximately 9 km northeast of Womens Bay (ABR Inc., 2016), (3) PSO monitoring completed in Womens Bay on 12 days in March 2018 during the USCG Cargo Dock Repair project (USCG 2018), (4) Surveys described in Cetaceans of Southeast Alaska: Distribution and Seasonal Occurrence (group size estimates for Dall’s porpoise) (Dalheim *et al.*, 2009), and (5) Alaska Wildlife Notebook Series (group size estimates for low-frequency cetaceans) (Frost and Karpovich, 2008; Clark, 2008; Guerrero, 2008).

In its initial application, the USCG estimated take using data sources 2, 4, and the U.S. Navy’s Marine Species Density Database. NMFS recommended the inclusion of the data sources listed above and the exclusion of the density estimates given that they were calculated for offshore areas; USCG concurred, and updated its application to reflect NMFS’ recommended method. Therefore, to estimate take, NMFS referred to the sets listed above to estimate a daily occurrence probability in which groups per day and group size are estimated for each species and multiplied by the number of days of each type of pile driving activity. For species that are unlikely to occur in the project area, but for which there is some

potential (low frequency cetaceans and Pacific white-sided dolphin), NMFS predicts that one group of each species may occur in the project area during each project year. NMFS used the following equation to estimate take by Level B harassment for all species other than low-frequency cetaceans and Pacific white-sided dolphin:

$$\text{Take by Level B harassment} = \text{group size} \times \text{groups per day} \times \text{days of pile driving activities in which the Level B harassment isopleths are larger than the Level A harassment isopleths}$$

For activities where the Level A harassment isopleth is larger than the Level B harassment isopleth for a given hearing group, NMFS conservatively assumes that all take from that activity of that hearing group would be by Level A harassment, as described further below.

The USCG proposes to implement shutdown zones that meet or exceed the Level A harassment isopleths: (1) for all hearing groups during all vibratory pile driving activities; (2) for low and high-frequency cetaceans during impact pile driving and DTH activities (3) for otariids, during impact installation of 24-inch pre-cast concrete and DTH installation of 19–24-inch Steel piles. For other hearing groups and activity combinations, the Level A harassment zone would exceed the shutdown zone, as described in more detail below.

For activities and hearing groups where the Level A harassment isopleth is larger than the Level B harassment isopleth, NMFS used the following equation to estimate take by Level A harassment:

$$\text{Group size} \times \text{groups per day} \times \text{days of pile driving activities in which the Level A harassment isopleth is larger than the Level B isopleth}$$

For very-high frequency cetaceans and phocids, the calculated Level A harassment zones exceed the proposed shutdown zones during impact installation of all piles. For otariids, the calculated Level A harassment zones exceed the proposed shutdown zones during impact installation of all piles except for 24-inch pre-cast concrete and DTH of 19–24-inch steel.

For activities and hearing groups where the Level A harassment isopleth is larger than the shutdown zone but smaller than the Level B harassment zone, we proportionally compared, by hearing group, the portion of the largest Level A harassment area (km²) that exceeds the planned shutdown zone area (km²) to the area (km²) of the Level B harassment zone for that activity and pile type. NMFS then multiplied this proportion by the group size, daily sightings, and number of construction days, according to the following equation:

Take by Level A harassment = Level A harassment area (km²)/Level B harassment area (km²) × group size × groups per day × days of pile driving.*

* The Level A harassment area refers to the Level A harassment isopleth minus the proposed shutdown zone for that activity and hearing group.

Gray Whale

Gray whales are solitary animals often traveling alone or in small groups of three (Frost and Karpovich, 2008). They are rare in the project area. Therefore, NMFS predicts that one group of three gray whales could occur within the Level B harassment zone during each year of the project and proposes to authorize three takes by Level B harassment for gray whale in year 1 and three takes by Level B harassment for gray whale in year 2.

Takes by Level A harassment for gray whale are not requested nor are they proposed for authorization during either project year.

Fin Whale

Fin whale are typically observed in groups of 6 to 10 animals (Clark, 2008a). They are rare in the project area. Therefore NMFS predicts that one group of six fin whale could occur within the Level B harassment zone across the project, each year, to account for the small but unlikely possibility that this species could occur within the project area. Therefore, NMFS proposes to authorize six takes by Level B harassment for fin whale in year 1 and six takes by Level B harassment for fin whale in year 2.

Takes by Level A harassment for fin whale are not requested nor are they proposed for authorization either project year.

Humpback Whale

Humpback whale are often observed alone or in small groups that persist for only a few hours (Zimmerman and Karpovich, 2008). They are rare in the project area. Therefore NMFS predicts that one group of two humpback whale could occur within the Level B harassment zone across the project, each year, to account for the small but unlikely possibility that this species could occur within the project area. Therefore, NMFS proposes to authorize two takes by Level B harassment for humpback whale (any stock) in year 1 and two takes by Level B harassment for humpback whale (any stock) in year 2.

Takes by Level A harassment for humpback whale are not requested nor are they proposed for authorization either project year.

Minke Whale

Minke whale are often observed in groups of two or three (Guerrero, 2008). While rare, it is possible that minke whale could occur within the project area. Therefore, NMFS predicts that one group of two minke whale could occur within the Level B harassment zone across the project, each year, to account for the small but unlikely possibility that this species could occur within the project area. Therefore, NMFS proposes to authorize three takes by Level B harassment for minke whale in year 1 and three takes by Level B harassment for minke whale in year 2.

Takes by Level A harassment for minke whale are not requested nor are they proposed for authorization either project year.

Killer Whale

Based on the known occurrence of killer whale and confirmation of sightings within the general vicinity of Womens Bay, it is likely that both resident and transient killer whale would occur within the project area. Based on local sightings, NMFS predicts one group of seven killer whales could occur within the Level B harassment zone every 1 construction month (30 days). In year 1, for this species, the duration of the construction for which the Level B zone is larger than the Level A zone is 264 days (8.8 is the basic 30 day period that corresponds to 1 construction months). This results in 62 takes by Level B harassment of killer whale (7 killer whale × 8.8 30-day periods) across any stock.

In year 2, for this species, the duration of the construction for which the Level B zone is larger than the Level A zone is 76 days (2.5 is the basic 30 day period that corresponds to 1 construction months). This results in 18 takes by Level B harassment of killer whale (7 killer whale × 2.5 30-day periods) across any stock.

Takes by Level A harassment for killer whale are not requested nor are they proposed for authorization either project year.

Pacific White-Sided Dolphin

Pacific white-sided dolphin group sizes are usually between 10 and 100 animals. Due to the shallow, enclosed nature of Womens Bay it would be a rare, though possible, occurrence for individuals to enter the action area. Therefore, NMFS predicts that one group of 10 pacific white-sided dolphin could occur within the Level B harassment zone across the project, each year, to account for the small but unlikely possibility that this species could occur within the project area. Therefore, NMFS proposes to authorize 10 takes by Level B harassment for pacific white-sided dolphin in year 1 and 3 takes by Level B harassment for pacific white-sided dolphin in year 2.

Takes by Level A harassment for Pacific white-sided dolphin are not requested nor are they proposed for authorization either project year.

Dall's Porpoise

Information regarding group size near Kodiak Island is limited; however, studies conducted along the inland waters of southeast Alaska indicate average group sizes ranged from 2.51 to 5.46 individuals during surveys conducted from 1991 to 2007 (Dahlheim *et al.*, 2009). While there are no known sightings in Womens Bay, because Dall's porpoise have been documented around Kodiak Island and have been known to occur in nearshore habitats, NMFS predicts that one group of four Dall's porpoise could occur within the Level B harassment zone every 1 construction month (30 days) each year.

In year 1, the duration of the construction for which the Level B harassment zone is larger than the Level A harassment zone is 257 days (8.6 is the basic 30 day period that corresponds to 1 construction months). This results in 35 takes by Level B harassment of Dall's porpoise (4 Dall's porpoise × 8.6 30-day periods).

During all DTH activities, the Level A harassment zone is larger than the shutdown zone, but smaller than the Level B harassment zone. As such it is possible that Dall's porpoise may enter

the Level A harassment zone and stay long enough to incur AUD INJ before exiting. For DTH of 19–24-in steel piles, the ratio of the Level A harassment area that exceeds the shutdown zone to the Level B harassment area is 0.14. This activity is predicted to take place on 7 construction days (7 construction days ÷ 30 days = 0.23 30-day construction periods). For DTH of 24–42-in steel piles, the ratio of the Level A harassment area that exceeds the shutdown zone to the Level B harassment area is 0.50. This activity is predicted to take place on 48 construction days (48 construction days ÷ 30 days = 1.6 30-day construction periods). As such, 4 takes by Level A harassment are proposed for authorization [(0.14 × 1 group × 4 Dall's porpoise × 0.23 30-day construction periods) + (0.5 × 1 group × 4 Dall's porpoises × 1.6 30-day construction periods) = 3.3 takes by Level A harassment].

During all impact pile driving, the Level A harassment zone is larger than the Level B harassment zone. These activities are predicted to take place on 44 construction days (44 construction days ÷ 30 days = 1.5 30-day construction periods). Estimated take by Level A harassment for these activities result in 2 based on 1 group × 4 Dall's porpoise × 1.5 30 day construction periods (1 × 4 × 1.5 = 6 takes by Level A harassment).

Takes by Level B harassment were modified to deduct the proposed amount of take by Level A harassment estimated in cases where the Level A zone is smaller than the Level B zone (*i.e.*, 35 total exposures – 4 takes by Level A harassment estimated during DTH activities = 31 takes by Level B harassment). Therefore, for Dall's porpoise, NMFS proposes to authorize 10 takes by Level A harassment (4 takes + 6 takes) and 31 takes by Level B harassment, for a total of 41 takes in year 1.

In year 2, the duration of the construction for which the Level B harassment zone is larger than the Level A harassment zone is 76 days (2.5 is the basic 30 day period that corresponds to 1 construction months). This results in 10 takes by Level B harassment of Dall's porpoise (4 Dall's porpoise × 2.5 30-day periods).

During all DTH activities, the Level A harassment zone is larger than the shutdown zone, but smaller than the Level B harassment zone. As such it is possible that Dall's porpoise may enter the Level A harassment zone and stay long enough to incur AUD INJ before exiting. For DTH of 19–24-in steel piles, the ratio of the Level A harassment area

that exceeds the shutdown zone to the Level B harassment area is 0.14. This activity is predicted to take place on 6 construction days (6 construction days ÷ 30 days = 0.2 30-day construction periods). For DTH of 24–42-in steel piles, the ratio of the Level A harassment area that exceeds the shutdown zone to the Level B harassment area is 0.50. This activity is predicted to take place on 18 construction days (18 construction days ÷ 30 days = 0.6 30-day construction periods). As such, two takes by Level A harassment are proposed for authorization [(0.14 × 1 group × 4 Dall's porpoise × 0.2 30-day construction periods) + (0.5 × 1 group × 4 Dall's porpoises × 0.6 30-day construction periods) = 1.3 takes by Level A harassment].

During all impact pile driving, the Level A harassment zone is larger than the Level B harassment zone. These activities are predicted to take place on 17 construction days (17 construction days ÷ 30 days = 0.6 30-day construction periods). Estimated take by Level A harassment for these activities result in three based on 1 group × 4 Dall's porpoise × 0.6 30 day construction periods (1 × 4 × 0.6 = 2.4 takes by Level A harassment).

Takes by Level B harassment were modified to deduct the proposed amount of take by Level A harassment estimated in cases where the Level A harassment zone is smaller than the Level B zone (*i.e.*, 10 total exposures – 2 takes by Level A harassment estimated during DTH activities = 8 takes by Level B harassment). Therefore, for Dall's porpoise, NMFS proposes to authorize 5 takes by Level A harassment (2 takes + 3 takes) and 8 takes by Level B harassment, for a total of 13 takes in year 1.

Harbor Porpoise

Harbor porpoises are known to frequent nearshore habitats, including bays, and have been documented in bays near the project area (Van Daele, 2024, personal communication; therefore, harbor porpoises may intermittently enter the project area. Based on input from the Sunaq tribe, NMFS predicts one group of six harbor porpoises could occur within the Level B harassment zone every 1 construction month (30 days) each year (Van Deale, 2024, personal communication).

In year 1, the duration of the construction for which the Level B zone is larger than the Level A zone is 257 days (8.6 is the basic 30 day period that corresponds to 1 construction months). This results in 52 takes by Level B

harassment of harbor porpoise (6 harbor porpoise × 8.6 30-day periods).

During all DTH activities, the Level A harassment zone is larger than the shutdown zone, but smaller than the Level B zone. As such it is possible that harbor porpoise may enter the Level A harassment zone and stay long enough to incur AUD INJ before exiting. For DTH of 19–24-in steel piles, the ratio of the Level A harassment area that exceeds the shutdown zone to the Level B harassment area is 0.14. This activity is predicted to take place on 7 construction days (7 construction days ÷ 30 days = 0.23 30-day construction periods). For DTH of 24–42-in steel piles, the ratio of the Level A harassment area that exceeds the shutdown zone to the Level B harassment area is 0.50. This activity is predicted to take place on 48 construction days (48 construction days ÷ 30 days = 1.6 30-day construction periods). As such, five takes by Level A harassment are proposed for authorization [(0.14 × 1 group × 6 harbor porpoise × 0.23 30-day construction periods) + (0.5 × 1 group × 6 harbor porpoises × 1.6 30-day construction periods) = 5 takes by Level A harassment].

During all impact pile driving, the Level A harassment zone is larger than the Level B harassment zone. These activities are predicted to take place on 44 construction days (44 construction days ÷ 30 days = 1.5 30-day construction periods). Estimated take by Level A harassment for these activities result in nine based on 1 group × 6 harbor porpoise × 1.5 30 day construction periods (1 × 6 × 1.5 = 8.8 takes by Level A harassment).

Takes by Level B harassment were modified to deduct the proposed amount of take by Level A harassment estimated in cases where the Level A harassment zone is smaller than the Level B harassment zone (*i.e.*, 52 total exposures – 5 takes by Level A harassment estimated during DTH activities = 47 takes by Level B harassment). Therefore, for harbor porpoise, NMFS proposes to authorize 14 takes by Level A harassment (5 takes + 9 takes) and 47 takes by Level B harassment, for a total of 61 takes in year 1.

In year 2, the duration of the construction for which the Level B harassment zone is larger than the Level A harassment zone is 76 days (2.5 is the basic 30 day period that corresponds to 1 construction months). This results in 16 takes by Level B harassment of harbor porpoise (6 harbor porpoise × 2.5 30-day periods).

During all DTH activities, the Level A harassment zone is larger than the shutdown zone, but smaller than the Level B zone. As such it is possible that Dall's porpoise may enter the Level A harassment zone and stay long enough to incur AUD INJ before exiting. For DTH of 19–24-in steel piles, the ratio of the Level A harassment area that exceeds the shutdown zone to the Level B harassment area is 0.14. This activity is predicted to take place on 6 construction days (6 construction days ÷ 30 days = 0.2 30-day construction periods). For DTH of 24–42-in steel piles, the ratio of the Level A harassment area that exceeds the shutdown zone to the Level B harassment area is 0.50. This activity is predicted to take place on 18 construction days (18 construction days ÷ 30 days = 0.6 30-day construction periods). As such, two takes by Level A harassment are proposed for authorization [(0.14 × 1 group × 6 harbor porpoise × 0.2 30-day construction periods) + (0.5 × 1 group × 6 harbor porpoise × 0.6 30-day construction periods) = 2.0 takes by Level A harassment].

During all impact pile driving, the Level A harassment zone is larger than the Level B harassment zone. These activities are predicted to take place on 17 construction days (17 construction days ÷ 30 days = 0.6 30-day construction periods). Estimated take by Level A harassment for these activities result in four based on 1 group × 6 harbor porpoise × 0.6 30 day construction periods (1 × 6 × 0.6 = 3.6 takes by Level A harassment).

Takes by Level B harassment were modified to deduct the proposed amount of take by Level A harassment estimated in cases where the Level A zone is smaller than the Level B harassment zone (*i.e.*, 16 total exposures – 2 takes by Level A harassment estimated during DTH activities = 14 takes by Level B harassment). Therefore, for harbor porpoise, NMFS proposes to authorize 6 takes by Level A harassment (2 takes + 4 takes) and 14 takes by Level B harassment, for a total of 20 takes in year 2.

Northern Fur Seal

It is possible, though rare, that a northern fur seal could occur within the project area. Therefore, NMFS predicts that one northern fur seal could occur within the Level B harassment zone every 1 construction month (30 days) each year, to account for the small but unlikely possibility that this species could occur within the project area. In year 1, the duration of the construction

for which the Level B zone is larger than the Level A zone is 264 days (8.8 is the basic 30 day period that corresponds to 1 construction months). This results in nine takes by Level B harassment of northern fur seal (1 northern fur seal × 8.8 30-day periods). Because exposure estimates are low, and the Level A harassment zones are larger than are likely observable during impact pile driving and DTH of 24–42-inch steel piles, NMFS proposed to authorize these nine takes by either Level A harassment or Level B harassment.

In year 2, the duration of the construction for which the Level B harassment zone is larger than the Level A harassment zone is 76 days (2.5 is the basic 30 day period that corresponds to 1 construction months). This results in three takes by Level B harassment of northern fur seal (1 northern fur seal × 2.5 30-day periods). Because exposure estimates are low, and the Level A harassment zones are larger than are likely observable during impact pile driving and DTH of 24–42-inch steel piles, NMFS proposed to authorize these three takes by either Level A harassment or Level B harassment.

Steller Sea Lion

While data are limited, the Sunaq Tribe of Kodiak suggests that the bottom topography of Womens Bay is not conducive to Steller sea lion foraging, but it is possible that Steller sea lions will occur intermittently in Womens Bay (Van Daele, 2024, personal communication). Therefore, NMFS predicts that one group of two Steller sea lions could occur within the Level B harassment zone every 2 construction weeks (14 days) each year.

In year 1, the duration of the construction for which the Level B harassment zone is larger than the Level A harassment zone is 264 days (18.9 is the basic 14 day period that corresponds to 2 construction weeks). This results in 38 takes by Level B harassment of Steller sea lion (2 Steller sea lion × 18.9 14-day periods).

During DTH of 25–42-inch steel piles and all impact pile driving activities except for 24-inch pre-cast concrete, the Level A harassment zone is larger than the shutdown zone, but smaller than the Level B harassment zone. As such it is possible that Steller sea lions may enter the Level A harassment zone and stay long enough to incur AUD INJ before exiting. For DTH of 25–42-in steel piles, the ratio of the Level A harassment area that exceeds the shutdown zone to the Level B harassment area is 0.07. This activity is predicted to take place on 48 construction days (48 construction days ÷ 14 days = 3.4 14-day construction

periods). For impact installation of 42-in steel, the ratio of the Level A harassment area that exceeds the shutdown zone to the Level B harassment area is 0.12. This activity is predicted to take place on 32 construction days (32 construction days ÷ 14 days = 2.3 14-day construction periods). For impact installation of 24-in steel, the ratio of the Level A harassment area that exceeds the shutdown zone to the Level B harassment area is also 0.08. This activity is predicted to take place on 5 construction days (5 construction days ÷ 14 days = 0.4 14-day construction periods).

As such, two takes by Level A harassment is proposed for authorization [(0.07 × 1 group × 2 Steller sea lion × 3.4 14-day construction periods) + (0.12 × 1 group × 2 Steller sea lion × 2.3 14-day construction periods) + 0.08 × 1 group × 2 Steller sea lion × 0.4 14-day construction periods = 1.08 takes by Level A harassment].

Takes by Level B harassment were modified to deduct the proposed amount of take by Level A harassment estimated in cases where the Level A zone is smaller than the Level B zone (*i.e.*, 38 total exposures – 2 takes by Level A harassment activities = 36 takes by Level B harassment). Therefore, for Steller sea lion, NMFS proposes to authorize 2 takes by Level A harassment and 36 takes by Level B harassment, for a total of 38 takes in year 1.

In year 2, the duration of the construction for which the Level B harassment zone is larger than the Level A harassment zone is 76 days (5.4 is the basic 14 day period that corresponds to 2 construction weeks). This results in 11 takes by Level B harassment of Steller sea lion (2 Steller sea lion × 5.4 14-day periods).

During DTH of 25–42-inch steel piles and all impact pile driving activities except for 24-inch pre-cast concrete, the Level A harassment zone is larger than the shutdown zone, but smaller than the Level B harassment zone. As such it is possible that Steller sea lion may enter the Level A harassment zone and stay long enough to incur AUD INJ before exiting. For DTH of 25–42-in steel piles, the ratio of the Level A harassment area that exceeds the shutdown zone to the Level B harassment area is 0.07. This activity is predicted to take place on 18 construction days (18 construction days ÷ 14 days = 1.3 14-day construction periods). For impact installation of 42-in steel, the ratio of the Level A harassment area that exceeds the shutdown zone to the Level B harassment area is 0.12. This activity is predicted to take place on 5

construction days (5 construction days ÷ 14 days = 0.4 14-day construction periods). For impact installation of 36-in steel, the ratio of the Level A harassment area that exceeds the shutdown zone to the Level B harassment area is 0.14. This activity is predicted to take place on 3 construction days (3 construction days ÷ 14 days = 0.2 14-day construction periods). For impact installation of 30-in steel, the ratio of the Level A harassment area that exceeds the shutdown zone to the Level B harassment area is 0.08. This activity is predicted to take place on 5 construction days (5 construction days ÷ 14 days = 0.4 14-day construction periods). For impact installation of 24-in steel, the ratio of the Level A harassment area that exceeds the shutdown zone to the Level B harassment area is also 0.08. This activity is predicted to take place on 4 construction days (4 construction days ÷ 14 days = 0.3 14-day construction periods).

As such, one take by Level A harassment is proposed for authorization $[(0.07 \times 1 \text{ group} \times 2 \text{ Steller sea lion} \times 1.3 \text{ 14-day construction periods}) + (0.12 \times 1 \text{ group} \times 2 \text{ Steller sea lion} \times 0.4 \text{ 14-day construction periods}) + 0.14 \times 1 \text{ group} \times 2 \text{ Steller sea lion} \times 0.2 \text{ 14-day construction periods} + (0.08 \times 1 \text{ group} \times 2 \text{ Steller sea lion} \times 0.4 \text{ 14-day construction periods}) + (0.08 \times 1 \text{ group} \times 2 \text{ Steller sea lion} \times 0.3 \text{ 14-day construction periods}) = 0.43 \text{ takes by Level A harassment}]$.

Takes by Level B harassment were modified to deduct the proposed amount of take by Level A harassment estimated in cases where the Level A harassment zone is smaller than the Level B harassment zone (*i.e.*, 11 total exposures – 1 take by Level A harassment activities = 10 takes by Level B harassment). Therefore, for Steller sea lion, NMFS proposes to authorize 1 take by Level A harassment and 10 takes by Level B harassment, for a total of 11 takes in year 2.

Harbor Seal

Harbor seals are known to frequent nearshore habitats and have been documented in large numbers in the project area. Based on local data, NMFS predicts that one group of 24 harbor seal are could occur within the Level B harassment zone every 1 construction week (7 days) each year.

In year 1, the duration of the construction for which the Level B harassment zone is larger than the Level A harassment zone is 257 days (36.7 is the basic 7 day period that corresponds to 1 construction week). This results in

882 takes by Level B harassment of harbor seal (24 harbor seal × 36.7 7-day periods).

During all DTH activities, the Level A harassment zone is larger than the shutdown zone, but smaller than the Level B harassment zone. As such it is possible that harbor porpoise may enter the Level A harassment zone and stay long enough to incur AUD INJ before exiting. For DTH of 19–24-in steel piles, the ratio of the Level A harassment area that exceeds the shutdown zone to the Level B harassment area is 0.09. This activity is predicted to take place on 7 construction days (7 construction days ÷ 7 days = 1 7-day construction periods). For DTH of 24–42-in steel piles, the ratio of the Level A harassment area that exceeds the shutdown zone to the Level B harassment area is 0.19. This activity is predicted to take place on 48 construction days (48 construction days ÷ 7 days = 6.9 7-day construction periods). As such, 34 takes by Level A harassment are proposed for authorization $[(0.09 \times 1 \text{ group} \times 24 \text{ harbor seal} \times 1 \text{ 7-day construction periods}) + (0.19 \times 1 \text{ group} \times 24 \text{ harbor seal} \times 6.9 \text{ 7-day construction periods}) = 34 \text{ takes by Level A harassment}]$.

During all impact pile driving, the Level A harassment zone is larger than the Level B harassment zone. These activities are predicted to take place on 44 construction days (44 construction days ÷ 7 days = 6.3 1-week construction periods). Estimated take by Level A harassment for these activities result in 151 based on 1 group × 24 harbor seal × 6.3 14 day construction periods (1 × 24 × 6.3 = 151.2 takes by Level A harassment).

Takes by Level B harassment were modified to deduct the proposed amount of take by Level A harassment estimated in cases where the Level A harassment zone is smaller than the Level B harassment zone (*i.e.*, 882 total exposures – 34 takes by Level A harassment estimated during DTH activities = 848 takes by Level B harassment). Therefore, for harbor seal, NMFS proposes to authorize 185 takes by Level A harassment (34 takes + 151 takes) and 848 takes by Level B harassment, for a total of 1,033 takes in year 1.

In year 2, the duration of the construction for which the Level B harassment zone is larger than the Level A harassment zone is 76 days (10.9 is the basic 7 day period that corresponds to 1 construction week). This results in 262 takes by Level B harassment of harbor seal (24 harbor seal × 10.9 7-day periods).

During all DTH activities, the Level A harassment zone is larger than the

shutdown zone, but smaller than the Level B harassment zone. As such it is possible that harbor seal may enter the Level A harassment zone and stay long enough to incur AUD INJ before exiting. For DTH of 19–24-in steel piles, the ratio of the Level A harassment area that exceeds the shutdown zone to the Level B harassment area is 0.09. This activity is predicted to take place on 6 construction days (6 construction days ÷ 7 days = 0.86 7-day construction periods). For DTH of 24–42-in steel piles, the ratio of the Level A harassment area that exceeds the shutdown zone to the Level B harassment area is 0.19. This activity is predicted to take place on 18 construction days (18 construction days ÷ 7 days = 2.6 7-day construction periods). As such, 14 takes by Level A harassment are proposed for authorization $[(0.09 \times 1 \text{ group} \times 24 \text{ harbor seal} \times 0.86 \text{ 7-day construction periods}) + (0.19 \times 1 \text{ group} \times 14 \text{ harbor seal} \times 2.6 \text{ 7-day construction periods}) = 13.57 \text{ takes by Level A harassment}]$.

During all impact pile driving, the Level A harassment zone is larger than the Level B harassment zone. These activities are predicted to take place on 17 construction days (17 construction days ÷ 7 days = 2.4 7-day construction periods). Estimated take by Level A harassment for these activities result in 58 based on 1 group × 24 harbor seal × 2.4 7-day construction periods (1 × 24 × 2.4 = 57.6 takes by Level A harassment).

Takes by Level B harassment were modified to deduct the proposed amount of take by Level A harassment estimated in cases where the Level A zone is smaller than the Level B zone (*i.e.*, 262 total exposures – 14 takes by Level A harassment estimated during DTH activities = 248 takes by Level B harassment). Therefore, for harbor seal, NMFS proposes to authorize 72 takes by Level A harassment (14 takes + 58 takes) and 248 takes by Level B harassment, for a total of 320 takes in year 2.

Northern Elephant Seal

Although rare, Northern elephant seals could occur in the project area (Van Daele, 2024, personal communication). NMFS predicts that one northern elephant seal could occur within the Level B harassment zone every 2 construction weeks (14 days), each year. In year 1, the duration of the construction for which the Level B harassment zone is larger than the Level A harassment zone is 257 days (18.4 is the basic 14 day period that corresponds to 2 construction weeks). This results in 19 takes by Level B harassment of northern fur seal (1 northern elephant

seal × 18.4 14-day periods). Because exposure estimates are low, and the Level A harassment zones are larger than are likely observable during impact pile driving and DTH, NMFS proposed to authorize these 19 takes by either Level A harassment or Level B harassment.

In year 2, the duration of the construction for which the Level B harassment zone is larger than the Level A harassment zone is 76 days (5.4 is the basic 14 day period that corresponds to 2 construction weeks). This results in six takes by Level B harassment of northern elephant seal (1 northern

elephant seal × 5.4 14-day periods). Because exposure estimates are low, and the Level A harassment zones are larger than are likely observable during impact pile driving and DTH, NMFS proposed to authorize these six takes by either Level A harassment or Level B harassment.

TABLE 10—TAKE BY STOCK AND HARASSMENT TYPE AND AS A PERCENTAGE OF STOCK ABUNDANCE

Species	Stock	Proposed take—year 1		Proposed take—year 2		Take as percentage of stock abundance—year 1, (year 2)
		Level A harassment	Level B harassment	Level A harassment	Level B harassment	
Gray Whale	Eastern N Pacific	0	3	0	3	(<1)
Fin Whale	Northeast Pacific	0	6	0	6	*, (*)
Humpback Whale	Hawai'i	0	2	0	2	<1, (<1)
	Mexico-N Pacific					*, (*)
	Western N Pacific					<1, (<1)
Minke Whale	Alaska	0	2	0	2	*, (*)
Killer Whale	Eastern North Pacific-Alaska Resident.	0	62	0	18	<1, (<1)
	Eastern North Pacific-Gulf of Alaska, Aleutian Islands, and Bering Sea.					11, (3)
Pacific White-sided Dolphin	North Pacific	0	10	0	10	<1, (<1)
Dall's Porpoise	Alaska	10	31	5	8	*, (*)
Harbor Porpoise	Gulf of Alaska	14	47	6	20	<1, (<1)
Northern Fur Seal	Eastern Pacific	9		3		<1, (<1)
Steller Sea Lion	Western	2	36	1	10	<1, (<1)
Harbor Seal	South Kodiak	185	848	72	248	3.9, (1.2)
Northern Elephant Seal	CA Breeding	19		6		<1, (<1)

* A reliable abundance estimate is not available for this stock.

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. NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat, as well as subsistence uses. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, and impact on operations.

Shutdown Zones—For all pile driving and DTH activities, USCG proposes to implement shutdowns within designated zones. The purpose of a shutdown zone is generally to define an area within which shutdown of the activity would occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area).

Shutdown zones vary based on the activity type and marine mammal hearing group (table 11 and 12). In most cases, the shutdown zones are based on the estimated Level A harassment isopleth distances for each hearing group. However, in cases where it would be challenging to detect marine mammals at the Level A harassment isopleth (e.g., for very high-frequency cetaceans, phocids, and otariids during most impact pile driving), smaller shutdown zones have been proposed (table 11 and 12).

Construction supervisors and crews, PSOs, and relevant USCG staff must avoid direct physical interaction with marine mammals during construction activity. If a marine mammal comes within 25 m of such activity, operations must cease and vessels must reduce speed to the minimum level required to maintain steerage and safe working conditions, as necessary to avoid direct physical interaction. If an activity is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the

shutdown zone indicated in table 11 and 12, or 30 minutes (ESA-listed large whales) or 15 minutes (all other species) have passed without re-detection of the animal.

Finally, construction activities must be halted upon observation of a species for which incidental take is not

authorized or a species for which incidental take has been authorized but the authorized number of takes has been met entering or within any harassment zone. If a marine mammal species not covered under this IHA enters a harassment zone, all in-water activities

will cease until the animal leaves the zone or has not been observed for at least 15 minutes. Pile driving will proceed if the unauthorized species is observed leaving the harassment zone or if 15 minutes have passed since the last observation.

TABLE 11—PROPOSED SHUTDOWN ZONES (m): YEAR 1

Pile driving method	Pile type	Pile size	LF	HF	VHF	PW	OW
Vibratory Installation and Extraction.	Timber	14	25	25	25	25	25
		24					
	Steel	12	60	50	50	80	30
		14					
		24					
		36					
		42					
Steel/Concrete	24	30	25	40	25		
Precast Concrete	24	25		30			
Vibroflot	30	30		40			
Impact Pile Driving	Steel	24	1,940	250	300	300	300
		42	3,200	410			
	Precast Concrete	24	560	80		190	
DTH	Steel	19–24	800	110			300
		24–42	1,720	220			

TABLE 12—PROPOSED SHUTDOWN ZONES (m): YEAR 2

Pile driving method	Pile type	Pile size	LF	HF	VHF	PW	OW			
Vibratory Installation and Extraction.	Steel	24	25	25	25	25	25			
		30	25							
		36	60					50	80	30
		42	50					70	25	
Impact Pile Driving	Steel	24	1,940	250	300	300	300			
		30								
		36	3,720	480						
		42	3,200	410						
DTH	Steel	19–24	800	110						
		24–42	1,720	220						

Protected Species Observers (PSOs)—The number and placement of PSOs during all construction activities (described in the Proposed Monitoring and Reporting section) would ensure that the entire shutdown zone is visible. USCG would employ at least one PSOs during all vibratory pile driving and removal activities and at least two PSOs during all impact pile driving and DTH activities.

Monitoring for Level A and Level B Harassment—PSOs would monitor the shutdown zones and beyond to the extent that PSOs can see. Monitoring beyond the shutdown zones enables observers to be aware of and communicate the presence of marine mammals in the project areas outside the shutdown zones and thus prepare for a potential cessation of activity should the animal enter the shutdown zone. If a marine mammal enters either harassment zone, PSOs will document

the marine mammal’s presence and behavior.

Pre- and Post-Activity Monitoring—Prior to the start of daily in-water construction activity, or whenever a break in pile driving of 30 minutes or longer occurs, PSOs would observe the shutdown zones and as much as the harassment zones as possible for a period of 30 minutes. Pre-start clearance monitoring must be conducted during periods of visibility sufficient for the lead PSO to determine that the shutdown zones are clear of marine mammals. If the shutdown zone is obscured by fog or poor lighting conditions, in-water construction activity will not be initiated until the entire shutdown zone is visible. Pile driving may commence following 30 minutes of observation when the determination is made that the shutdown zones are clear of marine mammals. If a marine mammal is observed entering or within shutdown

zones, pile driving activity must be delayed or halted. If pile driving is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the shutdown zone or 30 minutes (ESA-listed large whales) or 15 minutes have passed without re-detection of the animal. If a marine mammal for which take by Level B harassment is authorized is present in the Level B harassment zone, activities may begin.

Soft-Start—The use of soft-start procedures are believed to provide additional protection to marine mammals by providing warning and/or giving marine mammals a chance to leave the area prior to the hammer operating at full capacity. For impact pile driving, contractors would be required to provide an initial set of three strikes from the hammer at reduced energy, with each strike followed by a

30-second waiting period. This procedure would be conducted a total of three times before impact pile driving begins. Soft start would be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of 30 minutes or longer. Soft start is not required during vibratory pile driving activities.

Based on our evaluation of the applicant's proposed measures, NMFS 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, and on the availability of such species or stock for subsistence uses.

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.

Visual Monitoring

Marine mammal monitoring during pile driving activities must be conducted by NMFS-approved PSOs in a manner consistent with the following:

- PSOs must be independent of the activity contractor (for example, employed by a subcontractor), and have no other assigned tasks during monitoring periods;
- At least one PSO must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization;
- Other PSOs may substitute other relevant experience, education (degree in biological science or related field) or training for experience performing the duties of a PSO during construction activities pursuant to NMFS-issued take authorization;
- Where a team of three or more PSOs is required, a lead observer or monitoring coordinator will be designated. The lead observer will be required to have prior experience working as a marine mammal observer during construction activity pursuant to a NMFS-issued incidental take authorization; and,
- PSOs must be approved by NMFS prior to beginning any activity subject to this IHA.

PSOs should also have the following qualifications:

- Ability to conduct field observations and collect data according to assigned protocols;
- Experience or training in the field identification of marine mammals, including identification of behaviors;
- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
- Writing skills sufficient to prepare a report of observations including, but not limited to, the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates, times, and reason for implementation of mitigation (or why mitigation was not

implemented when required); and marine mammal behavior; and,

- Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

Visual monitoring would be conducted by trained PSOs positioned at suitable vantage points, such as the project site, and the southern tip of Nyman Peninsula. During vibratory pile driving and removal, at least one PSO would be placed near the pile driving site and have an unobstructed view of all water within the shutdown zone. During impact pile driving and DTH, a second PSO would be placed at a location like the southern end of Nyman Peninsula ensure the larger shutdown zones would be observable as well.

Monitoring would be conducted 30 minutes before, during, and 30 minutes after all in water construction activities. In addition, PSOs will record all incidents of marine mammal occurrence, regardless of distance from activity, and will document any behavioral reactions in concert with distance from piles being driven or removed. Pile driving activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than 30 minutes.

Reporting

USCG would submit a draft marine mammal monitoring report to NMFS within 90 days after the completion of pile driving activities, or 60 days prior to a requested date of issuance of any future IHAs for the project, or other projects at the same location, whichever comes first. The marine mammal monitoring report will include an overall description of work completed, a narrative regarding marine mammal sightings, and associated PSO data sheets. Specifically, the report will include:

- Dates and times (begin and end) of all marine mammal monitoring;
- Construction activities occurring during each daily observation period, including: (1) the number and type of piles that were driven and the method (*e.g.*, impact or vibratory); and (2) total duration of driving time for each pile (vibratory driving) and number of strikes for each pile (impact driving);
- PSO locations during marine mammal monitoring;
- Environmental conditions during monitoring periods (at beginning and end of PSO shift and whenever conditions change significantly), including Beaufort sea state and other relevant weather conditions including

cloud cover, fog, sun glare, and overall visibility to the horizon, and estimated observable distance;

- Upon observation of a marine mammal, the following information: (1) name of PSO who sighted the animal(s) and PSO location and activity at time of sighting; (2) time of sighting; (3) identification of the animal(s) (*e.g.*, genus/species, lowest possible taxonomic level, or unidentified), PSO confidence in identification, and the composition of the group if there is a mix of species; (4) distance and location of each observed marine mammal relative to the pile being driven for each sighting; (5) estimated number of animals (min/max/best estimate); (6) estimated number of animals by cohort (adults, juveniles, neonates, group composition, *etc.*); (7) animal's closest point of approach and estimated time spent within the harassment zone; (8) description of any marine mammal behavioral observations (*e.g.*, observed behaviors such as feeding or traveling), including an assessment of behavioral responses thought to have resulted from the activity (*e.g.*, no response or changes in behavioral state such as ceasing feeding, changing direction, flushing, or breaching);

- Number of marine mammals detected within the harassment zones, by species; and,

- Detailed information about implementation of any mitigation (*e.g.*, shutdowns and delays), a description of specific actions that ensued, and resulting changes in behavior of the animal(s), if any.

A final report must be prepared and submitted within 30 calendar days following receipt of any NMFS comments on the draft report. If no comments are received from NMFS within 30 calendar days of receipt of the draft report, the report shall be considered final. All PSO data would be submitted electronically in a format that can be queried such as a spreadsheet or database and would be submitted with the draft marine mammal report.

In the event that personnel involved in the construction activities discover an injured or dead marine mammal, the Holder must report the incident to the OPR, NMFS

(*PR.ITP.MonitoringReports@noaa.gov* and *itp.fleming@noaa.gov*) and Alaska Regional Stranding network (877-925-7773) as soon as feasible. If the death or injury was clearly caused by the specified activity, the Holder must immediately cease the activities until NMFS OPR is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure

compliance with the terms of this IHA. The Holder must not resume their activities until notified by NMFS. The report must include the following information:

- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);
- Observed behaviors of the animal(s), if alive;
- If available, photographs or video footage of the animal(s); and,
- General circumstances under which the animal was discovered.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.*, population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be "taken" through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (*e.g.*, intensity, duration), the context of any impacts or responses (*e.g.*, critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (*e.g.*, as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the majority of our analysis applies to all the species listed in table 3, given that many of the anticipated effects of this project on different marine mammal stocks are

expected to be relatively similar in nature. Where there are meaningful differences between species or stocks, or groups of species, in anticipated individual responses to activities, impact of expected take on the population due to differences in population status, or impacts on habitat, they are described independently in the analysis below.

Pile driving, removal, and DTH activities associated with the project, as outlined previously, have the potential to disturb or displace marine mammals. Specifically, the specified activities may result in take, in the form of Level B harassment and, for some species, Level A harassment from underwater sounds generated by pile driving and removal. Potential takes could occur if individuals are present in the ensonified zone when these activities are underway.

No serious injury or mortality is expected in either year, even in the absence of required mitigation measures, given the nature of the activities. Further, no take by Level A harassment is anticipated for any low-frequency or high-frequency cetaceans, due to the rarity of the species near the project area and the application of proposed mitigation measures, such as shutdown zones that encompass the Level A harassment zones for these species (see Proposed Mitigation section).

In both Year 1 and Year 2, take by Level A harassment is proposed for authorization for six species (Dall's porpoise, harbor porpoise, northern fur seal, Steller sea lion, harbor seal, and northern elephant seal). Any take by Level A harassment is expected to arise from, at most, a small degree of AUD INJ (*i.e.*, minor degradation of hearing capabilities within regions of hearing that align most completely with the energy produced by impact pile driving such as the low-frequency region below 2 kHz), not severe hearing impairment or impairment within the ranges of greatest hearing sensitivity. Animals would need to be exposed to higher levels and/or longer duration than are expected to occur here in order to incur any more than a small degree of PTS.

Further, in both year 1 and year 2, the amount of take by Level A harassment proposed for authorization is very low. For six species, NMFS anticipates no take by Level A harassment over the duration of USCG's planned activities (both years); In year 1, NMFS expects no more than 6 takes by Level A harassment for Dall's porpoise in year 1 and 5 in year 2; 15 takes by Level A harassment for harbor porpoise in year 1 and 5 in year 2; 19 takes by Level A

harassment for northern elephant seal in year 1 and 6 in year 2; and 2 takes by Level A harassment for Steller sea lion in year 1 and 1 in year 2. The proposed amount of take by Level A harassment for harbor seal is a bit larger—185 takes in year 1 and 73 in year 2. However, for all hearing groups, if hearing impairment occurs, it is most likely that the affected animal would lose only a few dB in its hearing sensitivity. Due to the small degree anticipated, any AUD INJ potentially incurred would not be expected to affect the reproductive success or survival of any individuals, much less result in adverse impacts on the species or stock.

Additionally, some subset of the individuals that are behaviorally harassed could also simultaneously incur some small degree of TTS for a short duration of time. However, since the hearing sensitivity of individuals that incur TTS is expected to recover completely within minutes to hours, it is unlikely that the brief hearing impairment would affect the individual's long-term ability to forage and communicate with conspecifics, and would therefore not likely impact reproduction or survival of any individual marine mammal, *let alone* adversely affect rates of recruitment or survival of the species or stock.

Effects on individuals that are taken by Level B harassment in the form of behavioral disruption, on the basis of reports in the literature as well as monitoring from other similar activities, would likely be limited to reactions such as avoidance, increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring) (*e.g.*, Thorson and Reyff, 2006). Most likely, individuals would simply move away from the sound source and temporarily avoid the area where pile driving is occurring. If sound produced by project activities is sufficiently disturbing, animals are likely to simply avoid the area while the activities are occurring. We expect that any avoidance of the project areas by marine mammals would be temporary in nature and that any marine mammals that avoid the project areas during construction would not be permanently displaced. Short-term avoidance of the project areas and energetic impacts of interrupted foraging or other important behaviors is unlikely to affect the reproduction or survival of individual marine mammals, and the effects of behavioral disturbance on individuals is not likely to accrue in a manner that would affect the rates of recruitment or survival of any affected stock.

The project is also not expected to have significant adverse effects on

affected marine mammals' habitats. The project activities would not modify existing marine mammal habitat for a significant amount of time. The activities may cause a low level of turbidity in the water column and some fish may leave the area of disturbance, thus temporarily impacting marine mammals' foraging opportunities in a limited portion of the foraging range; but, because of the short duration of the activities and the relatively small area of the habitat that may be affected (with no known particular importance to marine mammals), the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

Steller sea lions are not common in the project area, and there are no essential primary constituent elements (biological or physical features within designated critical habitat that are essential to the conservation of the listed species), such as haulouts or rookeries, present. The nearest haulout is 4 km away on a man-made float. Therefore, the project is not expected to have significant adverse effects on the critical habitat of Western DPS Steller sea lions.

While waters off Kodiak have been identified as BIAs for gray whale, fin whale, and humpback whale, only a small portion of the project area at the mouth of Womens Bay overlaps with a minimal part of these identified areas. The shallow waters of Womens Bay do not represent habitat for these species and occurrence of these species is low in the project area.

In addition, it is unlikely that minor noise effects in a small, localized area of habitat would have any effect on the reproduction or survival of any individuals, much less these stocks' annual rates of recruitment or survival. In combination, we believe that these factors, as well as the available body of evidence from other similar activities, demonstrate that the potential effects of the specified activities would have only minor, short-term effects on individuals. The specified activities are not expected to impact rates of recruitment or survival and would therefore not result in population-level impacts.

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 serious injury or mortality is anticipated or proposed for authorization;
- No take by Level A harassment is proposed for 6 out of 12 species;

- Take by Level A harassment would be very small amounts for most species and of a low severity;

- For all species, Womens Bay is a very small and peripheral part of their range;

- Proposed takes by Level B harassment are relatively low for most stocks. Level B harassment would be primarily in the form of behavioral disturbance, resulting in avoidance of the project areas around where impact or vibratory pile driving is occurring, with some low-level TTS that may limit the detection of acoustic cues for relatively brief amounts of time in relatively confined footprints on their populations;

- The ensonified areas are very small relative to the overall habitat ranges of all species and stocks, and overlap with known areas of important habitat is minimal; and,

- The lack of anticipated significant or long-term negative effects to marine mammal habitat.

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 total 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 sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

The instances of take NMFS proposed to authorize is below one third of the estimated stock abundance for all species. The number of animals authorized to be taken from these stocks would be considered small relative to the relevant stocks' abundances even if

each estimated taking occurred to a new individual. Some individuals may return multiple times in a day, but PSOs would count them as separate takes if they cannot be individually identified.

There are no official abundance estimates available for humpback whale (Mexico-North Pacific stock), fin whale (Northeast Pacific stock), minke whale (Alaska stock), and Dall's porpoises (Alaska stock).

The most recent abundance estimate for the Mexico-North Pacific stock of humpback whale is likely unreliable as it is more than 8 years old. There are 2 minimum population estimates for this stock that are over 15 years old: 2,241 (Martínez-Aguilar, 2011) and 766 (Wade, 2021). Using either of these estimates, the 2 takes by Level B harassment proposed for authorization each year is small relative to the estimated abundance (<1 percent), even if each proposed take occurred to a new individual. Young *et al.* (2024) estimate the minimum stock size for the Northeast Pacific stock of fin whale for the areas surveyed is 2,554 individuals. Therefore, the six takes by Level B harassment of this stock each year represent small numbers of this stock. There is also no current abundance estimate of the Alaska stock of minke whale, but over 2,000 individuals were documented in areas recently surveyed (Young *et al.*, 2024). Therefore, the 2 takes by Level B harassment each year represent small numbers of this stock, even if each take occurred to a new individual. The most recent stock abundance estimate of the Alaska stock of Dall's porpoise was 83,400 animals and, although the estimate is more than 8 years old, it is unlikely this stock has drastically declined since that time. Therefore, the 41 takes proposed for authorization in year 1, and the 13 takes proposed for authorization in year 2, represent small numbers of this stock.

Based on the analysis contained herein of the proposed activity (including the proposed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS preliminarily finds that small numbers of marine mammals would be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

In order to issue an IHA, NMFS must find that the specified activity will not have an "unmitigable adverse impact" on the subsistence uses of the affected marine mammal species or stocks by Alaskan Natives. NMFS has defined "unmitigable adverse impact" in 50 CFR 216.103 as an impact resulting from the

specified activity: (1) That is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by: (i) Causing the marine mammals to abandon or avoid hunting areas; (ii) Directly displacing subsistence users; or (iii) Placing physical barriers between the marine mammals and the subsistence hunters; and (2) That cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

The USCG indicated that most recent data from Kodiak Station, which is the closest community observation station for subsistence harvesting, is from 1991 and does not show any marine mammal harvest data. The most recent data from the Old Harbor Station, which is located southeast of Kodiak Station is from 2018 and indicates that 37 marine mammals were harvested that year (harbor seals, steller sea lion, unidentified marine mammal). The USCG sent scoping letters to potentially affected entities (local governments, Alaska native organizations). No concerns related to potential impacts on marine mammal subsistence activities and resources were provided.

- As noted above, recent data suggests that subsistence harvest of marine mammals does not currently occur in the project area. Further, construction activities would be temporary and localized to Womens Bay, near an active USCG base where human presence is common, marine mammal occurrence is low, and local marine mammals are likely accustomed to human activities. Further, mitigation measures will be implemented to minimize disturbance of marine mammals in the project area;

Based on the description of the specified activity, the measures described to minimize adverse effects on the availability of marine mammals for subsistence purposes, and the proposed mitigation and monitoring measures, NMFS has preliminarily determined that there will not be an unmitigable adverse impact on subsistence uses from USCG's proposed activities.

Endangered Species Act

Section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally

whenever we propose to authorize take for endangered or threatened species, in this case with the ESA Alaska Regional Office (AKRO).

NMFS is proposing to authorize take of humpback whale (Mexico-North Pacific and Western North Pacific), fin whale (northeast Pacific), and Steller sea lion (Western DPS), which are listed under the ESA. The Permits and Conservation Division has requested initiation of section 7 consultation with the AKRO 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 two consecutive IHAs to USCG for conducting Base Kodiak Vessel Homeporting Facility Project in Womens Bay, Kodiak, Alaska between May 19, 2025 and May 18, 2026 and May 19, 2026 and May 18, 2027, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. Drafts of the proposed IHAs can be found at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>.

Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this notice of proposed IHAs for the proposed construction project. We also request comment on the potential renewal of these proposed IHAs 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: March 7, 2025.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

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