FEDERAL REGISTER

Vol. 90 Monday,
No. 55 March 24, 2025

Pages 13407–13550

OFFICE OF THE FEDERAL REGISTER

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Contents

Federal Register

Vol. 90, No. 55

Monday, March 24, 2025

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

To subscribe to the Federal Register Table of Contents electronic mailing list, go to https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
Vol. 90, No. 55
Monday, March 24, 2025

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR Part 1653

Methodology for Calculating Earnings on Court-Ordered Payments

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Final rule.

SUMMARY: The Federal Retirement Thrift Investment Board (FRTIB) adopts as final, without changes, a proposed rule concerning the methodology used to calculate earnings and losses in connection with court-ordered payments to spouses, former spouses, children, or dependents (*i.e.,* payees) of Thrift Savings Plan (TSP) participants.

DATES: The effective date is March 24, 2025.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: James Kaplan, Office of External Affairs, (202) 864–7150.

For information about this final rule: Laurissa Stokes, Office of General Counsel, (202) 308–7707.

SUPPLEMENTARY INFORMATION: The FRTIB administers the TSP, which was established by the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99–335, 100 Stat. 514. The TSP is a retirement savings plan for Federal civilian employees and members of the uniformed services. It is similar to cash or deferred arrangements established for private-sector employees under section 401(k) of the Internal Revenue Code (26 U.S.C. 401(k)). The provisions of FERSA that govern the TSP are codified, as amended, largely at 5 U.S.C. 8351 and 8401–79.

Section 8435(c) of FERSA requires the FRTIB to obey certain domestic relations court orders requiring payments from a TSP participant's account to the participant's spouse, former spouse, child, or dependent. A TSP account can be divided by means of a court decree of divorce, annulment, or legal separation; or a court order or court-approved property settlement agreement resulting from such a decree. A court order to divide a TSP account may be issued at any stage of a divorce, annulment, or legal separation proceeding.

Court orders sometimes award the participant's spouse, former spouse, child, or dependent (*i.e.,* the payee) earnings that accrue between the date used to calculate the payee's entitlement and the date payment is made. Currently, when a court order awards earnings, the FRTIB calculates the amount to which the payee is entitled by determining the payee's award amount (*e.g.,* the percentage or fraction of the participant's account awarded by the court) and, based on the participant's investment allocation as of the date used to calculate the payee's entitlement, the number and composition of shares that the payee's award amount would have purchased as of that date. The FRTIB then multiplies the price per share as of the payment date by the calculated number and composition of shares to determine the payee's entitlement.

The FRTIB contracts with Accenture Federal Services to provide, maintain, and operate the technology platforms necessary to deliver retirement plan record keeping services to TSP participants. These services include processing retirement benefits court orders. The FRTIB updates its methodology for calculating court ordered earnings to align with the methodology used by Accenture Federal Services. Accenture Federal Services calculates earnings by using a money-weighted return commonly referred to in the financial industry as the internal rate of return. This methodology considers the influence of cash flows (for example, contributions, withdrawals, loans, and loan payments) on asset allocation, and the resulting effect on investment performance.

Specifically, the FRTIB will calculate earnings by (i) identifying the beginning balance, ending balance, and the cash flows between the two balances over the period of time between the entitlement date and the payment date, (ii) calculating the rate of return that increases (or reduces in the case of a loss) the balance at the beginning of the period, accounting for all cash flows, to equal the balance at the end of the period; and then (iii) multiplying the payee's award amount by the resulting rate of return.

The methodology ensures that the payee's entitlement consists of an award component and an earnings component that each reflects the percentage or fraction specified in the court order. The award component reflects the percentage or fraction of the participant's account on the entitlement date as specified in the order. The earnings component is based on the rate of return experienced on the participant's account during the period from the entitlement date to the payment date.

On November 26, 2024, the FRTIB published a proposed rule with request for public comments in the **Federal Register** (89 FR 93223, November 26, 2024). We received no comments. For the reasons explained above, the FRTIB is adopting the proposed rule as final, without any substantive changes.

Regulatory Flexibility Act

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

Paperwork Reduction Act

I certify that these regulations do not require additional reporting under the criteria of the Paperwork Reduction Act.

Unfunded Mandates Reform Act of 1995

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

Submission to Congress and the General Accountability Office

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

List of Subjects in 5 CFR Part 1653

Alimony, Child support, Government employees, Pensions, Retirement.

Ravindra Deo,

Executive Director, Federal Retirement Thrift Investment Board.

For the reasons stated in the preamble, the FRTIB amends 5 CFR chapter VI as follows:

PART 1653—COURT ORDERS AND LEGAL PROCESSES AFFECTING THRIFT SAVINGS PLAN ACCOUNTS

■ 1. The authority citation for part 1653 continues to read as follows:

Authority: 5 U.S.C. 8432d, 8435, 8436(b), 8437(e), 8439(a)(3), 8467, 8474(b)(5) and 8474(c)(1).

■ 2. Amend § 1653.1 in paragraph (b) by adding in alphabetical order the definition of ''Entitlement date'' and revising the definition of ''Payment date'' to read as follows:

§ 1653.1 Definitions.

* * * * *

(b) * * *

Entitlement date means the date determined in accordance with § 1653.4(b) and (c).

Payment date refers to the date on which a temporary account is established for the payee in the Thrift Savings Plan (TSP).

* * * * *

■ 3. Amend § 1653.3 by revising paragraph (f)(4)(ii) to read as follows:

§ 1653.3 Processing retirement benefits court orders.

* * * * *

(f) * * *

(4) * * *

(ii) The anticipated payment date;

* * * * *

■ 4. Amend § 1653.4 by revising paragraphs (a), (c), (d)(2), and (f) to read as follows:

§ 1653.4 Calculating entitlements.

(a) For purposes of computing the amount of a payee's entitlement under this section, a participant's TSP account balance will include any loan balance outstanding as of the entitlement date unless the court order provides otherwise.

* * * * *

(c) If the court order awards a percentage of an account but does not contain a specific date as of which to apply that percentage, the TSP record keeper will use the effective date of the court order.

(d) * * *

(2) The vested account balance on the payment date.

* * * * *

(f) The payee's entitlement will be credited with TSP investment earnings as described:

(1) The entitlement calculated under this section will not be credited with TSP investment earnings unless the court order specifically provides otherwise. The court order may not specify a rate for earnings.

(2) If earnings are awarded, the TSP record keeper will calculate earnings by:

(i) Identifying the beginning balance, ending balance, and the cash flows between the two balances over the period of time between the entitlement date and the payment date;

(ii) Calculating the rate of return that increases (or reduces in the case of a loss) the balance at the beginning of the period, accounting for all cash flows, to equal the balance at the end of the period; and

(iii) Multiplying the payee's award amount by the resulting rate of return.

* * * * *

■ 5. Amend § 1653.5 by revising paragraphs (d) and (h) to read as follows:

§ 1653.5 Payment.

* * * * *

(d) Payment will be made pro rata from the participant's traditional and Roth balances. The distribution from the traditional balance will be further pro rated between the tax-deferred balance and tax-exempt balance. The payment from the Roth balance will be further pro rated between contributions in the Roth balance and earnings in the Roth balance. In addition, all payments will be distributed pro rata from all TSP core funds in which the participant's account is invested. All pro rated amounts will be based on the balances in each fund or source of contributions on the payment date. The TSP record keeper will not honor provisions of a court order that require payment to be made from a specific TSP core fund, source of contributions, or balance.

* * * * *

(h) If the payee dies before a payment is disbursed from the TSP, payment will be made to the estate of the payee, unless otherwise specified by the court order. A distribution to the estate of a deceased court order payee will be reported as income to the decedent's estate. If the participant dies before the payment date, the order will be honored so long as it is submitted to the TSP record keeper before the TSP account has been closed.

* * * * *

■ 6. Revise § 1653.14 to read as follows:

§ 1653.14 Calculating entitlements.

A qualifying legal process can only require the payment of a specified dollar amount from the TSP. Payment pursuant to a qualifying legal process will be calculated in accordance with § 1653.4(a), (d), (f), and (g), except that the term ''payment date'' shall mean the date the payment is disbursed from the TSP.

■ 7. Revise § 1653.15 to read as follows:

§ 1653.15 Payment.

Payment pursuant to a qualifying legal process will be made in accordance with § 1653.5, except the term ''payment date'' shall mean the date the payment is disbursed from the TSP.

■ 8. Amend § 1653.34 by revising paragraph (d)(4)(ii) to read as follows:

§ 1653.34 Processing Federal tax levies and criminal restitution orders.

* * * * *

(d) * * *

(4) * * *

(ii) The anticipated date of disbursement.

[FR Doc. 2025–04913 Filed 3–21–25; 8:45 am]

BILLING CODE 6760–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–2453; Airspace Docket No. 24–ANE–8]

RIN 2120–AA66

Establishment of Class E Airspace; North Conway, NH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface for Memorial Hospital Heliport, North Conway, NH, by adding airspace for the heliport,

which accommodates new area navigation (RNAV) global positioning system (GPS) standard instrument approach procedures serving the heliport. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at this heliport.

DATES: Effective 0901 UTC, June 12, 2025. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: A copy of the notice of proposed rulemaking (NPRM), all comments received, this final rule, and all background material may be viewed online at *www.regulations.gov* using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours a day, 365 days a year. FAA Order JO 7400.11J, Airspace Designations, and Reporting Points, as well as subsequent amendments, can be viewed online at *www.faa.gov/air_traffic/publications/.* For further information, you can contact the Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267–8783.

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it establishes Class E airspace extending upward from 700 feet above the surface at Memorial Hospital Heliport, North Conway, NH.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA 2024–2453 in the **Federal Register** (90 FR 4679; January 16, 2025), proposing to establish Class E airspace extending upward from 700 feet above the surface for Memorial Hospital Heliport, North Conway, NH. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Incorporation by Reference

Class E airspace is published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. FAA Order JO 7400.11J is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11J lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to 14 CFR part 71 establishes Class E airspace extending upward from 700 feet above the surface within a 6-mile radius of the Memorial Hospital Heliport, North Conway, NH. This amendment provides the controlled airspace required to support the new RNAV (GPS) standard instrument approach procedures for instrument flight rules (IFR) operations at the heliport. Controlled airspace is necessary for the safety and management of IFR operations in the area.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order JO 7400.11J, Airspace Designations and Reporting Points, dated July 31, 2024, and effective September 15, 2024, is amended as follows:

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

* * * * *

ANE NH E5 North Conway, NH [New]

Memorial Hospital Heliport, North Conway, NH
(Lat. 44°03′45″ N, long. 71°08′14″ W)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Memorial Hospital Heliport, North Conway, NH.

* * * * *

Issued in College Park, Georgia, on March 14, 2025.

Patrick Young,

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

[FR Doc. 2025–04642 Filed 3–21–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

Designation of Papahānaumokuākea National Marine Sanctuary

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notification of review and effective date of final rule.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) is reviewing, for consistency with the Administration's policies and Executive Orders, the final rule that published on January 16, 2025 to designate Papahānaumokuākea National Marine Sanctuary (PNMS). The designation and regulations for PNMS became effective on March 3, 2025.

DATES: The final rule to designate PNMS, which was published at 90 FR 4856 on January 16, 2025, became effective March 3, 2025.

FOR FURTHER INFORMATION CONTACT: Eric Roberts, Papahānaumokuākea National Marine Sanctaury Superintendent, at *Eric.Roberts@noaa.gov* or 808–294–7470.

SUPPLEMENTARY INFORMATION: Pursuant to Section 304(b) of the National Marine Sanctuaries Act (NMSA) (16 U.S.C. 1434(b)(1)), a sanctuary designation and its regulations become effective following the close of a review period of 45 days of continuous session of Congress beginning on the date of publication of the final rule. For PNMS, the final rule published on January 16, 2025, and by operation of NMSA Section 304(b), the designation and regulations became effective as of March 3, 2025.

NOAA is reviewing the final rule for this designation for consistency with the Administration's policies and Executive Orders, including Executive Order 14219, Ensuring Lawful Governance and Implementing the President's ''Department of Government Efficiency'' Deregulatory Initiative.

List of Subjects in 15 CFR Part 922

Administrative practice and procedure; Coastal zone; Cultural resources; Environmental; Protection; Fishing; Historic preservation; Marine protected areas; Marine resources; Natural resources; National marine sanctuaries; Penalties; Recreation and recreation areas; Reporting and recordkeeping requirements; Shipwrecks; Wildlife.

John Armor,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2025–04949 Filed 3–21–25; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1306

[Docket No. DEA–948; DEA–407VA]

RIN 1117–AB78; 1117–AB40; 1117–AB88

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 12

Expansion of Buprenorphine Treatment via Telemedicine Encounter and Continuity of Care via Telemedicine for Veterans Affairs Patients

AGENCY: Drug Enforcement Administration, Department of Justice; Substance Abuse and Mental Health Services Administration, Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: In the January 17, 2025, issue of the **Federal Register**, the Drug Enforcement Administration and the Department of Health and Human Services published two final rules related to the practice of telemedicine, titled ''Expansion of Buprenorphine Treatment via Telemedicine Encounter'' and ''Continuity of Care via Telemedicine for Veterans Affairs Patients.'' These final rules were originally scheduled to become final on February 18, 2025. In accordance with the Presidential Memorandum of January 20, 2025, titled ''Regulatory Freeze Pending Review,'' the Drug Enforcement Administration and the Department of Health and Human Services delayed the effective dates of these two final rules to March 21, 2025, by issuing a final rule; delay of effective dates and request for comments in the February 19, 2025, issue of the **Federal Register**. The Drug Enforcement Administration received 32 comments in response to the request for public comments regarding the delayed effective date. Considering these comments, the Department of Justice wishes to further postpone the effective dates for the purpose of further reviewing any questions of fact, law, and policy that the rules may raise. Therefore, the Drug Enforcement Administration and the Department of Health and Human Services will delay the effective date of the two final rules titled ''Expansion of Buprenorphine Treatment via Telemedicine Encounter'' and ''Continuity of Care via Telemedicine for Veterans Affairs Patients'' to December 31, 2025.

DATES: As of March 20, 2025, the effective dates of the final rules amending 21 CFR part 1306 and 42 CFR part 12 published in the **Federal Register** on January 17, 2025, at 90 FR 6504 and 90 FR 6523, respectively, are effective December 31, 2025.

FOR FURTHER INFORMATION CONTACT: Heather Achbach, Regulatory Drafting and Policy Support Section, Diversion Control Division, Drug Enforcement Administration; Telephone: (571) 776–3882.

SUPPLEMENTARY INFORMATION:

Discussion

On January 17, 2025, the Drug Enforcement Administration (DEA) and the Department of Health and Human Services (HHS) published two final rules titled ''Expansion of Buprenorphine Treatment via Telemedicine Encounter'' (90 FR 6504) and ''Continuity of Care via Telemedicine for Veterans Affairs Patients'' (90 FR 6523). These rules, respectively, amended their regulations to expand the circumstances under which: (1) practitioners registered by DEA are authorized to prescribe schedule III–V controlled substances approved by the Food and Drug Administration for the treatment of opioid use disorder via a telemedicine encounter, including an audio-only telemedicine encounter [1] and (2) Department of Veterans Affairs practitioners acting within the scope of their Veterans Affairs employment are authorized to prescribe schedule II–V controlled substances via telemedicine to a Veterans Affairs patient with whom they have not conducted an in-person medical evaluation, if another Veterans Affairs practitioner has, at any time, previously conducted an in-person medical evaluation of the Veterans Affairs patient, subject to certain conditions.[2]

On January 20, 2025, the President of the United States issued a memorandum to all executive departments and agencies titled ''Regulatory Freeze

[1] 90 FR 6504 (Jan. 17, 2025).

[2] 90 FR 6523 (Jan. 17, 2025).

Pending Review'' (the Freeze Memo).[3] Paragraph 3 of the Freeze Memo ordered agencies to ''consider postponing for 60 days from the date of this memorandum the effective date for any rules that have been published in the **Federal Register**, or any rules that have been issued in any manner but have not taken effect, for the purpose of reviewing any questions of fact, law, and policy that the rules may raise.'' The purpose of this delay was ''to allow interested parties to provide comments about issues of fact, law, and policy raised by the rules postponed under this memorandum, and consider reevaluating pending petitions involving such rules.'' In accordance with the Freeze Memo, DEA and HHS published a final rule; delay of effective dates and request for comment in the February 19, 2025, issue of the **Federal Register**.[4]

In the preamble to that rule, DEA explained that the ''new effective dates will not delay or limit the ability of the practitioners covered by these two rules to prescribe via telemedicine, because the 'Temporary Extension of COVID–19 Telemedicine Flexibilities for Prescription of Controlled Medications,' which has been in effect since May 10, 2023, permits practitioners to prescribe via telemedicine through December 31, 2025.'' [5] In addition, this delay allowed Department of Justice (DOJ) and HHS officials further opportunity to review any potential questions of fact, law, and policy raised by those two final rules.

DEA solicited public comment regarding the delayed effective dates of these two final rules. DEA also solicited public comment on whether there may be a need for their effective dates to be extended beyond the new effective date of March 21, 2025, and to address issues of fact, law, and policy raised by these rules, for consideration by officials of the two agencies. DEA received a total of 32 comments. Of the 32 comments received, three commenters specifically requested a further delay in the effective date of the two final rules and 13 commenters requested that the final rules become effective as soon as possible. Since a new effective date will not delay or limit the ability of the practitioners covered by these two rules to prescribe via telemedicine, because the 'Temporary Extension of COVID–19 Telemedicine Flexibilities for Prescription of Controlled Medications permits practitioners to prescribe via telemedicine through December 31, 2025, and to allow DOJ additional time to further review any questions of fact, law, and policy that the rules may raise, DEA and HHS will further delay the effective date of the two final rules published in the January 17, 2025, issue of the **Federal Register**, titled ''Expansion of Buprenorphine Treatment via Telemedicine Encounter'' [6] and ''Continuity of Care via Telemedicine for Veterans Affairs Patients'' [7] to December 31, 2025. This document finalizes the delayed effective date of these final rules to December 31, 2025.

Comments Received

DEA received 32 comments in response to the request for comments regarding the effective date of the two final rules in the January 17, 2025, issue of the **Federal Register**, titled ''Expansion of Buprenorphine Treatment via Telemedicine Encounter'' [8] and ''Continuity of Care via Telemedicine for Veterans Affairs Patients''.[9] Of these comments, 13 commenters requested to finalize the effective date of the two final rules as soon as possible, which was scheduled to be March 21, 2025.

Three commenters explicitly requested that the effective date be delayed beyond March 21, 2025; however, these comments did not provide an alternative effective date for these two final rules. Four commenters generally agreed with the final rules without specifying a preference with respect to their effective dates. Eleven commenters expressed concerns unrelated to the effective date. One commenter provided general comments but did not respond with respect to the delayed effective date.

Based on the foregoing reasons, DEA and HHS are further delaying the effective date of the two final rules published in the January 17, 2025, issue of the **Federal Register** titled ''Expansion of Buprenorphine Treatment via Telemedicine Encounter'' [10] and ''Continuity of Care via Telemedicine for Veterans Affairs Patients'' [11] to December 31, 2025.

Regulatory Analyses

Change to the effective date of these final rules does not affect the economic impact calculated in the final rules. Per Office of Management and Budget (OMB) Circular A–4, analysis is conducted on a time frame which includes all important benefits and costs, and such time frame generally begins at the point when the final rule is expected to begin to have effects.[12] No portion of the analysis conducted in these final rules was dependent on the original effective date, and therefore the change in the time frame does not change any part of the analysis.

Executive Orders 12866 and 13563 (Regulatory Review)

The change to the effective date has no change on the analysis conducted in this section in these two rules. This document merely effectuates a limited delay in the effective dates of two rules, previously scheduled to take effect March 21, 2025. There is no change to the substance of these two final rules.

Regulatory Flexibility Act

The change to the effective date has no change on the analysis conducted in this section in the final rules.

Paperwork Reduction Act of 1995

The change to the effective date has no change on the analysis conducted in this section in the final rules.

Executive Order 12988, Civil Justice Reform

This document meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132, Federalism

This document does not have federalism implications warranting the application of E.O. 13132. The document does 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.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

DEA and HHS are committed to the principles of collaboration and consultation with Tribal governments, as demonstrated through its plans to

[3] 90 FR 8249 (Jan. 28, 2025).

[4] 90 FR 9841 (Feb. 19, 2025).

[5] 90 FR 9841, 98842 (citing 88 FR 30037 (May 10, 2023), as extended by 88 FR 30037 (May 10, 2023) and 89 FR 91253 (Nov. 19, 2024)).

[6] 90 FR 6504 (Jan. 17, 2025).

[7] 90 FR 6523 (Jan. 17, 2025).

[8] 90 FR 6504 (Jan. 17, 2025).

[9] 90 FR 6523 (Jan. 17, 2025).

[10] 90 FR 6504 (Jan. 17, 2025).

[11] 90 FR 6523 (Jan. 17, 2025).

[12] OMB Circular A–4, section 3(b): ''The time frame for your analysis should include a period before and after the date of compliance that is long enough to encompass all the important benefits and costs likely to result from the regulation. A logical beginning point for your stream of estimates would be the point in which the regulation will begin to have effects. . .''

conduct the appropriate Executive Order 13175 Tribal consultations and recognizes the significance of these consultations and their role in shaping regulations that impact Tribal communities. Relevant issues regarding Tribal Consultation were discussed in the two final rules published on January 17, 2025.

Unfunded Mandates Reform Act of 1995

The estimated annual impact of this notice is minimal. Thus, DEA and HHS have determined in accordance with the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*) that this action would not result in any Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted for inflation) in any one year. Therefore, neither a Small Government Agency Plan nor any other action is required under provisions of UMRA.

Signing Authority

This document of the Drug Enforcement Administration was signed on March 19, 2025, by Acting Administrator Derek Maltz. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2025–05007 Filed 3–20–25; 4:15 pm]

BILLING CODE 4410–09–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2023–0185]

RIN 1625–AA09

Drawbridge Operation Regulation; Sandusky Bay, Sandusky, OH

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is altering the operating regulations and signaling requirements that govern the Norfolk Southern Railroad Bridge, mile 3.5, over the Sandusky Bay.

DATES: This rule is effective April 23, 2025.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov.* Type the docket number (USCG–2023–0185) in the ''SEARCH'' box and click ''SEARCH''. In the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Lee D. Soule, Bridge Management Specialist, Ninth Coast Guard District; telephone 216–902–6085, email *Lee.D.Soule@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
IGLD85 International Great Lakes Datum of 1985
LWD Low Water Datum based on IGLD85
MOU Memorandum of Understanding
MPH Miles Per Hour
OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard published an NPRM on May 8, 2023, entitled Drawbridge Operation Regulation; Sandusky Bay, Sandusky, OH in the **Federal Register**, to seek comments on a proposed modification to the current operating schedule to the Norfolk Southern Railroad Bridge, mile 3.5, Sandusky Bay. 88 FR 29584. During the comment period, that ended on July 7, 2023, we received two comments.

In addition to modernizing the regulation, this final rule will address two specific concerns of the Coast Guard as they relate to the operation of the Norfolk Southern Railroad Bridge, mile 3.5, and the responsiveness of drawtenders to marine traffic. The Coast Guard has received several complaints on the operations of the bridge, including, specifically, that the remote drawtender ignores telephone and radio calls from mariners. Sandusky Bay hosts over 12,000 registered recreational vessels a year and is home to the busiest amusement park in America. Federal, State, Local, and commercial search and rescue departments require dependable access to the Norfolk Southern Railroad Bridge, mile 3.5, to reach emergencies on both sides of Sandusky Bay. Emergency responders and the greater public need a simple, reliable, and consistent method for requesting bridge openings.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499.

IV. Discussion of Comments, Changes and the Final Rule

Of the two comments received from bridge owner, Norfolk Southern, one comment requested an extension to the comment period and the other comment was in opposition to many aspects of the proposed rule.

Norfolk Southern's position outlined in their comment makes train operations paramount to all other considerations. The intent of this regulation, as well as the Coast Guard's broader congressionally mandated duty to regulate the operation of bridges, is simple: to provide for the reasonable needs of navigation at the bridge. *See* 33 CFR 114.10. However, bridges cannot unreasonably obstruct the free navigation of the waters over which they are constructed. 33 U.S.C. 494. A bridge is a permitted obstruction to navigation, but it is only allowed to remain across the waterway if it provides for the reasonable need of navigation. *See* 33 CFR 114.10.

Norfolk Southern alleges that we have failed to engage them on this issue before starting a rulemaking. On the contrary, we have engaged Norfolk Southern each time a mariner reports an unreasonable delay to a bridge opening and have reiterated the need for prompt openings and improved communication with the public. We have also conveyed this need at regularly scheduled monthly meetings with Norfolk Southern where we have continually asserted the long-standing legal requirement to provide timely bridge openings to satisfy the reasonable needs of navigation. We have also provided Norfolk Southern notice and reasonable opportunity to be heard through the present NPRM. *See* 88 FR 29584.

Norfolk Southern asserted that the Coast Guard's bridge regulations and requirements will jeopardize the safety of train crews and equipment. The Coast Guard disagrees. Railroads across the country operate trains over movable bridges every day without loss of life or equipment. There is no evidence that Norfolk Southern is at a disadvantage to any competitor in the region or that Norfolk Southern will suffer any decreased ability to cross bridges safely

while following the bridge statutes of the United States.

Norfolk Southern also asserts that the Coast Guard's regulatory actions improperly violate or pre-empt bridge regulations of other federal agencies. However, the Coast Guard's authority to regulate bridges has been well established since at least 1894 and those authorities have been recognized by Congress in 33 U.S.C. 499. This regulation is squarely within long-standing Coast Guard authority and does not conflict with the authorities of any other federal agency.

A reasonable balance between modes of transportation must be maintained. The mechanism for balancing respective need is found within federal statutes. Consistent with their delegated authority in 33 CFR 1.05–1(e), in 33 CFR part 117 subpart B, the Coast Guard District Commander has created permanent specific requirements for operation of individual drawbridges that are in addition to or vary from existing general bridge regulations found in 33 CFR part 117, subpart A. *See* 33 CFR 114.10; 117.8. For example, in 2009, the Coast Guard Ninth District Commander authorized the Norfolk Southern Railroad Bridge, mile 3.5, to operate remotely, and, in the winter, to operate with an advance notice. 74 FR 63610.

Norfolk Southern alleges that this rule impermissibly regulates employment of ''wind blocker'' rail cars, which are rails cars which are occasionally parked on bridges to block high winds in an effort to provide protection to moving trains running on parallel tracks. However, the Coast Guard implements this rule to prevent unreasonable obstructions to maritime navigation. All trains, including trains utilized as wind blockers, can present unreasonable delays to maritime navigation when they are not removed in a timely fashion. Therefore, if Norfolk Southern maintains the capacity for timely removal when a vessel signals for a bridge opening, then Norfolk Southern may place a wind blocker on the bridge anytime they wish. In the alternative, if Norfolk Southern wants to remove the train crew and operate the bridge with a deviation to open with advance notice, that deviation must be listed in 33 CFR part 117 subpart B, or they must first receive a temporary letter of authorization from the Coast Guard District Commander.

The most readily apparent problem at mechanical bridges is communication breakdowns. Whether the breakdowns are between the mariners and the drawtenders, or between the drawtenders and the train dispatchers, communications require improvement to ensure timely bridge openings. The placement of appropriate signage advising the public of means of communication with drawtenders at bridges where there are high volumes of recreational boaters, the required use of telephones by drawtenders at bridges, and the continuous review of remote bridge operations are all positive steps towards enhanced bridge operations, which both ensure the right of navigation on waterways while providing for efficient land transportation.

At Norfolk Southern's request, we will rescind the permanent deviation allowing them to use a wind blocker that was included in the NPRM. This will require Norfolk Southern to provide the Ninth District Commander's staff a request, in writing and in accordance with 33 CFR 117.35, for any temporary deviation to the bridge regulations. These requests may be made electronically to the Ninth District Bridge Manager: Mr. W. Blair Stanifer, email *William.B.Stanifer@uscg.mil* or email Mr. Lee D. Soule, Bridge Management Specialist, Ninth Coast Guard District; email *Lee.D.Soule@uscg.mil.* Requests should be made with at least seventy-hours advance notice to allow adequate time to process their request and to advertise the temporary deviation to the mariners.

The bridge is remotely operated by the drawtender at the Toledo bridge, that is already required to maintain and answer a telephone. That number will be made available to the boaters of Sandusky Bay to call to request a bridge opening. Additionally, because the remote drawtender in Toledo operates three bridges, the new signage at the bridge will state the name of the bridge to improve boaters' ability to identify the bridge from which they are requesting an opening.

The drawtender will still be responsible for receiving visual and sound signals from vessels as required in 33 CFR 117, and by radio telephone as required in the original remote operations authorization, but the addition of a telephone as an approved means of communications will make requesting bridge openings easier because the ease of use in mobile telephone devices is more popular than marine band radios.

V. Regulatory Analyses

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

A. 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 rule has not been designated a ''significant regulatory action,'' under section 3(f) of Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the ability that vessels can still transit the bridge given advance notice.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 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 did not receive any comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the bridge may be small entities, for the reasons stated in section V. A above, this rule will not have a significant economic impact on any vessel owner or operator.

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 rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–

888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Government

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

Also, this rule does not have Tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

We did not receive any comments from Indian Tribes.

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 rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble. We did not receive any comments from State, local, or Tribal governments.

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, Rev.1, associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series) which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard has determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule promulgates the operating regulations or procedures for drawbridges and is categorically excluded from further review, under paragraph L49, of Department of Homeland Security Management Directive 023–01, Rev.1, Table 1, and Chapter 3, Table 3–1 of the U.S. Coast Guard Environmental Planning Implementation Procedures.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; and DHS Delegation No. 00170.1. Revision No. 01.3.

■ 2. Revise § 117.853 to read as follows:

§ 117.853 Sandusky Bay.

The draw of the Norfolk Southern Railroad Bridge, mile 3.5, is remotely operated, and is required, in addition to the other signals, to operate a radiotelephone and telephone and shall open on signal; except from October 31 through March 31 when it will open on signal if provided a 12-hours advance notice of arrival.

Dated: February 13, 2025.

Jonathan Hickey,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 2025–04917 Filed 3–21–25; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2024–0042; FRL 12249–02–R2]

Air Plan Approval; New York; Knowlton Technologies LLC

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a revision to the State of New York's State Implementation Plan (SIP) for the ozone National Ambient Air Quality Standard (NAAQS) related to a Source-specific SIP (SSSIP) revision for Knowlton Technologies LLC, located at 213 Factory Street, Watertown, New York (the Facility). The control options in this SSSIP revision address volatile organic compound (VOC) Reasonably Available Control Technology (RACT) for the Facility source identified as two 10,000-gallon underground storage tanks holding virgin methanol. This action is being taken in accordance with the requirements of the Clean Air Act (CAA) for implementation of the 2008 and 2015 ozone NAAQS. The EPA proposed to approve this rule on November 26, 2024, and received no comments. This final action will not interfere with ozone NAAQS requirements and meets all applicable requirements of the CAA.

DATES: This final rule is effective on April 23, 2025.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA–R02–OAR–2024–0042. 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.,* Controlled Unclassified Information (CUI) (formerly referred to as Confidential Business Information (CBI)) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Longo, Air Programs Branch, Environmental Protection Agency, 290 Broadway, New York, New York 10007–1866, at (212) 637–3565, or by email at *longo.linda@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. What is the background for this action?

A SSSIP revision was submitted to the EPA by the State of New York on February 22, 2023, for Knowlton Technologies LLC, located at 213 Factory Street, Watertown, New York (the Facility), and it replaces and withdraws the SSSIP that was submitted

by the State on September 16, 2008. On November 26, 2024, the EPA published a notice of proposed rulemaking that proposed to approve a SSSIP revision to address VOC RACT emission limits for the Facility's two underground storage tanks holding virgin methanol. *See* 89 FR 93239. Specifically, the notice of proposed rulemaking addressed the following: (1) RACT control options for two 10,000-gallon underground storage tanks holding virgin methanol; (2) Source-specific emission limit where the presumptive VOC limit is not technologically and economically feasible; and (3) a case-by-case VOC emission limit for the two 10,000-gallon underground storage tanks that will restrict the methanol throughput at the tanks to 2,500,000 pounds/year with a 12-month rolling total.

The EPA is determining through this final action that the VOC RACT emission limits included in the February 22, 2023, SSSIP revision are demonstrated to be RACT for the two underground storage tanks. The underground storage tanks have the lowest emission limits with the application of control technology that are reasonably available given the technological and economic feasibility considerations. Furthermore, the VOC RACT emission limits for the underground storage tanks comply with the New York State regulations, 6 NYCRR part 212, ''Process Operations,'' subpart 212–3, ''Reasonably Available Control Technology for Major Facilities,'' last approved into New York's SIP by the EPA on October 1, 2021, *see* 87 FR 54375 (October 1, 2021), and are contained in the Facility's title V operating permit, 6–2218–00017/00009. The permit was issued by the State on December 27, 2022, and it expires on December 26, 2027.

The specific details of New York's SIP submittals and the rationale for the EPA's approval action are explained in the EPA's proposed rulemaking and are not restated in this final action. For this detailed information, the reader is referred to the EPA's November 26, 2024, proposed rulemaking. *See* 89 FR 93239.

II. What comments were received in response to the EPA's proposed action?

The EPA provided a 45-day review and comment period for the November 26, 2024, proposed rulemaking. The comment period ended on January 10, 2025. We received no comments on the EPA's action.

III. What action is the EPA taking?

The EPA is approving the SSSIP revision because the limits included in the SSSIP are demonstrated to implement RACT for the two 10,000-gallon underground storage tanks holding virgin methanol. Based on information provided by NYSDEC, a review of similar sources, and an analysis of the February 22, 2023, SSSIP revision, the EPA is approving the VOC emission limits for the two tanks as implementing RACT.

Specifically, the EPA is approving the following limits and associated requirements as implementing RACT: the Facility must: (1) Limit VOC emissions by restricting the methanol throughput to 2,500,000 pounds/year with a 12-month rolling total; (2) maintain monthly records to verify the throughput in support of a 12-month rolling total; (3) upon any increase in throughput beyond 2,500,000 pounds/year, submit a VOC RACT demonstration that implements RACT at the higher methanol throughput rate.

IV. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Knowlton Technologies VOC case-by-case RACT limit described in the amendments to 40 CFR part 52 as discussed in section I. of this preamble. These documents are available in the docket of this rulemaking through *www.regulations.gov.* Therefore, these materials have been approved by the EPA for inclusion in the State Implementation Plan, have been incorporated by reference by the EPA into that plan, are fully Federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 23, 2025. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

[1] 62 FR 27968 (May 22, 1997).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting, Recordkeeping requirements, and Volatile organic compound.

Michael Martucci,

Regional Administrator, Region 2.

For the reasons set forth in the preamble, EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart HH—New York

■ 2. Amend § 52.1670, in the table in paragraph (d), by adding the entry ''Knowlton Technologies LLC '' at the end of the table to read as follows:

§ 52.1670 Identification of plan.

* * * * *

(d) * * *

EPA—APPROVED NEW YORK SOURCE—SPECIFIC PROVISIONS

Name of source	Identifier No.	State effective date	EPA approval date	Comments
* *	*	*	*	* *
Knowlton Technologies LLC	6–2218–00017/00009	12/27/2022	3/24/2025, [INSERT FIRST PAGE OF **FEDERAL REGISTER** CITATION].	RACT emission limit for condition 32, emission unit 1–TANKS.

* * * * *

[FR Doc. 2025–04910 Filed 3–21–25; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 5b

RIN 0925–AA69

Privacy Act; Implementation; Further Delay of Effective Date

AGENCY: National Institutes of Health (NIH), Department of Health and Human Services (HHS).

ACTION: Final rule; further delay of effective date.

SUMMARY: On January 16, 2025, the Department of Health and Human Services published a final rule to make effective the exemptions that were previously proposed for a new Privacy Act system of records, ''NIH Police Records,'' maintained by the National Institutes of Health (NIH), from certain requirements of the Act. That final rule was originally scheduled to take effect on February 18, 2025. Subsequently, the effective date was delayed until March 21, 2025, in response to the memorandum titled ''Regulatory Freeze Pending Review,'' issued by the President on January 20, 2025. This notice further delays the effective date until May 5, 2025.

DATES: As of March 21, 2025, the effective date of the final rule published on January 16, 2025 (90 FR 4673), delayed until March 21, 2025 (90 FR 9844), is further delayed until May 5, 2025.

FOR FURTHER INFORMATION CONTACT: Dustin Close, Office of Management Assessment, National Institutes of Health, 6705 Rockledge Drive, Suite 601, Bethesda, Maryland 20892, telephone 301–402–6469, email *privacy@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: On January 16, 2025, HHS issued a final rule (90 FR 4673) to make effective the exemptions that were proposed (89 FR 48536) for a new Privacy Act system of records maintained by NIH from certain requirements of the Act. The new system of records covers criminal and non-criminal law enforcement investigatory material maintained by the NIH Division of Police, a component of NIH which performs criminal law enforcement as its principal function. The exemptions are necessary and appropriate to protect the integrity of law enforcement proceedings and records compiled during the course of NIH Division of Police activities, prevent disclosure of investigative techniques, and protect the identity of confidential sources involved in those activities.

On January 20, 2025, President Donald J. Trump issued a memorandum titled ''Regulatory Freeze Pending Review,'' (90 FR 8249) that instructs Federal agencies to consider delaying the effective date of rules published in the **Federal Register**, but which have not yet taken effect, for a period of 60 days from the date of the memorandum. In accordance with that memorandum, HHS delayed for 60 days from the date of the President's memorandum the effective date of the final rule titled ''Privacy Act; Implementation'' that published on January 16, 2025.

The effective date of that final rule, which would have been March 21, 2025, is now May 5, 2025.

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2025–04979 Filed 3–21–25; 8:45 am]

BILLING CODE 4150–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 17–59; FCC 25–15; FR ID 285031]

Advanced Methods To Target and Eliminate Unlawful Robocalls

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) modifies its existing call blocking rules. Specifically, the Commission requires all domestic voice service providers to block based on a reasonable do-not-originate (DNO) list. Second, it requires voice service providers to return Session Initiation Protocol (SIP) code 603+ when calls are blocked based on reasonable analytics.

DATES: Effective March 25, 2026, except for the amendment to 47 CFR 64.1200(o) which are delayed indefinitely. The amendments to 47 CFR 64.1200(o) will become effective following publication

of a document in the **Federal Register** announcing approval of the information collection and the relevant effective date.

FOR FURTHER INFORMATION CONTACT: Jerusha Burnett, Consumer Policy Division, Consumer and Governmental Affairs Bureau, email at *jerusha.burnett@fcc.gov* or by phone at (202) 418–0526. For information regarding the Paperwork Reduction Act (PRA) information collection requirements contained in the PRA, contact Cathy Williams, Office of Managing Director, at (202) 418–2918, or *Cathy.Williams@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order,* in CG Docket No. 17–59, FCC 25–15, adopted on February 27, 2025, and released on February 28, 2025. The full text of this document is available online at *https://docs.fcc.gov/public/attachments/FCC-25-15A1.pdf*.

To request this document in accessible formats for people with disabilities (*e.g.,* Braille, large print, electronic files, audio format) or to request reasonable accommodations (*e.g.,* accessible format documents, sign language interpreters, CART), send an email to *fcc504@fcc.gov* or call the FCC's Consumer and Governmental Affairs Bureau at (202) 418–0530.

Final Paperwork Reduction Act of 1995 Analysis

This document contains new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. This document will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies will be invited to comment on the new or modified information collection requirements contained in this proceeding.

Congressional Review Act

The Commission sent a copy of the *Report and Order* to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

Synopsis

1. In this Report and Order, the Commission strengthens its call blocking and robocall mitigation rules in key areas. First, the Commission expands its requirement to block calls based on a reasonable do-not-originate (DNO) list to include all U.S.-based providers in the call path. The Commission next establishes Session Initiation Protocol (SIP) code 603+ as the exclusive code to notify callers when calls on internet Protocol (IP) networks are blocked based on reasonable analytics to better correct erroneous blocking.

Requiring All Providers To Block Using a Reasonable Do-Not-Originate List

2. The Commission adopts its proposal to require all providers in the call path to block calls that are highly likely to be illegal based on a reasonable DNO list. Requiring all providers to block using a reasonable DNO list ensures that this type of blocking protects all voice customers. Even if some providers use more limited lists that are nonetheless reasonable, either out of concern that lawful calls may be blocked or because of technical limitations, consumers will be better protected because other providers in the call path may use more extensive lists, or even slightly different lists. The Commission therefore agrees with commenters that broadly support extension of the DNO blocking requirement to all voice service providers. The Commission makes this requirement effective 90 days after publication of a notice of Office of Management and Budget approval in the **Federal Register**.

3. While the Commission agrees with USTelecom that many providers already block based on such lists, it disagrees with it that this makes a mandate unnecessary. Requiring more providers to block based on a DNO list will ensure that more consumers are protected from illegal calls. Further, the Commission is unpersuaded that any potential inefficiencies that stem from requiring all providers to block based on a reasonable DNO list outweigh the potential benefits. A provider may implement this requirement in whatever method makes sense for its network, so long as the list is applied to all calls that transit the provider's network. The Commission also declines to adopt a safe harbor for blocking based on a reasonable DNO list, as Cloud Communications Alliance suggests, because it is unclear what liability a provider would face for blocking based on a such a list and the Commission is unaware of any provider facing such liability since the Commission first authorized this blocking in 2017.

4. *Scope of the List.* Consistent with the Commission's rule for gateway providers and messaging providers, the Commission does not mandate the use of a specific list, but allows providers to use any DNO list so long as the list is reasonable. The Commission similarly does not change the scope of numbers that may be included on a reasonable DNO list. This ensures that its rule for gateway providers is consistent with the Commission's rule for all other providers and ensures that the categories of numbers from which there is no valid reason for calls to originate can be included on the list. Such a list may include only invalid, unallocated, and unused numbers, as well as numbers for which the subscriber has requested blocking. The Commission clarifies that, to be considered reasonable, a list may include only the above-referenced categories of numbers and need not include all possible covered numbers. This is particularly true for unused numbers, which may be difficult for some providers to identify in some cases. The Commission may, however, deem unreasonable a list so limited in scope that it leaves out obvious numbers that could be included with little effort. The Commission finds that the current categories of numbers appropriately balance the certainty that calls are highly likely to be illegal with the need to protect consumers from those calls. The Commission therefore agrees with commenters that ask it not to change the scope of numbers that may be included on a reasonable DNO list.

5. Consistent with the Commission's rule, it does not adopt a single uniform list or establish a minimum list. Providers must constantly update DNO lists, especially if they include unused numbers that could go into use at any time, and there is not currently a standardized way to ensure that these updates would happen in real time for all providers. While this is true of either a centralized list or a provider-maintained list, a provider-maintained list may, for example, include only unused numbers assigned to that provider and automate number drop-off upon putting the number into use—or simply leave off these numbers if they cannot reasonably do so. Additionally, as Neustar notes, some voice service providers may have ''limitations in the number of DNO numbers that they can use'' due to ''older or less capable networking equipment.'' A provider-selected list better accounts for this issue than a uniform list, and technical limitations provide a valid reason for some numbers to be excluded. The Commission also recognizes that providers know their own networks and may be better positioned to determine what types of numbers should be prioritized. By contrast, a central list would need to include rules prioritizing particular numbers across the U.S. network, which may not be the best

approach in all cases. The Commission therefore agrees with Neustar that granting flexibility to providers allows them ''to adapt or customize their DNO list based on their customer base, traffic profile, and other reasonable considerations. This will help those voice service providers maximize protections for their customers.''

6. The Commission therefore disagrees with commenters who argue that it should adopt a uniform list or establish a minimum list, require a more comprehensive list, or ''set the criteria for inbound-only numbers to be the same as for government inbound-only numbers.'' Because of the potential technological limitations discussed above, the Commission declines to mandate a more extensive list at this time. The Commission also maintains its previous approach, which allows providers to exercise discretion as to what numbers they include on their lists, so long as the list includes, at a minimum: (1) ''any inbound-only government numbers where the government entity has requested the number be included;'' and (2) ''private inbound-only numbers that have been used in imposter scams, when a request is made by the private entity assigned such a number.'' Providers may, of course, include inbound-only numbers that have not been used in imposter scams if they are capable of doing so.

7. Moreover, while Somos correctly notes that ''the more comprehensive the DNO list . . . the more spoofed calls that will be blocked before reaching the intended victim,'' the Commission finds that the burden of requiring all providers, including smaller providers, to use an expansive DNO list is unnecessary at this time. This is particularly true when all other providers in the call path must block. Some providers will use or already use these more expansive lists, and a single call will often pass through several networks on its path to the recipient. As a result, many consumers will be protected by these more comprehensive lists even when one provider in the call path uses a more restricted list. The Commission recommends that providers, when technically feasible, use a more comprehensive list to safeguard even more consumers.

SIP Code for Immediate Notification of Analytics-Based Blocking

8. The Commission modifies its requirement for terminating providers to provide immediate notification to callers when calls are blocked based on reasonable analytics. The Commission now requires the exclusive use of SIP code 603+ for this purpose on IP networks. The Commissions directs providers that block based on reasonable analytics to return SIP code 603+. This will ensure that callers learn when and why their calls are blocked based on reasonable analytics, which in turn will allow these callers to access redress when blocking errors occur. The Commission clarifies that this requirement only applies when providers block calls based on analytics; the Commission does not require providers to provide immediate notification when blocking based on a DNO list, pursuant to Commission notification if not based on analytics, or at the request of a customer without the use of analytics. As required by the Commission's rules, the Commission directs all providers to perform necessary software upgrades to ensure the codes it requires for such notification are appropriately mapped. Providers must ensure that calls that transit over Time Division Multiplexing (TDM) and IP networks return an appropriate code when calls are blocked based on an analytics program, and the correct ISUP code for this purpose remains 21. The Commission further directs voice service providers to cease using the standard version of SIP code 603, or SIP codes 607 or 608, for this purpose.

9. *Adopting 603+ for Immediate Notification on IP Networks.* The Commission previously indicated that the existing rule allowing providers to use one of several codes for immediate notification of blocking based on an analytics program—*i.e.,* SIP code 603, 607, or 608—was a temporary measure. The TRACED Act requires the Commission to ensure that callers receive ''transparency and effective redress'' when their calls are blocked by analytics, and a single uniform code is the best way to achieve this transparency. The Commission therefore agrees with commenters such as INCOMPAS and Cloud Communications Alliance that urge it to adopt a single, uniform code. The Commission similarly agrees that providers should adopt and implement a code quickly. The implementation of a single code has already been delayed and should not be delayed for longer than is absolutely necessary for implementation.

10. The record demonstrates that SIP code 603+ will provide more information to providers more quickly than SIP code 608, and likely at lower cost to providers. While both SIP codes 603+ and 608 could ultimately provide the information callers need, commenters disagree as to whether SIP code 603+ or 608 is the best code for this purpose. Despite the contention by some commenters that some providers currently use SIP code 608, it appears a limited number of providers use it for a limited number of calls and without the jCard. In the SIP code 608 specification, the jCard is an optional feature but it is necessary to provide information such as the identity of the blocking provider and redress information. As a result, current uses of SIP code 608 tell a caller that a call was blocked based on analytics but not which provider blocked the call or how to file a dispute. Therefore, while SIP code 608 provides callers with the basic information that a call is blocked, it provides minimal actionable information. USTelecom notes that currently very few providers have implemented SIP code 608, which means that, when a caller receives a 608, there is a limited list of providers that may have blocked the call; it further notes that broader deployment will make identifying the blocking provider significantly more difficult, especially in cases where SIP Code 608 may be used by non-terminating providers. Some commenters argue that implementing the jCard would take a significant amount of time—even years. By contrast, SIP code 603+ is not currently in use, but can provide the same information without the complexity of the jCard; furthermore, since it builds on an existing code, it appears to be substantially less technically complex to implement.

11. SIP code 603+ builds on SIP code 603, which is already in use in the network and is different from it in a few key ways. First, instead of the status line reading ''Decline'' as in the standard SIP code 603, 603+ will read ''Network Blocked.'' This provides immediate, standardized information to originating providers and callers that the code is being used to indicate analytics-based blocking. Additionally, ATIS has standardized the reason header to define and require text fields that indicate blocking is based on analytics, as well as contact information for redress. This contains significantly more information than that provided by SIP code 608 without the use of the optional jCard, and at least comparable to what that code would provide if fully implemented with the jCard.

12. Commenters are correct that SIP code 603 was not originally intended for use as a notification for blocking. Indeed, when it was originally established, analytics-based blocking as we currently know it did not exist. And the Commission agrees with commenters that it has characterized the use of SIP code 603 as a temporary measure to satisfy the TRACED Act requirement to provide transparency

and effective redress for erroneous analytics-based blocking. However, except where ISUP code 21 is translated into a standard SIP code 603 and therefore cannot be distinguished as a 603+, SIP code 603+ is substantially different both in the status line and in mandatory text fields. These significant modifications, which make SIP code 603+ distinct from a standard SIP code 603, ensure that 603+ is appropriate for this use, even though the standard SIP code 603 would be inappropriate for long term use to indicate analytics-based blocking.

13. The Commission disagrees with commenters who argue that SIP code 608 is the more appropriate code because it is more readily accessible and easier for callers to analyze. The Commission understands that caller equipment may need to be modified to look for the text in the status line, rather than simply the number of the code, and that system changes may need to be done to read the text fields that include redress information. The Commission is not convinced that this is a particularly challenging hurdle for callers to overcome, however. The status line that includes the numerical code, whether 603 or 608, also includes the reason phrase (in the case of 603+, ''Network Blocked''). While software may not currently be configured to read this reason phrase, commenters do not make a clear case that this software cannot be reconfigured. Indeed, at least one group of caller commenters appears to believe that such reconfiguration is possible and specifically supports the use of SIP code 603+, citing the ''Network Blocked'' portion of the status line, among other factors, as evidence it will work for their needs. Additionally, implementation of SIP code 603+ will make specific redress information available to callers, which should significantly reduce, if not eliminate, the current need for callers to invest significant time into investigation and outreach in order to initiate redress with the correct provider. Moreover, if SIP code 608 were implemented with the jCard to provide this information, callers would presumably also need to make modifications to read the information provided by the jCard. Therefore, use of either code would appear to require some investment by callers. The Commission therefore expects that most high-volume callers will choose to modify their equipment to recognize SIP code 603+ and have sufficient incentive to do so.

14. As part of the Commission's requirement for voice service providers to return SIP code 603+, the Commission clarifies that all providers in the call path must transmit the appropriate code to the origination point of the call, including ensuring that SIP code 603+ maps appropriately to ISUP code 21. Similarly, any IP provider that receives SIP code 603+ must ensure it transmits the full header, including all mandatory text fields established in the standard.

15. *Implementation Deadline and Sunsetting SIP codes 603, 607, and 608.* The Commission requires providers to implement SIP code 603+ no later than 12 months from publication of this Order in the **Federal Register**. The Commission finds that a one-year implementation period appropriately balances the need for callers to receive greater transparency and the need for interoperability testing and other finalizing work by providers. Providers should have long been aware that the Commission would want them to quickly implement such a change, as the TRACED Act requires transparency and effective redress and the Commission has described the current option to use the standard version of SIP code 603 as a temporary measure.

16. The Commission also directs providers to cease using SIP codes 603, 607, and 608 when calls are blocked using analytics once they have implemented 603+ and in no instance later than 12 months from publication of this Order in the **Federal Register**. The Commission therefore disagrees with Cloud Communications Alliance and INCOMPAS, which urge us to continue to allow the use of 608 and to require implementation of the requirements in six months. First, continuing to allow SIP code 608 would cause further confusion and uncertainty by reducing incentives for both providers and callers to update their systems appropriately which undermines the Commission's goal of mandating a single code. Second, while AT&T may already have effectively implemented 603+ in much of its network, AT&T is a single large provider and other providers, such as those with different network architecture, may to need additional time. Similarly, AT&T's ability to implement 608 without the jCard within 12 months does not indicate that other providers will not reasonably require additional time. Additionally, SIP code 608 without the jCard offers much less information compared to SIP code 603+. However, when SIP code 608 includes the jCard, it provides benefits similar to 603+, though it takes more time to implement. Therefore, it is more appropriate to use SIP code 608 with the jCard for comparison. While the Commission agrees that quicker implementation would be ideal and provide benefit to callers, it is concerned that doing so will be technically infeasible for quite a few providers, and therefore continue the cycle of delays and uncertainty.

17. Providers may continue to use SIP code 603 where otherwise appropriate, but not for analytics-based blocking except when an intermediate or terminating providers receive ISUP code 21 and cannot reasonably determine whether SIP code 603 or 603+ is appropriate. SIP code 607 may be used for its intended purpose: to indicate that a call was blocked at the subscriber's direction without the use of analytics. Because the Commission requires immediate notification only when providers block based on reasonable analytics, it declines to mandate the use of SIP code 607. The Commission therefore disagrees with the commenter that urges it to require use of SIP code 607. While this information may be valuable to some callers, comments in previous proceedings indicate that there may be privacy concerns with its use. At this time, the Commission finds that these concerns outweigh the potential benefits and therefore decline to mandate the use of SIP code 607.

18. *Additional Protections for Lawful Callers.* Because the Commission does not adopt any requirements for blocking based on reasonable analytics and the blocking notification rules it adopts today are expansions of its existing rules, rather than wholly new requirements, it declines to adopt any additional protections for lawful callers at this time. The record does not suggest that the Commission's current protections will be insufficient to protect lawful callers after these particular incremental expansions take effect. Moreover, and as discussed previously, the Commission believes that the deployment of SIP code 603+ will provide significant benefit to callers that, when paired with the Commission's existing protections, are sufficient to protect the interests of callers.

Status of Rich Call Data or Other Caller Name Tools

19. The Commission declines to require the display of caller name information when a provider chooses to display an indication that caller ID has been authenticated. Although the Commission does not adopt such a mandate, it urges providers to continue to develop next-generation tools, such as Rich Call Data (RCD) and branded calling solutions, to ensure that consumers receive this information and welcome any updates industry has on its progress. The Commission notes that

it may consider a mandate in the future, particularly if the timely deployment of such valuable tools does not occur without Commission intervention. The record indicates both that CNAM databases are insufficient to provide a consumer with reliable information, and that a mandate requiring the use of other, newer, technologies is premature. Furthermore, the Commission agrees with consumer groups that the ''use of rented [Direct Inward Dialing numbers] just for the purpose of allowing callers to pretend to be someone other than themselves for the express purpose of evading blocking and labeling efforts'' is a concern that merits caution. Solutions that can provide secure end-to-end authentication and verification information can help restore trust in the ecosystem and enhance consumer welfare.

20. Though the Commission declines to adopt a mandate at this time, it nonetheless believes that displaying caller name or other enhanced call information, once a reliable solution is available, will provide significant benefit to consumers, particularly when combined with an indication that caller ID has been authenticated. The Commission therefore strongly encourages industry to develop and standardize tools to ensure that this information is provided to consumers without additional charge to the call recipient. The Commission is concerned that, absent this information, an indication that caller ID has been authenticated provides little actionable information to consumers and may provide consumers with a false sense of security. The Commission intends to continue monitoring developments in this area in order to take action as appropriate in the future.

Legal Authority

21. The Commission's legal authority for the rules it adopts today stems from sections 201(b), 202(a), and 251(e) of the Communications Act of 1934, as amended (the Act), as well as from the Truth in Caller ID Act, and the TRACED Act. These sections have formed the basis for much of the Commission's work to combat illegal calls. In particular, sections 201(b) and 202(a) grant the Commission broad authority to adopt rules governing just and reasonable practices of common carriers.

22. The Commission's authority under section 251(e)(1) provides independent jurisdiction to prevent abuse of U.S. North American Numbering Plan (NANP) resources. This is particularly relevant to the rules the Commission adopts today that require blocking based on a reasonable DNO list, where there is no legitimate reason for the caller to use the number. Similarly, the Truth in Caller ID Act grants the Commission authority to prescribe rules to make unlawful the spoofing of caller ID information with the intent to defraud, cause harm, or wrongfully obtain something of value, and provides us authority to require blocking based on a reasonable DNO list where the number has clearly been spoofed.

23. Section 10(b) of the TRACED Act directs the Commission to ensure that providers are transparent about blocking and give both consumers and callers effective redress for erroneous blocking. It provides authority for the Commission's designation of SIP code 603+ as the appropriate code for immediate notification of callers when calls are blocked based on reasonable analytics. The Commission adopted its original immediate notification requirement based on the authority of that section. The Commission now simply modify that requirement to ensure that callers receive greater transparency.

Cost-Benefit Analysis

24. The record supports the Commission's conclusion that the actions it takes now to strengthen its rules will yield benefits to consumers that exceed the costs of their implementation. The Commission previously estimated that illegal and unwanted calls cost consumers $13.5 billion annually. Even if the actions the Commission takes now to strengthen its rules eliminate only a small fraction of these unwanted and fraudulent calls, the benefits will be substantial and will outweigh the costs.

25. *Benefits.* Extending blocking to all voice service providers in the call path based on a reasonable DNO list will increase the proportion of unwanted and illegal calls that are successfully blocked. The collective effect of each provider in the call path using its own risk-based DNO list will be to better filter illegal and unwanted calls by blocking illegal calls that elude one provider's different DNO list. If the effect is to eliminate a small share of unwanted and illegal calls, consumers would save millions annually in avoided fraud, aggravation, inconvenience, and mistrust.

26. *Costs.* While the record lacks specific cost data and related analysis, the Commission believes that the increase in providers' costs to avoid the risk of originating illegal calls will be modest. First, the DNO list blocking requirement of this Report and Order merely extends the existing requirement of previous orders. In the *May 2023 Call Blocking Order and Further Notice,* the Commission reaffirmed that ''voice service providers are responsible for the calls they originate, carry, or transmit.'' In this Report and Order, the Commission requires all voice service providers to block calls based upon a reasonable DNO list which is a modest extension of the responsibility for all calls on a network.

27. Additionally, requiring providers to use SIP code 603+ for immediate notification to callers of analytics-based blocking is less technically complex than other potential solutions, and thus likely minimizes the costs of implementation for providers. SIP code 603+ builds on an existing code and thus requires less development than adoption of a new release code. In addition, voice service providers have 12 months after the publication of this Report and Order in the **Federal Register** to implement this change. Further, implementation of SIP code 603+ will make specific redress information available to callers, which should significantly reduce, if not eliminate, the current need for callers to invest significant time into investigation and outreach to initiate redress with the correct provider.

28. Although the record is sparse, the new requirements in this Report and Order to reduce illegal calls can likely be implemented at a relatively modest cost. Given that unwanted and illegal calls reduce public welfare by billions of dollars annually, even a small percentage reduction in those will generate benefits that exceed the costs of the new rules.

Final Regulatory Flexibility Analysis

29. As required by the Regulatory Flexibility Act of 1980 (RFA), as amended, an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor, Eighth Further Notice* (*Call Blocking FNPRM*) released in May 2023. The Federal Communications Commission (Commission) sought written public comment on the proposals in the *Call Blocking FNPRM,* including comment on the IRFA. No comments were filed addressing the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

Need for, and Objectives of, the Order

30. The *Report and Order* continues the Commission's ongoing efforts to stop the growing tide of illegal calls by building on its existing rules. The Commission has taken significant action

to combat this problem, and this *Report and Order* adopts several rules to continue this work. First, the *Report and Order* expands the existing requirements to block calls based on a reasonable do-not-originate (DNO) list. Additionally, it increases transparency for callers by mandating a single Session Initiation Protocol (SIP) code be used when calls are blocked based on reasonable analytic. The Commission's adoption of these requirements in the *Report and Order* strengthens its call blocking and robocall mitigation rules to provide enhanced protection for consumers.

Summary of Significant Issues Raised by Public Comments in Response to the IRFA

31. Although the Commission did not receive comments specifically addressing the IRFA in the *Call Blocking FNPRM,* the Commission did receive comments addressing the burdens on small providers. Commenters expressed concerns regarding burdens associated with additional blocking requirements. With regard to the Commission's proposed requirement for all providers in the call path to block calls that are highly likely to be illegal based on a reasonable DNO list, commenters advocated for call blocking on a reasonable DNO list, no change to the scope of numbers included on a reasonable DNO list, a safe harbor from liability for providers based on the use of a reasonable DNO list. Further, commenters opined on the appropriate SIP code for immediate notification requirements and mandatory call-blocking based on reasonable analytics. Additionally, commenters raised concerns about short implementation times, and asked for additional time for smaller providers. The Commission carefully considered these concerns, and discusses steps taken to address them in section F of this FRFA. The Commission further considered the potential impact of the rules proposed in the IRFA on small entities, and took steps where appropriate and feasible, to reduce the compliance and economic burden for small entities.

Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

32. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rules as a result of those comments. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

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

33. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the rules and policies adopted herein. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A ''small business concern'' is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

34. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* The Commission's actions, over time, may affect small entities that are not easily categorized at present. The Commission therefore describes, at the outset, three broad groups of small entities that could be directly affected herein. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the Small Business Administration's (SBA) Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 33.2 million businesses.

35. Next, the type of small entity described as a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' The Internal Revenue Service (IRS) uses a revenue benchmark of $50,000 or less to delineate its annual electronic filing requirements for small exempt organizations. Nationwide, for tax year 2022, there were approximately 530,109 small exempt organizations in the U.S. reporting revenues of $50,000 or less according to the registration and tax data for exempt organizations available from the IRS.

36. Finally, the small entity described as a ''small governmental jurisdiction'' is defined generally as ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' U.S. Census Bureau data from the 2022 Census of Governments indicate there were 90,837 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States. Of this number, there were 36,845 general purpose governments (county, municipal, and town or township) with populations of less than 50,000 and 11,879 special purpose governments (independent school districts) with enrollment populations of less than 50,000. Accordingly, based on the 2022 U.S. Census of Governments data, the Commission estimates that at least 48,724 entities fall into the category of ''small governmental jurisdictions.''

Wireline Carriers

37. *Wired Telecommunications Carriers.* The U.S. Census Bureau defines this industry as establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry. Wired Telecommunications Carriers are also referred to as wireline carriers or fixed local service providers.

38. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 4,590 providers that reported they were engaged in the provision of fixed local services. Of these providers, the Commission estimates that 4,146 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

39. *Local Exchange Carriers (LECs).* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to LECs. Providers of these services include both incumbent and competitive local exchange service providers. Wired Telecommunications Carriers is the closest industry with an SBA small business size standard. Wired Telecommunications Carriers are also referred to as wireline carriers or fixed local service providers. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 4,590 providers that reported they were fixed local exchange service providers. Of these providers, the Commission estimates that 4,146 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

40. *Incumbent Local Exchange Carriers (Incumbent LECs).* Neither the Commission nor the SBA have developed a small business size standard specifically for incumbent local exchange carriers. Wired Telecommunications Carriers is the closest industry with an SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 1,212 providers that reported they were incumbent local exchange service providers. Of these providers, the Commission estimates that 916 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, the Commission estimates that the majority of incumbent local exchange carriers can be considered small entities.

41. *Competitive Local Exchange Carriers (LECs).* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to competitive LECs. Providers of these services include several types of competitive local exchange service providers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 3,378 providers that reported they were competitive local service providers. Of these providers, the Commission estimates that 3,230 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

42. *Interexchange Carriers (IXCs).* Neither the Commission nor the SBA have developed a small business size standard specifically for IXCs. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 127 providers that reported they were engaged in the provision of interexchange services. Of these providers, the Commission estimates that 109 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, the Commission estimates that the majority of providers in this industry can be considered small entities.

43. *Cable System Operators (Telecom Act Standard).* The Communications Act of 1934, as amended, contains a size standard for a ''small cable operator,'' which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than one percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' For purposes of the Telecom Act Standard, the Commission determined that a cable system operator that serves fewer than 498,000 subscribers, either directly or through affiliates, will meet the definition of a small cable operator. Based on industry data, only six cable system operators have more than 498,000 subscribers. Accordingly, the Commission estimates that the majority of cable system operators are small under this size standard. The Commission notes however, that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed $250 million. Therefore, the Commission is unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

44. *Other Toll Carriers.* Neither the Commission nor the SBA has developed a definition for small businesses specifically applicable to Other Toll Carriers. This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 90 providers that reported they were engaged in the provision of other toll services. Of these providers, the Commission estimates that 87 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Wireless Carriers

45. *Wireless Telecommunications Carriers (except Satellite).* This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless

internet access, and wireless video services. The SBA size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms in this industry that operated for the entire year. Of that number, 2,837 firms employed fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 594 providers that reported they were engaged in the provision of wireless services. Of these providers, the Commission estimates that 511 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

46. *Satellite Telecommunications.* This industry comprises firms ''primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.'' Satellite telecommunications service providers include satellite and earth station operators. The SBA small business size standard for this industry classifies a business with $44 million or less in annual receipts as small. U.S. Census Bureau data for 2017 show that 275 firms in this industry operated for the entire year. Of this number, 242 firms had revenue of less than $25 million. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 65 providers that reported they were engaged in the provision of satellite telecommunications services. Of these providers, the Commission estimates that approximately 42 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, a little more than half of these providers can be considered small entities.

Resellers

47. *Local Resellers.* Neither the Commission nor the SBA have developed a small business size standard specifically for Local Resellers. Telecommunications Resellers is the closest industry with a SBA small business size standard. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. The SBA small business size standard for Telecommunications Resellers classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that 1,386 firms in this industry provided resale services for the entire year. Of that number, 1,375 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 207 providers that reported they were engaged in the provision of local resale services. Of these providers, the Commission estimates that 202 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

48. *Toll Resellers.* Neither the Commission nor the SBA have developed a small business size standard specifically for Toll Resellers. Telecommunications Resellers is the closest industry with a SBA small business size standard. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. The SBA small business size standard for Telecommunications Resellers classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that 1,386 firms in this industry provided resale services for the entire year. Of that number, 1,375 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 457 providers that reported they were engaged in the provision of toll services. Of these providers, the Commission estimates that 438 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

49. *Prepaid Calling Card Providers.* Neither the Commission nor the SBA has developed a small business size standard specifically for prepaid calling card providers. Telecommunications Resellers is the closest industry with a SBA small business size standard. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. The SBA small business size standard for Telecommunications Resellers classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that 1,386 firms in this industry provided resale services for the entire year. Of that number, 1,375 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 62 providers that reported they were engaged in the provision of prepaid card services. Of these providers, the Commission estimates that 61 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Other Entities

50. *All Other Telecommunications.* This industry is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Providers of internet services (*e.g.,* dial-up ISPs) or Voice over Internet Protocol (VoIP) services, via client-supplied telecommunications connections are also included in this industry. The SBA small business size standard for this industry classifies firms with annual receipts of $40 million or less as small. U.S. Census Bureau data for 2017 show that there

were 1,079 firms in this industry that operated for the entire year. Of those firms, 1,039 had revenue of less than $25 million. Based on this data, the Commission estimates that the majority of ''All Other Telecommunications'' firms can be considered small.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

51. The *Report and Order* does not impose new or additional reporting or recordkeeping on small or other impacted entities. The *Report and Order* does require voice providers to meet certain obligations. These changes affect small and large companies, and apply to all the classes of regulated entities identified above in section D. The Commission allows providers 12 months after publication of the *Report and Order* in the **Federal Register** to comply with these requirements. First, all voice service providers, rather than only originating and gateway providers, must block calls purporting to originate from numbers on a reasonable DNO list. Voice service providers are granted flexibility to determine the appropriate list, based on the needs and capabilities of their networks. Additionally, voice service providers must use SIP code 603+ to provide immediate notification to callers when calls are blocked based on reasonable analytics.

52. The rules adopted in *the Report and Order* will result in compliance costs for small and other entities, and may require small entities to hire professionals to comply. While the record does not contain specific cost data estimates or analysis, the Commission believes that the burdens associated with the rules it adopts today will be modest. The requirement to block based on a reasonable DNO list is a modest extension of an existing rule. Similarly, implementation of SIP code 603+ is unlikely to impose significant new costs as it can be implemented as part of routine maintenance.

53. Although small and other entities will incur costs to implement the requirements of the *Report and Order,* based on the record the benefit of these requirements will exceed their costs. The Commission notes in the *Report and Order* that the industry estimates that consumers receive 13 spam or fraud calls a month, and on average those scammed by phone lose $865. Moreover, based on complaint data from the Federal Trade Commission (FTC) the median loss for fraud by phone was $1480. Further, the FTC reports a total of $850 million lost to fraud by phone call.

Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

54. The RFA requires an agency to provide, ''a description of the steps the agency has taken to minimize the significant economic impact on small entities . . . including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.''

55. In the *Report and Order,* the Commission considered various alternatives and took the steps discussed below to minimize the economic impact for small entities, and address concerns small entities raised in comments. The Commission declined to adopt additional protections for lawful callers. The Commission extended the existing rule requiring blocking of calls based on a reasonable DNO list to all voice providers, rather than only originating and gateway providers, consistent with small and other providers that broadly support this proposed extension. The Commission declined to expand the scope of the list, or to mandate the use of a single uniform list, in part to ensure that providers with more limited resources and older equipment, which would include many smaller providers, are able to adopt lists that are appropriate for their networks and should address the concerns raised by some small entity commenters. The Commission also considered but declined to adopted a safe harbor from liability for providers based on use of a reasonable DNO list requested by small entity advocates since the Commission is not aware of what liability a provider would face for blocking based on a such a list, or of any provider encountering any such liability since the Commission authorized this type of blocking in 2017. The Commission likewise declined to adopt a reasonable analytics-based blocking mandate, reducing the burden on smaller providers which was a concern raised in comments.

56. In addition to the blocking requirements, the *Report and Order* adopted a single SIP code for notification to callers when calls are blocked based on reasonable analytics, SIP code 603+. This modifies the Commission's existing rule allowing for use of one of a list of several codes, which has always been intended as a temporary measure. Support both for, and against the use of SIP code 603+ were in comments filed by small entities. Based on the record, SIP code 603+ which builds on the existing SIP code 603 will provide more information to providers more quickly than SIP code 608, builds on the existing SIP code 603, and appears to be substantially less technically complex to implement making it the more appropriate choice for the Commission. As the Commission discusses in the *Report and Order,* whether the Commission chose SIP code 603+ or 608, small and other callers would be required to make modifications to comply. To ensure that small and other providers have adequate time to implement the *Report and Order* requirements, the Commission modified and expanded the implementation deadline it proposed in the *Call Blocking NPRM.* All providers have 12 months from publication of the *Report and Order* in the **Federal Register** to make the transition, which addresses small provider concerns about the implementation timeframe and requests for additional time. The *Report and Order* also allows for use of an ISDN User Part (ISUP) code where the network is non-IP.

Report to Congress

57. The Commission will send a copy of the *Report and Order,* including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the *Report and Order,* including this FRFA, to the Chief Counsel for Advocacy of the SBA. The *Report and Order* and FRFA (or summaries thereof) will also be published in the **Federal Register**.

Ordering Clauses

58. It is ordered that, pursuant to sections 4(i), 4(j), 201, 202, 217, 227, 251(e), 301, 303, 307, 316, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201, 202, 217, 227, 251(e), 301, 303, 307, 316, and 403, this *Report and Order* is adopted.

59. It is further ordered that the revisions to § 64.1200(o) shall be effective 90 days after publication of a notice of Office of Management and Budget approval in the **Federal Register** of information collection requirements under the Paperwork Reduction Act, and the revisions to § 64.1200(k)(9) shall be effective 12 months after publication in the **Federal Register**.

List of Subjects in 47 CFR Part 64

Communications common carriers, Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 64 as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 154, 201, 202, 217, 218, 220, 222, 225, 226, 227, 227b, 228, 251(a), 251(e), 254(k), 255, 262, 276, 403(b)(2)(B), (c), 616, 620, 716, 1401–1473, unless otherwise noted; Pub. L. 115–141, Div. P, sec. 503, 132 Stat. 348, 1091; Pub. L. 117–338, 136 Stat. 6156.

Subpart L—Restrictions on Telemarketing, Telephone Solicitation, and Facsimile Advertising

■ 2. § 64.1200 is amended by revising paragraphs (k)(9) and (o) to read as follows:

§ 64.1200 Delivery restrictions.

* * * * *

(k)(9) Any terminating provider that blocks calls based on any analytics program, either itself or through a third-party blocking service, must immediately return, and all voice service providers in the call path must transmit, an appropriate response code to the origination point of the call. For purposes of this rule, an appropriate response code is:

(i) In the case of a call terminating on an IP network, the use of Session Initiation Protocol (SIP) code 603+, as defined in ATIS–1000099, adopted August 16, 2022;

(ii) In the case of a call terminating on a non-IP network, the use of ISDN User Part (ISUP) code 21 with the cause location ''user'';

(iii) In the case of a code transmitting from an IP network to a non-IP network, SIP code 603+ must map to ISUP code 21; and

(iv) In the case of a code transmitting from a non-IP network to an IP network, ISUP code 21 must map to SIP code 603 or 603+ where the cause location is ''user.''

* * * * *

(o) A voice service provider must block any calls purporting to originate from a number on a reasonable do-not-originate list. A list so limited in scope that it leaves out obvious numbers that could be included with little effort may be deemed unreasonable. The do-not-originate list may include only:

(1) Numbers for which the subscriber to the number has requested that calls purporting to originate from that number be blocked because the number is used for inbound calls only;

(2) North American Numbering Plan numbers that are not valid;

(3) Valid North American Numbering Plan Numbers that are not allocated to a provider by the North American Numbering Plan Administrator; and

(4) Valid North American Numbering Plan numbers that are allocated to a provider by the North American Numbering Plan Administrator, but are unused, so long as the provider blocking the calls is the allocatee of the number and confirms that the number is unused or has obtained verification from the allocatee that the number is unused at the time of blocking.

* * * * *

[FR Doc. 2025–04811 Filed 3–21–25; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 230914–0219; RTID 0648–XE741]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2025 Recreational Accountability Measure and Closure for Gag in the South Atlantic

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) for the recreational harvest of gag in South Atlantic Federal waters. NMFS reduces the length of the 2025 recreational fishing season for gag to prevent landings from exceeding the recreational annual catch limit (ACL) as occurred in 2024. Accordingly, NMFS announces the adjusted closure date for the recreational harvest of gag in South Atlantic Federal waters to protect the gag resource.

DATES: This temporary rule is effective from 12:01 a.m. on June 26, 2025, through December 31, 2025.

FOR FURTHER INFORMATION CONTACT: Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *mary.vara@noaa.gov.*

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes gag and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and NMFS, was approved by the Secretary of Commerce, and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). All weights in this temporary rule are in gutted weight.

Regulations at 50 CFR 622.193(c)(2) specify the 2025 recreational ACL for gag of 176,665 pounds (80,134 kilograms) and the recreational AMs. The recreational AM at 50 CFR 622.193(b)(2)(ii) states that if recreational landings of gag exceed its ACL, then NMFS will reduce the recreational fishing season during the following fishing year to prevent recreational landings from again exceeding the recreational ACL. NMFS is reducing the length of the 2025 recreational season to prevent landings from exceeding the recreational ACL, because this condition was met in 2024.

The recreational season for gag will start on May 1, 2025. Data from the NMFS Southeast Fisheries Science Center have informed NMFS' projection that recreational landings will reach the recreational ACL for 2025 by June 26. Therefore, NMFS announces that the 2025 recreational season for gag in South Atlantic Federal waters will be closed beginning on June 26 and will continue to be closed through December 31, 2025. During the recreational closure, the bag and possession limits for gag in or from South Atlantic Federal waters are zero. The next recreational fishing season for gag begins on May 1, 2026.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.193(c)(2)(ii), which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment is unnecessary. Such procedure is unnecessary because the rule that established the recreational AMs for gag has already been subject to public notice and comment, and all that remains is to notify the public of the adjusted end date of the recreational season. Additionally, providing as much

advance notice to the public of this shortened fishing season and closure allows recreational fishermen, including businesses that operate charter vessels and headboats, to prepare for the change to the recreational season for gag and to schedule or reschedule their trips.

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

Dated: March 18, 2025.

Karen H. Abrams,

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

[FR Doc. 2025–04903 Filed 3–21–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 130403320–4891–02; RTID 0648–XE740]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; 2025–2026 Recreational Fishing Season for Black Sea Bass

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

ACTION: Temporary rule; recreational fishing season.

SUMMARY: NMFS announces that the recreational fishing season for black sea bass in South Atlantic Federal waters will extend throughout the 2025–2026 recreational fishing year. Announcing the length of the recreational fishing season for black sea bass is one of the accountability measures (AMs) for the recreational sector. This announcement allows recreational fishers to maximize their opportunity to harvest the recreational annual catch limit (ACL) for black sea bass while NMFS manages harvest to protect the black sea bass resource.

DATES: This temporary rule is effective from April 23, 2025, through March 31, 2026.

FOR FURTHER INFORMATION CONTACT: Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *mary.vara@noaa.gov.*

SUPPLEMENTARY INFORMATION: The South Atlantic snapper-grouper fishery includes black sea bass south of 35°15.19′ N latitude, which is due east of Cape Hatteras Light, North Carolina, and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The South Atlantic Fishery Management Council and NMFS prepared the FMP, the FMP was approved by the Secretary of Commerce, and NMFS implements the FMP through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Black sea bass is not managed by the FMP or regulated by 50 CFR part 622 north of 35°15.19′ N latitude in South Atlantic Federal waters, the latitude of Cape Hatteras Light, North Carolina; black sea bass north of 35°15.19′ N latitude is regulated by 50 CFR part 648.

The recreational fishing year for black sea bass is April 1 through March 31. One of the recreational AMs for black sea bass requires that before the April 1 start date of each recreational fishing year, NMFS will project the length of the recreational fishing season based on when NMFS projects recreational landings of black sea bass will reach its ACL, and announce the recreational season end date in the **Federal Register** [50 CFR 622.193(e)(2)]. The purpose of this AM is to allow recreational fishermen to maximize their opportunities to harvest the recreational ACL through a more predictable recreational season while NMFS manages harvest within the recreational ACL to protect the stock from experiencing adverse biological consequences.

The recreational ACL for black sea bass during the 2025–2026 fishing year is 310,602 pounds (lb) or 140,887 kilograms (kg) in gutted weight, or 366,510 lb (166,246 kg) in round weight [50 CFR 622.193(e)(2)].

NMFS estimates that recreational landings of black sea bass during the 2025–2026 fishing year will be less than the 2025–2026 recreational ACL. To make this determination, NMFS compared recreational landings of black sea bass in the last 3 fishing years with available data (2021–2022 through 2023–2024) to the recreational ACL for the 2025–2026 fishing year. Recreational landings in each of these past 3 fishing years have been less than the 2025–2026 recreational ACL, and NMFS expects similar landings for the 2025–2026 fishing season. Therefore, because NMFS projects that the recreational landings of black sea bass will be less than the 2025–2026 recreational ACL, NMFS does not expect to close the recreational harvest of black sea bass during the fishing year. Accordingly, the season end date for the recreational harvest of black sea bass in South Atlantic Federal waters is March 31, 2026.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.193(e)(2), issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment is unnecessary. Such procedures are unnecessary because the rule establishing the recreational AM has already been subject to notice and comment, and all that remains is for NMFS to notify the public of the recreational season length.

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

Dated: March 17, 2025.

Karen H. Abrams,

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

[FR Doc. 2025–04930 Filed 3–21–25; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 90, No. 55
Monday, March 24, 2025

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–112261–24]

RIN 1545–BR32

Guidance Regarding Certain Matters Relating to Nonrecognition of Gain or Loss in Corporate Separations, Incorporations, and Reorganizations; Technical Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking; technical correction.

SUMMARY: This document contains technical corrections to a notice of proposed rulemaking (REG–112261–24) that was published in the **Federal Register** on Thursday, January 16, 2025. REG–112261–24 contains proposed regulations regarding certain matters relating to corporate separations, incorporations, and reorganizations qualifying, in whole or in part, for nonrecognition of gain or loss.

DATES: March 24, 2025.

FOR FURTHER INFORMATION CONTACT: Justin R. Du Mouchel at (202) 317–6975 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking (REG–112261–24) that was published in the **Federal Register** on Thursday, January 16, 2025 (90 FR 5220) that is the subject of these corrections is under sections 355, 357, 361, and 368 of the Internal Revenue Code (Code).

Correction of Publication

Accordingly, FR Document 2025–00321 (REG–112261–24), appearing on page 5220 in the **Federal Register** on Thursday, January 16, 2025, is corrected as follows:

1. On page 5235, in the first column, in the first full paragraph, in the twelfth line from the top of the paragraph, the language ''two taxable years'' is corrected to read ''two consecutive taxable years''.

2. On page 5235, in the first column, in the second full paragraph, in the fifteenth and sixteenth lines from the top of the paragraph, the language ''two taxable years'' is corrected to read ''two consecutive taxable years''.

3. On page 5246, in the first column, in the first full paragraph, in the seventh and eighth lines from the top of the paragraph, the language ''proposed proposed § 1.361–5(c)(3)(iii)'' is corrected to read ''proposed § 1.361–5(c)(3)(iii)''.

4. On page 5246, in the first column, in the first full paragraph, in the twenty-fifth line from the top of the paragraph, the language ''corporatrion'' is corrected to read ''corporation''.

5. On page 5247, in the second column, in the first full paragraph, the fifth line from the top of the paragraph, the language ''ending on the control distribution date'' is corrected to read ''before its satisfaction with section 361 consideration''.

6. On page 5248, in the first column, in the first full paragraph, in the fifth and sixth lines from the top of the paragraph, the language ''ending on the control distribution date'' is corrected to read ''before its satisfaction with section 361 consideration''.

7. On page 5248, in the first column, in the first full paragraph, in the tenth line from the top of the paragraph, the language ''ending on control distribution'' is corrected to read ''before its satisfaction with section 361 consideration''.

8. On page 5248, in the first column, in the fourth full paragraph, in the sixteenth and seventeenth lines from the top of the paragraph, the language ''ending on the control distribution date'' is corrected to read ''before its satisfaction with section 361 consideration''.

9. On page 5254, in the second column, in the first full paragraph, in the seventh line from the top of the paragraph, the language ''hade'' is corrected to read ''had''.

10. On page 5255, in the first column, in the fourth line from the bottom of the page, the language ''tothe'' is corrected to read ''to the''.

11. On page 5256, in the second column, in the first full paragraph, in the fifth line from the top of the paragraph, following the words ''**Federal Register**'', the language ''and to which such regulations are applicable'' is added.

§ 1.355–2 [Corrected]

■ 12. On page 5259, in the first column, in paragraph (e)(2)(ii), in the fourth line from the top of the paragraph, the language ''two taxable years'' is corrected to read ''two consecutive taxable years''.

§ 1.355–4 [Corrected]

■ 13. On page 5259, in the third column, in paragraph (c), in the eighth and ninth lines from the top of the paragraph, the language ''paragraph (c) and paragraph (d) of this'' is removed.

■ 14. On page 5261, in the third column, in paragraph (f)(2)(ii), in the first line, the language ''original plan of reorganization'' is corrected to read ''original plan of distribution''.

§ 1.361–1 [Corrected]

■ 15. On page 5273, in the first column, in paragraph (b)(17)(iii), in the third and fourth lines from the top of the paragraph, the language ''controlled corporation stock or securities'' is corrected to read ''section 361 consideration''.

§ 1.361–5 [Corrected]

16. On page 5281, in the third column, in paragraph (e)(3)(vi), in the fourth and fifth lines from the top of the paragraph, the language ''ending on the control distribution date'' is corrected to read ''before its satisfaction with section 361 consideration''.

17. On page 5282, in the second column, in paragraph (e)(4)(ii)(B)(*3*)(*i*), in the fifth and sixth lines from the top of the paragraph, the language ''ending on the control distribution date'' is corrected to read ''before its satisfaction with section 361 consideration''.

18. On page 5282, in the second column, in paragraph (e)(4)(ii)(B)(*3*)(*ii*), in the fourth and fifth lines from the top of the paragraph, the language ''ending on the control distribution date'' is corrected to read ''before its satisfaction with section 361 consideration''.

19. On page 5282, in the third column, in paragraph (e)(4)(iii)(B), the fourth line from the top of the paragraph, the language ''ending on the control distribution date'' is corrected to read ''before its satisfaction with section 361 consideration''.

20. On page 5283, in the second column, in paragraph (g)(1)(i), in the seventeenth line from the bottom of the paragraph, the language ''Subsidary'' is corrected to read ''Subsidiary''.

21. On page 5285, in the first column, in paragraph (g)(6)(ii), in the eleventh line from the bottom of the paragraph, the language ''creditorexchange'' is corrected to read ''creditor exchange''.

22. On page 5285, in the second column, in paragraph (g)(7)(ii), in the eleventh line from the bottom of the paragraph, the language ''creditorexchange'' is corrected to read ''creditor exchange''.

23. On page 5285, in the third column, in paragraph (g)(8)(i)(B), in the fourth line from the bottom of the paragraph, the language ''ending on the distribution date'' is corrected to read ''before its satisfaction with section 361 consideration''.

§ 1.368–4 [Corrected]

■ 24. On page 5289, in the first column, in paragraph (d), in the seventh and eighth lines from the top of the paragraph, the language ''paragraph (d) and paragraph (e) of this'' is removed.

■ 25. On page 5292, in the second column, in paragraph (g)(7)(ii)(B), in the fifth line from the bottom of the page, the language ''assumptionis'' is corrected to read ''assumption is''.

■ 26. On page 5293, in the third column, in paragraph (g)(13)(i), in the seventh line from the bottom of the page, the language ''will transfer'' is corrected to read ''will commit to attempting to transfer''.

■ 27. On page 5294, in the first column, in paragraph (g)(13)(i):

■ i. In the fourth line from the top of the page, the language ''Distributing will distribute'' is corrected to read ''Distributing then will commit to attempting to distribute''.

■ ii. The twelfth and thirteenth lines from the top of the page are corrected to read ''or follow-on spin-off, Distributing then will commit to selling the retained stock on the open''.

■ 28. On page 5294, in the third column, in paragraph (g)(14)(i):

■ i. The second and third sentences are corrected to read ''With regard to the retained stock, the separation and distribution agreement and other official records of Distributing provide that Distributing might either transfer the retained stock to a creditor of Distributing in a stock-for-debt exchange that satisfies the requirements set forth in §§ 1.361–5(a) and 1.368–3(a)(5) (stock-for-debt exchange), or distribute that retained stock to Distributing's shareholders (follow-on spin-off).''.

■ ii. The fifth and fourth lines from the bottom of the page are corrected to read ''or follow-on spin-off, Distributing then will commit to selling the retained stock on the open''.

■ iii. In the line at the bottom of the page, the language ''these'' is corrected to read ''the''.

■ 29. On page 5295, in the first column, in paragraph (g)(14)(i), the second and third lines from the top of the page are corrected to read ''out the stock-for-debt exchange or follow-on spin-off, without committing to either, as well as its written''.

Aron L. Cosby,

Federal Register Liaison, Publications & Regulations Section, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. 2025–04757 Filed 3–21–25; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 328

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 120

[EPA–HQ–OW–2025–0093; FRL–12683–01–OW]

WOTUS Notice: The Final Response to SCOTUS; Establishment of a Public Docket; Request for Recommendations

AGENCY: Department of the Army, Corps of Engineers, Department of Defense; and Environmental Protection Agency (EPA).

ACTION: Notice; announcement of listening sessions and solicitation of stakeholder feedback.

SUMMARY: The U.S. Environmental Protection Agency (EPA) and the Department of the Army intend to engage with State and Tribal co-regulators; industry and agricultural stakeholders; environmental and conservation stakeholders; and the public on certain key topics related to the implementation of the definition of ''waters of the United States'' in light of the Supreme Court's 2023 decision in *Sackett* v. *Environmental Protection Agency.* The agencies are committed to learning from the past regulatory approaches—the pre-2015 regulations and guidance, the 2015 Clean Water Rule, the 2020 Navigable Waters Protection Rule, the 2023 Rule, and the Amended 2023 Rule—while engaging with stakeholders before taking further administrative action to provide any additional clarification to agency staff, co-regulators, and the public on specific aspects of the definition of ''waters of the United States.''

This notice includes an announcement of forthcoming listening sessions on specific key topic areas to hear interested stakeholders' perspectives on defining ''waters of the United States'' consistent with the Supreme Court's interpretation of the scope of Clean Water Act jurisdiction and how to implement that interpretation as the agencies consider next steps. The agencies are also accepting written recommendations from members of the public via a recommendations docket. These opportunities are intended to provide for broad, transparent engagement with a full spectrum of stakeholders.

DATES: Written recommendations must be received on or before April 23, 2025. Please refer to the **SUPPLEMENTARY INFORMATION** section for additional information on the forthcoming listening sessions.

ADDRESSES: You may send written feedback, identified by Docket ID No. EPA–HQ–OW–2025–0093, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov/* (our preferred method). Follow the online instructions for submitting written feedback.
- *Email: OW-Docket@epa.gov.* Include Docket ID No. EPA–HQ–OW–2025–0093 in the subject line of the message.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Water Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand Delivery or Courier:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal Holidays).

Instructions: All submissions received must include Docket ID No. EPA–HQ–OW–2025–0093. Written feedback received may be posted without change to *https://www.regulations.gov/,* including any personal information provided. For detailed instructions on sending written recommendations and additional information on the forthcoming listening sessions, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Stacey Jensen, Oceans, Wetlands and Communities Division, Office of Water (4504–T), Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: (202) 564–2281; email address: *WOTUS-outreach@epa.gov,* and Milton Boyd, Office of the Assistant Secretary of the Army for Civil Works, Department of the Army, 108 Army Pentagon, Washington, DC 20310–0104; telephone number: (202) 761–8546; email address: *milton.w.boyd.civ@army.mil.*

SUPPLEMENTARY INFORMATION:

I. Background

The U.S. Environmental Protection Agency (EPA) and the U.S. Department of the Army (''Army''; collectively, ''the agencies'') understand that farmers, landowners, and developers across the country have concerns and questions about certain key issues related to the definition of ''waters of the United States'' following the Supreme Court's decision in *Sackett* v. *Environmental Protection Agency,* 598 U.S. 651 (2023) (*Sackett*). The agencies are committed to providing additional clarity regarding which waters are ''waters of the United States'' under the Federal Water Pollution Control Act, also known as the Clean Water Act. The Trump Administration is going to take a close look at critical aspects of ''waters of the United States'' and ensure that the definition follows the Supreme Court's *Sackett* decision to provide realistic durability and consistency.

''Waters of the United States'' is a threshold term in the Clean Water Act that establishes the geographic scope of federal jurisdiction under the Act.[1] Many Clean Water Act programs, including sections 303 (water quality standards and total maximum daily loads), 311 (oil spill programs), 401 (water quality certifications), 402 (pollutant discharge permits) and 404 (dredged and fill material discharge permits), address ''navigable waters,'' defined in the statute as ''the waters of the United States, including the territorial seas.'' *See* 33 U.S.C. 1362(7). Since the 1970s, the agencies have defined ''waters of the United States'' by regulation. On May 25, 2023, the Supreme Court decided *Sackett.* In light of the decision, on September 8, 2023, the EPA and the Army published a final rule to amend the January 2023 definition of ''waters of the United States'' without notice and comment to conform to the Supreme Court's decision.

The ''Amended 2023 Rule'' refers to the final rule ''Revised Definition of 'Waters of the United States,' '' 88 FR 3004 (January 18, 2023) (''2023 Rule'') as amended by the rule ''Revised Definition of 'Waters of the United States'; Conforming,'' 88 FR 61964 (September 8, 2023) (''Conforming Rule'') (codified at 33 CFR 328.3 (U.S. Army Corps of Engineers) and 40 CFR 120.2 (EPA)) which was issued without notice and comment under the ''good cause'' exemption to the Administrative Procedure Act. However, due to ongoing litigation,[2] the Amended 2023 Rule is not operative in certain States.[3] In the jurisdictions where the Amended 2023 Rule is subject to a preliminary injunction, the agencies are interpreting ''waters of the United States'' consistent with the pre-2015 regulatory regime [4] and the Supreme Court's decision in *Sackett,* pursuant to the recent 2025 guidance memorandum released by the agencies.[5]

II. Implementation of the Definition of ''Waters of the United States'' Post-Sackett

On March 12, 2025, the EPA and the Army signed a memorandum providing guidance for implementing the ''continuous surface connection'' requirement and related issues under both regulatory regimes that are currently in effect across the country. In that memorandum, the agencies stated that they planned to issue a public notice in the **Federal Register** and docket on ''WOTUS Notice: The Final Response to SCOTUS,'' outlining a process to gather recommendations on the meaning of key terms in light of *Sackett* to inform any potential future administrative actions to clarify the definition of ''waters of the United States'' and to ensure transparent, efficient, and predictable implementation. This notice fulfills the commitment provided for in the memorandum.

The agencies have heard numerous concerns raised by stakeholders about the Amended 2023 Rule, including implementation-related issues and issues raised in ongoing litigation challenging the amended regulations. The EPA and the Army have heard concerns that the Amended 2023 Rule does not adequately comply with the *Sackett* decision, especially as it relates to implementation of which features are ''connected to'' ''relatively permanent'' waters and to which waters those phrases apply, implementation of the ''continuous surface connection'' requirement and to which features that phrase applies, and which ditches are properly considered to be ''waters of the United States.'' The agencies intend to use the listening sessions and the recommendations docket to inform any future administrative actions on the definition of ''waters of the United States,'' including learning from States, Tribes, and interested stakeholders about their experiences under the Amended 2023 Rule, the pre-2015 regulatory regime as informed by *Sackett,* and other previous definitions of ''waters of the United States'' relevant to the *Sackett* decision. The agencies' administrative actions will be consistent with the Clean Water Act and relevant Supreme Court decisions.[6] Going

[1] Note that Section 301(a) of the Clean Water Act prohibits unauthorized discharges ''of any pollutant by any person,'' to ''navigable waters,'' defined as ''the waters of the United States, including the territorial seas.'' See 33 U.S.C. 1311(a), 1362(7), (12).

[2] Multiple States and industry associations, as well as one individual, have filed complaints challenging the Amended 2023 Rule in four different district courts. *Texas* v. *EPA,* Nos. 23–00017 & 23–00020 (S.D. Tex.); *West Virginia* v. *EPA,* No. 23–00032 (D.N.D.); *Kentucky* v. *EPA,* No. 23–00007 (E.D. Ky.); *White* v. *EPA,* No. 24–00013 (E.D.N.C.).

[3] For more information about the operative definition of ''waters of the United States'' for specific geographic areas in light of litigation, please visit *https://www.epa.gov/wotus/definition-waters-united-states-rule-status-and-litigation-update.*

[4] The ''pre-2015 regulatory regime'' refers to the agencies' pre-2015 definition of ''waters of the United States,'' implemented consistent with relevant case law and longstanding practice, as informed by applicable guidance, training, and experience, consistent with *Sackett.*

[5] Memorandum to the Field between the U.S. Department of the Army, U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency Concerning the Proper Implementation of ''Continuous Surface Connection'' under the Definition of ''Waters of the United States'' under the Clean Water Act (Mar. 12, 2025), *https://www.epa.gov/wotus/current-implementation-waters-united-states.*

[6] In *United States* v. *Riverside Bayview Homes,* 474 U.S. 121 (1985), the Supreme Court deferred to the Corps' judgment and upheld the inclusion of adjacent wetlands in the regulatory definition of ''waters of the United States.'' In *Solid Waste Agency of Northern Cook County* v. *U.S. Army Corps of Engineers,* 531 U.S. 159 (2001), the Court held that the use of ''isolated'' non-navigable intrastate ponds by migratory birds was not by itself a sufficient basis for the exercise of Federal regulatory authority under the CWA. In *Rapanos* v. *United States,* 547 U.S. 715 (2006), a four-Justice plurality interpreted ''waters of the United States'' as covering ''relatively permanent'' waters as well as wetlands with a ''continuous surface connection'' to such water bodies. Justice Kennedy's concurring opinion concluded that a water or wetland must possess a ''significant nexus'' to traditional navigable waters to be a ''water of the United States.'' In *Sackett,* the Supreme Court ''conclude[d] that the *Rapanos* plurality was correct'' and rejected Justice Kennedy's ''significant nexus'' standard, calling it a ''particularly implausible'' ''theory'' and stating that ''the CWA never mentions the 'significant

Continued

forward, the agencies' will seek to provide clear and transparent direction regarding the definition and will prioritize practical implementation approaches, provide for durability and stability, as well as for more effective and efficient jurisdictional determinations, permitting actions, and other actions consistent with relevant decisions of the Supreme Court. Any actions will reflect consideration of the experiences of, and input received from, landowners, industry groups, the agricultural community, States, Tribes, local governments, community organizations, environmental groups, and the general public.

III. Stakeholder Feedback Opportunities

To assist the agencies in further clarifying the definition of ''waters of the United States,'' the agencies welcome feedback on specific key topic areas that can be provided by participating in one of several listening sessions or by submitting written recommendations through the open public docket. This feedback will inform any future administrative actions; however, the agencies will not be providing a specific written response to individual submissions and recommendations. When providing feedback, it will be helpful to the agencies if information is provided to support input on the particular issues described below, such as statutory citations, case law, references to longstanding agency practice, etc. The agencies are seeking input on the following issues:

- *The scope of ''relatively permanent'' waters and to what features this phrase applies.* The agencies have used a wide variety of descriptive terminology and criteria for determining which tributaries are ''waters of the United States'' under multiple regulatory regimes and rules. However, in light of the *Sackett* decision, only ''relatively permanent'' tributaries may be subject to Clean Water Act jurisdiction. Under the pre-2015 regulatory regime, ''relatively permanent'' tributaries are those that typically flow year-round or that have continuous flow at least seasonally (*e.g.,* typically three months). Ephemeral streams were categorically excluded from jurisdiction in the 2020 Navigable Waters Protection Rule (NWPR), and only those perennial and intermittent tributaries that contributed flow downstream in a typical year to a traditional navigable water or the territorial seas were considered jurisdictional. Under the interpretation provided in the preamble to the 2023 Rule, relatively permanent tributaries are those tributaries with flowing or standing water year-round or continuously during certain times of the year and more than just a short duration in direct response to precipitation.
- The agencies seek feedback on whether certain characteristics, such as flow regime, flow duration, or seasonality should inform a definition of ''relatively permanent'' as well as to which features this phrase should apply to in light of *Sackett* and in consideration of the agencies' objectives described in this document.
- The agencies are particularly interested in feedback regarding how to identify ''relatively permanent'' tributaries in the field to assist with transparent, efficient, and predictable implementation.
- *The scope of ''continuous surface connection'' and to which features this phrase applies.* Each regulatory definition of and regulatory regime for ''waters of the United States'' has taken a different approach to determining adjacency for purposes of assessing jurisdiction over ''adjacent'' wetlands under the Act and for assessing the jurisdiction of certain intrastate, non-navigable waters that do not meet the definition of ''waters of the United States'' under other jurisdictional categories (*e.g.,* relatively permanent lakes and ponds assessed under paragraph (a)(5) of the Amended 2023 Rule and waters assessed under the comparable paragraph (a)(3) of the pre-2015 regulations). In *Sackett,* the Supreme Court held that ''adjacent'' wetlands are those that have a ''continuous surface connection'' to a requisite jurisdictional water.[7] Under the 2020 NWPR, which relied heavily on the plurality standard in *Rapanos* v. *United States,* 547 U.S. 715 (2006), adjacent wetlands and jurisdictional lakes, ponds, and impoundments included those that abutted traditional navigable waters, the territorial seas, tributaries, or lakes, ponds, or jurisdictional impoundments; those with certain surface water connections; and those physically separated from a jurisdictional water only by a natural berm, bank, dune, or similar natural feature. Under the pre-2015 regulatory regime as informed by *Sackett,* the agencies are interpreting ''waters of the United States'' to include ''only those adjacent wetlands that have a continuous surface connection because they directly abut the [requisite jurisdictional water] (*e.g.,* they are not separated by uplands, a berm, dike, or similar feature).'' [8]

The preamble to the 2023 Rule states that wetlands and relatively permanent lakes and ponds meet the continuous surface connection requirement if they physically abut or touch a requisite jurisdictional water; if they are connected to a requisite jurisdictional water by a discrete feature like a non-jurisdictional ditch, swale, pipe, or culvert; or if they are behind a natural berm or similar natural landform where that natural landform provides evidence of a continuous surface connection. However, the agencies recently rescinded any components of agency interpretation, guidance, or training materials that assumed a discrete feature established a continuous surface connection to align the agencies' implementation with the pre-2015 regime and *Sackett*.[9] Currently, under both the pre-2015 and Amended 2023 Rule regulatory regimes that are currently operative across the country, the agencies are implementing ''continuous surface connection'' to mean abutting (or touching).

- The agencies seek feedback on defining ''continuous surface connection,'' including what it means to ''abut'' a jurisdictional water; if it includes wetlands behind a natural berm or similar natural landforms to the extent the natural landforms provide evidence of a continuous surface connection; and whether certain features, such as flood or tide gates, pumps, or similar artificial features do or do not remove a wetland from being considered ''adjacent'' to the jurisdictional water on the other side of the feature.
- The agencies specifically seek feedback on the scope of ''connection to'' as well as to which features this phrase applies, to describe wetlands as adjacent to relatively permanent waters when they have a continuous surface ''connection to'' those waters.
- The agencies also specifically seek feedback on the interpretation and implementation of the language in

nexus' test, so the EPA has no statutory basis to impose it.'' *Sackett,* 598 U.S. at 680.

[7] 598 U.S. at 684.

[8] *See* U.S. EPA & U.S. Army Corps of Engineers, Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos* v. *United States & Carabell* v. *United States* (June 5, 2007), superseded December 2, 2008 (the ''*Rapanos* Guidance'') at 7, footnote 29.

[9] Memorandum to the Field between the U.S. Department of the Army, U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency Concerning the Proper Implementation of ''Continuous Surface Connection'' under the Definition of ''Waters of the United States'' under the Clean Water Act (Mar. 12, 2025), *https://www.epa.gov/wotus/current-implementation-waters-united-states.*

Sackett providing that ''temporary interruptions in surface connection may sometimes occur because of phenomena like low tides or dry spells.'' [10]

- Under the Amended 2023 Rule, the agencies have defined adjacent as ''having a continuous surface connection'' and the continuous surface connection requirement applies to both adjacent wetlands and relatively permanent lakes and ponds assessed under paragraph (a)(5). The agencies seek input on the definition of ''adjacent'' as well as which are the appropriate categories to properly assess using the continuous surface connection requirement.
- The agencies are interested in developing an approach for continuous surface connection that provides for clarity and implementability, including whether there are factors to limit continuous surface connection and whether there are certain characteristics that could provide clear distinctions to meet the continuous surface connection requirement. The agencies are also interested in recommendations for implementation approaches to address continuous surface connection.
- *The scope of jurisdictional ditches.* In practice, different types of ditches have generally been considered non-jurisdictional in different regulatory regimes. The 2015 Clean Water Rule, the 2020 NWPR, and the Amended 2023 Rule excluded certain types of ditches explicitly in rule language. Currently, ditches (including roadside ditches) excavated wholly in and draining only uplands and that do not carry a relatively permanent flow of water are considered to be generally non-jurisdictional under the pre-2015 regulatory regime, while similarly, ditches (including roadside ditches) excavated wholly in and draining only dry land and that do not carry a relatively permanent flow of water are excluded by rule in the Amended 2023 Rule.
- The agencies solicit feedback on whether flow regime (*e.g.,* relatively permanent status or perennial or intermittent flow regimes), physical features, excavation in aquatic resources versus uplands, type or use of the ditch (*e.g.,* irrigation and drainage), biological indicators like presence of fish, or other characteristics could provide clear and implementable distinctions between jurisdictional and non-jurisdictional ditches.
- The agencies also seek input on whether a definition of ditch, as was provided in the 2020 NWPR, which defined ditch to mean a constructed or excavated channel used to convey water,[11] would provide additional clarity.

[10] 598 U.S. at 678.

[11] 85 FR 22250, 22338 (Apr. 21, 2020).

IV. Public Listening Sessions

The agencies will hold a series of listening sessions intended to solicit recommendations as the agencies seek to pursue further administrative action. During these sessions, the agencies intend to present brief background information and provide an opportunity for stakeholders to share input, with regard to the topics above. The agencies will hold at least six listening sessions, with two open to all stakeholders, one open to States, one open to Tribes, one open to industry and agricultural stakeholders, and one open to environmental and conservational stakeholders.

The listening sessions will be held as web and in-person conferences in April-May 2025. Registration instructions and dates will be forthcoming at the following website: *https://www.epa.gov/wotus/public-outreach-and-stakeholder-engagement-activities.* Persons or organizations wishing to provide verbal recommendations during the listening sessions will be selected on a first-come, first-serve basis. Due to the expected number of participants, individuals will be asked to limit their spoken presentation to three minutes. Once the speaking slots are filled, participants may be placed on a standby list to speak or continue to register to listen to the recommendations. The listening sessions will be recorded and posted on EPA's website. Supporting materials and written feedback from those who do not have an opportunity to speak can be submitted to the docket as described above.

Robyn S. Colosimo,

Senior Official Performing the Duties of the Assistant Secretary of the Army (Civil Works), Department of the Army.

Benita Best-Wong,

Deputy Assistant Administrator for Management, Office of Water, Environmental Protection Agency.

[FR Doc. 2025–04649 Filed 3–21–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2024–0595; FRL–12391–05–R10]

Air Plan Approval; AK, Fairbanks North Star Borough; 2006 24-Hour $PM_{2.5}$ Serious Area and 189(d) Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Environmental Protection Agency (EPA) is reopening the public comment period on the proposed rule entitled ''Air Plan Approval; AK, Fairbanks North Star Borough; 2006 24-hour $PM_{2.5}$ Serious Area and 189(d) Plan'' published on January 8, 2025. Commenters requested more time to review the proposal and prepare comments. In response, the EPA is providing an additional 30 days for the public to provide comment on all aspects of the proposed rule. The January 8, 2025, notice of proposed rulemaking also started the EPA's adequacy process for the motor vehicle emissions budgets and began the public comment period for that process. The EPA is not reopening the public comment period for the adequacy process, and it intends to proceed with the adequacy process outside of this rulemaking.

DATES: The comment period for the proposed rule published on January 8, 2025, at 90 FR 1600, is reopened to allow more time to review the proposal and prepare comments. The EPA is reopening the comment period and the comments must be received on or before April 23, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2024–0595, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment

contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Matthew Jentgen, EPA Region 10, 1200 Sixth Avenue—Suite 155, Seattle, WA 98101, (206) 553–0340, *jentgen.matthew@epa.gov.*

SUPPLEMENTARY INFORMATION: On January 8, 2025, the EPA published a notice of proposed rulemaking to approve changes to the Alaska State Implementation Plan (90 FR 1600). The changes, submitted by the State of Alaska on December 4, 2024, address Clean Air Act requirements for the 2006 24-hour fine particulate matter ($PM_{2.5}$) national ambient air quality standards in the Fairbanks North Star Borough Serious $PM_{2.5}$ nonattainment area. Alaska's submission includes State Implementation Plan (SIP) revisions to meet nonattainment planning requirements for emissions inventories, modeling and sulfur dioxide precursor demonstration for major stationary sources, control measures, attainment projections and progress to attainment and associated motor vehicle emissions budgets, and contingency measures. The public comment period closed on February 7, 2025. Commenters requested more time to review the proposal and prepare comments with respect to the energy efficiency and weatherization measures discussed in the January 8, 2025, notice of proposed rulemaking.[1] In response to this request, the EPA is reopening the public comment period on the proposed rule and providing an additional 30 days for the public to provide comments on all aspects of the proposed rule.

The January 8, 2025, notice of proposed rulemaking also started the transportation conformity adequacy process for the motor vehicle emissions budgets in Alaska's submitted SIP. As noted in the proposal, the EPA may find budgets adequate before the SIP submission is approved in a final rule, once the public has been provided with a comment period of at least 30 days. The EPA is not reopening the public comment period for the adequacy process, and it intends to proceed with the adequacy process outside of this rulemaking, as described in 40 CFR 93.118(f).

[1] 90 FR 1600, January 8, 2025, section II.C.3.a.iv.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Krishnaswamy Viswanathan,

Air and Radiation Division Director, Region 10.

[FR Doc. 2025–04908 Filed 3–21–25; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 73, 74, and 76

[MB Docket No. 24–626; FCC 24–126; FR ID 280968]

Broadcast Station Rule Updates

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission or FCC) seeks comment on several proposed updates to broadcast radio and TV rules to better reflect current application processing requirements, clarify ambiguity, and remove references to outdated procedures and legacy filing systems. Such action ensures that the Commission's rules are accurate, reducing potential confusion among the public, applicants, licensees, and practitioners, and alleviating unnecessary burdens.

DATES: Comments due on or before April 23, 2025; reply comments due on or before May 8, 2025.

ADDRESSES: Pursuant to §§ 1.415 and 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998). You may submit comments, identified by MB Docket No. 24–626, by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *https://apps.fcc.gov/ecfs/.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.
- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.
- *People With Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

FOR FURTHER INFORMATION CONTACT: For additional information on this proceeding, contact Ariane Rangel, Audio Division, Media Bureau at *Ariane.Rangel@fcc.gov* or (202) 418–4036, or Lisa Scanlan, Audio Division, Media Bureau at *Lisa.Scanlan@fcc.gov* or (202) 418–2704.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM), in MB Docket No. 24–626; FCC 24–126, adopted December 11, 2024, and released December 13, 2024. The full text of this document is available by downloading the text from the Commission's website at: *https://docs.fcc.gov/public/attachments/FCC-24-126A1.pdf.*

Paperwork Reduction Act of 1995 Analysis: This document contains possible new or modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the

information collection burden for small business concerns with fewer than 25 employees.

Providing Accountability Through Transparency Act: Consistent with the Providing Accountability Through Transparency Act, Public Law 118–9, see 5 U.S.C. 553(b)(4), a summary of this document will be available at *https://www.fcc.gov/proposed-rulemakings.*

Synopsis

I. Introduction

1. In the Notice of Proposed Rulemaking (NPRM) adopted on December 11, 2024, and released on December 13, 2024, the Commission seeks comment on proposed revisions to various broadcast radio and television regulations in parts 1, 73, 74 and 76 of the CFR. The NPRM proposes to update rules to better reflect current application processing requirements, clarify and harmonize provisions, and remove references to outdated procedures and legacy filing systems. The NPRM also proposes to clarify certain terms and procedures used in the comparative processes for mutually exclusive (MX) noncommercial educational (NCE) stations and low power FM (LPFM) stations.

II. Background

2. This NPRM continues our efforts to update broadcast radio and television rules. In the past three decades, the Media Bureau (Bureau) has transitioned from paper-filing to electronic filing, and subsequently transitioned from its initial filing database to a new one. Various rules still reference outdated terms from the Commission's paper-filing processing procedures and discontinued database, and are therefore incompatible with current electronic filing procedures. Additionally, other outdated rules are no longer necessary to ensure administrative efficiency and can result in application processing delays and confusion. This NPRM seeks to update and clarify these rules to better reflect current processing procedures, and improve how the public, applicants, and licensees engage with the Commission.

III. Discussion

A. Replace References to CDBS With References to LMS

3. We propose to amend §§ 1.5000(b), 1.5004(d)(2), 1.30001(d), 1.30004(a), 73.202(a), 73.3700(b)(5)(iv), and 76.66(d)(2)(ii) to replace references to the Bureau's Consolidated Database System (CDBS) electronic filing system with references to the Bureau's new Licensing and Management System (LMS) electronic filing system. The Bureau is in the final stage of transitioning from CDBS to LMS. We propose to amend rule sections that mention CDBS to instead refer to LMS. We seek comment on this proposal.

B. Update Form Names

4. We propose to update §§ 73.30(c), 73.45(d)(1), 73.51(c), 73.311(a), 73.512(a), 73.625(c)(4)(i), 73.872(b)(1), 73.875, 73.1670(b), 73.1690(c)(9), 73.3580(d)(2), and 73.5002(b) to update application references. The rules we propose to amend reference outdated form designations used in CDBS, such as ''FCC Form 301,'' and we propose to update the references to conform to current conventions used in LMS such as ''FCC Form 2100, Schedule 301.'' For example, FCC Form 301 would become FCC Form 2100, Schedule 301. We seek comment on this proposal and whether other Rules need to be updated to conform to LMS naming conventions.

C. Change Table of Assignments/ Allotments References To Conform to Existing Language

5. We propose to update inconsistent terminology concerning references to the tables governing FM and TV allotments. Sections 1.401, 1.403, 1.420 and 73.3573 currently use inconsistent terminology to refer to the ''Table of FM Allotments'' and the ''Table of TV Allotments.'' Accordingly, we propose to change references in these sections from ''FM Table of Allotments'' to ''Table of FM Allotments'' and from ''TV Table of Allotments'' to ''Table of TV Allotments.'' In addition, we propose to change references from ''FM Table of Assignments'' to ''Table of FM Allotments'' and from ''TV Table of Assignments'' to ''Table of TV Allotments.'' These proposed changes are editorial in nature and correspond with the standard language used in §§ 73.202, 73.606 and 73.622. We seek comment on this proposal and whether other Rules should be similarly revised.

D. Eliminate § 73.503(g), the 2021 NCE FM Window Application Cap

6. We propose to eliminate language concerning a cap on the number of applications each applicant could submit in the 2021 NCE FM filing window. Section 73.503(g) (Application Limit) mandates that an NCE FM applicant may file no more than a total of 10 applications in the 2021 NCE FM filing window. This Application Limit was intended for the limited purpose of the 2021 NCE FM filing window, which has passed. Upon resolution and finality of the remaining NCE FM applications, we propose to delegate authority to the Bureau to effectuate this change and remove § 73.503(g). We seek comment on this proposal.

E. Eliminate AM Station Power Increase Restrictions

7. We propose to eliminate the requirement that AM stations seeking power increases must request at least a 20% increase in nominal power. We tentatively conclude that this change will provide AM broadcasters greater flexibility and will afford new opportunities for stations to optimize their operations, thus providing continued AM service to the public. Due to increased efficiency in administrative processing, we do not expect this change will adversely affect the processing time for other pending applications. We also propose an update to our AM rules to conform to international agreements and several minor administrative changes.

8. Section 73.3571(e)(1) and (2) sets forth requirements for AM stations proposing a power increase. The rule was adopted in 1985 when the Commission revised the AM technical rules to reflect then-newly enacted international agreements. To address concerns about the potential administrative impact from the large number of AM applications that the rule changes were expected to engender, and to reduce the number of modification applications, the Commission established a minimum threshold for power increases. Specifically, the Commission determined that any application which does not involve a change in site must propose at least a 20% increase in the AM station's nominal power.

9. We tentatively conclude that due to changed circumstances, this restriction is outdated, and propose to delete the requirement that an applicant proposing to increase the power for an AM station must propose either a site change or at least a 20% increase in the station's nominal power. Due to increased administrative efficiencies and the electronic application filing system currently in place, we tentatively find that applications proposing an increase of less than 20% power do not present the same processing burdens and do not warrant this restrictive benchmark. Accordingly, we propose to delete § 73.3571(e)(1) and (2), and seek comment on this proposal. We also seek comment on whether there is a public benefit to allowing increases of less than 20%. We also propose to delete § 73.3571(e)(3), which clarifies that Class D stations were not subject to the requirements of § 73.3571(e)(1) and (e)(2).

10. We also propose to update § 73.3571(e)(4), which outlines procedures for authorizing certain Class D daytime-only stations to operate unlimited-time. Paragraph (e)(4) was not updated when the stations were reclassified in 1991, and the current rule still reflects the old classifications. Accordingly, we propose to revise the station classes in § 73.3571(e)(4) to reflect current station classifications, including Class B and Class D designations mirroring the definitions in § 73.21(a)(2) and (a)(3), and seek comment on this proposal.

11. We propose to remove the Note to this rule section, and add it to paragraph (h)(1)(ii) of § 73.3571.

F. Post-Incentive Auction Viewer and MVPD Notification Requirements

12. We propose to update Incentive Auction rules to remove obsolete language. In 2014, the Commission adopted rules to implement the broadcast television spectrum incentive auction (Incentive Auction). The post-incentive auction transition period concluded on July 3, 2020. All full power and Class A TV stations that elected to relinquish their licenses have terminated operations and all repacked stations are now operating on their post-auction channel assignments. As such, we propose to delete § 73.3700(c) and revise §§ 73.3801(h)(4)(i), 73.6029(h)(4)(i), and 74.782(i)(4)(i).

13. Section 73.3700(c) requires repacked stations to provide notice to viewers before a station transitions to its post-auction channel and requires license relinquishment stations to provide notice to viewers before terminating operations. Because all repacked stations are now operating on their post-incentive auction channels and all license relinquishment stations have terminated operations, this notice provision is obsolete.

14. Sections 73.3801(h)(4)(i), 73.6029(h)(4)(i), and 74.782(i)(4)(i) require 120-days advance notification by Next Gen TV stations to MVPDs (Multichannel Video Programming Distributors) for ATSC 1.0 service relocations that occur during the post-incentive auction transition period and 90-days advance notice for relocations that occur after the post-incentive auction transition period. Since the post-incentive auction transition period concluded, we propose to revise these rules to remove references to the post-incentive auction transition period and the extended MVPD notice period that was only required during that time. We seek comment on each of these proposals. These proposed revisions do not alter the 90-day MVPD notice requirement that is currently in effect for Next Gen TV.

G. Update § 73.870, Processing LPFM Minor Modification Applications

15. We propose to codify in the rules the existing interpretation of § 73.870(e) that LPFM minor modification applications received on the same day will be treated as simultaneously filed. Section 73.3573 outlines the processing procedures for full service FM broadcast station applications. Generally, applications for minor modifications of FM broadcast and FM translator stations ''may be filed at any time, unless restricted by the FCC, and will be processed on a 'first come/first served' basis.'' Section 73.3573(e)(1), which governs reserved channel FM broadcast stations, states that ''[c]onflicting minor change FM applications received on the same day are treated as simultaneously filed and mutually exclusive.'' With respect to non-reserved FM broadcast stations, § 73.3573(f)(1) states that ''[a]ll applications received on the same day will be treated as simultaneously tendered and, if they are found to be mutually exclusive, must be resolved through settlement or technical amendment.'' The same processing procedures apply to conflicting minor change FM translator applications received on the same day pursuant to § 74.1233.

16. There is no similar language in the rule for minor change LPFM applications indicating the processing standard for applications received on the same day. Section 73.870(e) simply states: ''Minor change LPFM applications may be filed at any time, unless restricted by the staff, and generally, will be processed in the order in which they are tendered. Such applications must meet all technical and legal requirements applicable to new LPFM station applications.''

17. There is no indication in either the text of § 73.870(e) or in the order adopting the rule that the Commission intended to implement a different procedure for processing minor change LPFM applications than for minor change full service FM and FM translator applications.

18. Accordingly, we propose to codify in the rules the existing interpretation of § 73.870(e) that LPFM minor modification applications received on the same day will be treated as simultaneously filed. This will harmonize § 73.870(e) with the processing procedures for minor change full service FM and FM translator applications under §§ 73.3573(e)(1) and (f)(1), and 74.1233(b)(1) and (d)(1). We also propose to revise § 73.870(e) to codify the existing practice that first-come, first-served processing for LPFM minor modification applications will follow the well-established general procedures, under which applicants filing on the same day are considered simultaneously filed and, if mutually exclusive, directed to use engineering solutions and good faith negotiation to resolve their mutual exclusivity. We seek comment on our proposals.

H. Revisions to § 73.807, Minimum Distance Separation Between Stations

1. Codification of Definition of the Term ''Authorized'' Station

19. We propose to codify the existing interpretation of the term ''authorized'' station in § 73.807 as including construction permittees in addition to licensees. Under § 73.807(a)(1), to be authorized, LPFM applicants must satisfy the minimum distance separation requirements specified in the Table to paragraph (a)(1) with respect to ''authorized FM stations'' and ''authorized LPFM stations'' among other separation requirements, and must also meet the minimum separation requirements in the Table to paragraph (c) with respect to ''authorized FM translator stations.''

20. Although the term ''authorized'' in the context of § 73.807(a)(1) and (c) is not defined in the rule or LPFM Report and Order, the Commission's long-standing interpretation of this term is that it encompasses stations having a granted license and/or a granted construction permit. We tentatively conclude to codify in § 73.807(a) and (c) the existing interpretation of the term ''authorized'' stations as including both licensed stations and/or granted construction permits for FM, LPFM, and FM translator stations. We seek comment on our tentative conclusion that this will provide clarity to LPFM applicants regarding minimum distance separation requirements.

2. Prior-Filed Application Protections

21. We propose to modify §§ 73.807(a)(1) and 73.807(c) to state that LPFM applicants must protect FM, LPFM, and FM translator applications submitted prior to a public notice announcing the procedures for an LPFM filing window.

22. Under § 73.807(a)(1), LPFM applicants must satisfy the minimum distance separation requirements in the Table to paragraph (a)(1) with respect to ''applications for new and existing FM stations filed prior to the release of the public notice announcing an LPFM window period.'' Under § 73.807(c), LPFM applicants must also satisfy the

minimum distance separation requirements in the Table to paragraph (c) with respect to ''cutoff FM translator applications, and FM translator applications filed prior to the release of the Public Notice announcing the LPFM window period.''

23. We propose to modify §§ 73.807(a)(1) and 73.807(c) to state that FM, LPFM and FM translator applications filed prior to the release of the Public Notice announcing the filing procedures that will apply to any upcoming LPFM application filing window must be protected under these rule sections. In recent application filing windows, the Bureau has released multiple Public Notices announcing the window including providing early announcements of upcoming window dates, in order to afford potential applicants adequate time to prepare their applications. This proposed rule change will provide that: a public notice that just announces the filing window dates will not serve to terminate protection requirements for prior-filed applications under §§ 73.807(a)(1) and 73.807(c); and only a detailed public notice setting out the procedures for the window terminates the need to protect prior-filed applications.

24. Section 73.807(c) requires that LPFM applications must meet the minimum separation requirements ''. . . with respect to . . . cutoff FM translator applications . . . .'' We propose to remove the reference to ''cutoff FM translator applications,'' because our proposed rule amendment will make clear that any FM translator application that is filed prior to the issuance of the LPFM filing window procedures public notice is entitled to protection. We seek comment on these proposals.

I. Revise the Signature Rule

25. We propose to codify the existing interpretation of the Signature Rule (§ 73.3513), applicable to all broadcast services, that ''directors'' of corporations may sign applications. We also propose to modify the Signature Rule to expand the definition of who may sign an application on behalf of a corporation, a partnership, and an unincorporated association, to include a ''duly authorized employee.'' Section 73.3513 of the Rules specifies who must sign ''[a]pplications, amendments thereto, or related statements of fact required by the FCC'' on behalf of various broadcast entities. According to the Signature Rule, an officer of a corporation may sign applications or amendments on a broadcast entity's behalf. For a partnership, a partner may sign applications on behalf of a partnership. For an unincorporated association, a member who is an officer may sign applications on behalf of an unincorporated association. We adhere to the Signature Rule requirements and violations of the Signature Rule are not curable. The Bureau has interpreted the Signature Rule to permit applications signed by corporate directors, rather than officers, finding that the director at issue was as capable as a subordinate corporate officer to ensure accuracy and accountability of the broadcast application. We seek comment on the Bureau's rationale regarding corporate directors and now propose to codify in the rules the existing interpretation of § 73.3513 that ''directors'' of corporations may sign applications.

26. Under the existing rule, a corporation cannot allow an employee, such as a general manager, to sign applications or amendments on its behalf. The existing rule, which does not permit a corporation to designate an authorized employee to sign applications or amendments, leads to numerous application dismissals of otherwise qualified applicants.

27. We propose to permit a corporation, partnership, or unincorporated association to designate a ''duly authorized employee,'' to sign applications or amendments on its behalf. This would harmonize the Signature Rule with similar rules used by other bureaus and offices that permit both directors and authorized employees to sign applications or amendments on behalf of the corporation. We seek comment on this proposed modification to the Signature Rule and on how to define the term ''duly authorized employee.'' Should we limit the types of employees that may sign, or require written delegation of authority that predates the filing of applications or amendments on behalf of the corporation, partnership, or unincorporated association? How significant is the potential for misrepresentation or abuse if duly authorized employees sign broadcast applications? Does allowing an authorized employee to sign applications provide adequate assurance that the applicant has personally reviewed the application? How would the proposed rule change benefit small corporations, partnerships, or unincorporated associations that may be unrepresented by counsel? We also seek comment on whether we should amend our rules to specify which individuals associated with a limited liability company (LLC) can sign an application. Should only ''members'' of an LLC be authorized to sign?

28. We also propose to revise the Signature Rule to clarify that the term ''signed,'' for applications submitted in LMS, includes an electronic signature that consists of the individual's typed name. We seek comment on these modifications.

J. Local Public Notice Requirement After Acceptance for Filing

29. We propose to codify the long time practice concerning when applicants for new NCE FM, NCE TV, or LPFM construction permits must give local public notice of their applications. Section 73.3580 sets out what types of applicants and licensees are required to provide local public notice, what applications trigger the requirement, the timing of the notice and the content of the notice. The rule currently provides that the Commission's release of an ''acceptance public notice'' of a newly filed application triggers the applicant's local public notice obligation. Section 73.3580(a)(1) defines an acceptance public notice as: ''A Commission public notice announcing that an application has been accepted for filing.'' Section 73.3580(c)(1) specifies that an applicant filing an application for a construction permit for a new ''noncommercial educational full power television [station]; . . . noncommercial educational full-service . . . FM radio station; . . . [or] low-power FM'' radio station must provide local public notice through an online notice. However, the current definition of an acceptance public notice does not take into account all of the ways that the Commission announces tentative selectees for new NCE FM, NCE TV, and LPFM construction permits. Therefore, we propose to add language to §§ 73.3580, 73.7002, 73.7003, and 73.872, to state that for NCE FM, NCE TV, and LPFM applications, a public notice, a Threshold Fair Distribution of Service Order, an NCE Comparative Points Order, an LPFM Tentative Selectee Order or Public Notice, or the equivalent can all serve as an acceptance public notice under § 73.3580, and each will trigger that applicant's local public notice obligation.

30. The Bureau routinely releases in its ''Applications'' public notice that singleton NCE and LPFM new station construction permit applications have been accepted for filing. However, in the context of MX NCE and LPFM new station construction permit applications, the ''acceptance for filing'' notice, which triggers the § 73.3580 local notice obligation, occurs via other procedural means. In an MX situation, the NCE or LPFM tentative selectee is

identified and concurrently accepted for filing, the combination of which triggers the applicant's local public notice obligation. However, these MX NCE or LPFM tentative selectees do not appear in the Applications public notice but are ''accepted for filing'' in an omnibus, multi-application Order such as the following:

- A Threshold Fair Distribution of Service Order, issued under delegated authority, designating a tentative selectee for a full service NCE FM construction permit pursuant to section 307(b) of the Act (Section 307(b) Order).
- An NCE Comparative Points Order designating a tentative selectee pursuant to § 73.7003.
- An LPFM MX Tentative Selectee Order or Public Notice identifying tentative selectees pursuant to § 73.872.
- A Bureau decision issued under delegated authority announcing a new tentative selectee following dismissal of prior tentative selectee.

These four NCE and LPFM MX application contexts, which accept a tentative selectee for filing and thus trigger an applicant's local notice obligation, are not currently addressed by § 73.3580.

31. Accordingly, we propose to amend: § 73.7002(b) to indicate that the ''acceptance for filing'' of the various tentative selectee(s) in a Section 307(b) Order triggers the applicant's local public notice obligation; § 73.7003(a) to indicate that the ''acceptance for filing'' of the various tentative selectee(s) in an NCE Comparative Points Order triggers the applicant's local public notice obligation; and § 73.872(a) to indicate that the ''acceptance for filing'' of the various tentative selectee(s) in an LPFM MX Tentative Selectee Order or Public Notice, triggers the applicant's local public notice obligation. We also propose to revise § 73.3580(a)(1) to define ''an acceptance public notice'' as a Commission or Bureau public notice announcing that an application has been accepted for filing, or an equivalent Order accepting for filing applications from a filing window under §§ 73.7002, 73.7003 or 73.872. We seek comment on this proposal, and on any other changes to the local notice obligations.

K. Remove 90-Day STA Restriction Necessitated by Technical or Equipment Problems

32. We propose to amend § 73.1635(a)(4) to remove language providing that an initial special temporary authorization (STA) necessitated by technical or equipment problems may only be granted for 90 days with a limited number of 90-day extensions, rather than the full 180-day period permitted for STAs for other reasons. Based on previous STA submissions, the Bureau engineering staff has observed that technical or equipment malfunctions frequently take more than 90 days to resolve. Requiring an update every 90 days typically results in the licensee raising the same issues and repeating the identical request from the original STA filing, and places an extra burden on licensees and Bureau processing staff. Therefore, we propose to delete this 90-day restriction language and apply the 180-day period to STAs necessitated by technical or equipment problems, consistent with the time period we apply to other types of STAs. We also propose to correct a typo in the fourth sentence of paragraph (a)(4) by replacing ''expeditions'' with ''expeditious.'' We seek comment on this proposal.

L. Remove Obsolete Application Processing Language

33. We propose to modify our application processing rules to remove and revise references to various application processing procedures that are no longer used. The removal and revision of obsolete language will streamline our rules and eliminate the potential for confusion among the public, licensees, and practitioners, such as attorneys or engineers, that submit filings to the Commission. Prior to the adoption of electronic filing, applications were paper-filed under a two-step submission process. First, applicants ''tendered for filing'' applications. Second, after a preliminary review for completeness, the Bureau would then review the application for core technical and legal requirements. If the application was ''accepted for filing,'' the Bureau would assign the application a file number, and place the application on an ''accepted for filing'' public notice.

34. Under the current electronic filing system, applications are no longer physically ''tendered for filing'' but are now filed electronically in the Bureau's filing database, LMS. Upon filing, applications appear in the Bureau's daily ''Applications'' public notice. Applications that require a fee do not appear on the Bureau's daily ''Applications'' public notice until the fee is paid. Numerous rule sections still reference outdated terms from the Commission's legacy paper-filing processing procedures and are therefore inconsistent with current electronic filing procedures. For example, the continued use of the term ''tendered'' is potentially confusing to applicants, practitioners, and the public because it reflects a processing procedure that no longer exists.

35. We first propose to remove references to applications and pleadings as being ''tendered'' with the Commission and instead refer to applications as being ''filed'' with the Commission in the following rules: 73.37(c), which addresses application requirements for new AM stations; 73.3516(e), which sets forth the process for filing a petition to deny during a license renewal proceeding; 73.3526 and 73.3527, which describe required online public inspection file documents; 73.3573(f)(1), which outlines the processing of FM applications; 73.3578(a), which concerns amendments to applications; 73.3591(b), which explains the processing of applications without a hearing; and 73.3597(b)(2), which addresses the processing of transfer and assignment applications.

36. Second, we propose to amend § 73.3564, which addresses the acceptance of applications and in certain places still reflects obsolete paper-filing procedures. We propose to delete all obsolete paper-filing procedures from § 73.3564(a) and replace the term ''tendered for filing'' with ''filed'' throughout § 73.3564. We also propose to delete § 73.3564(c) references to cut-off procedures for reserved band FM NCE applications that have since been eliminated by the Commission in favor of a filing window approach.

37. Finally, we propose to remove Note 1 to § 73.3522, which addresses amendments to applications, because the Note also reflects processing procedures that have been eliminated with the implementation of electronic filing. We seek comment on these proposed revisions and additional references to outdated processing that should be updated.

M. Redesignate Renewal Application Petition To Deny Rule

38. We propose to consolidate our rules for petitions to deny under a single rule section. While § 73.3516 generally deals with applications for new broadcast facilities, paragraph (e) of § 73.3516 addresses deadlines for filing petitions to deny license renewal applications. Our general rule related to the filing of petitions to deny under Part 73 is § 73.3584. We propose to redesignate the revised § 73.3516(e) as a new paragraph to § 73.3584, which specifically addresses the procedures for filing petitions to deny against license renewal applications. We also propose to replace cross-references to current

§ 73.3516(e) with references to redesignated § 73.3584(f).

N. Revise the Informal Objection Rule

39. We propose to revise the informal objection rule to require that informal objections and responsive pleadings be served upon the relevant applicant or objector. We also propose to limit the type of responsive pleadings that may be filed, and impose filing deadlines for responsive pleadings that align with the limitations set for responsive pleadings to petitions to deny.

40. In processing broadcast applications, we encounter two types of pleadings that we process and treat as an informal objection: (1) a pleading intentionally filed directly as an informal objection under § 73.3587, and (2) a pleading initially submitted as a petition to deny, but is treated as an informal objection because it falls short of the procedural requirements of a petition to deny. The goal of the informal objection rule is to afford the public opportunity to submit information that the Commission should consider when evaluating whether grant of an application would serve the public interest, with fewer procedural requirements than the statutory and rule provisions covering petitions to deny. Under our current rule, informal objections are not required to be served upon the applicant. We have found that the existing rule, which does not require service of informal objections, often leads to considerable inefficiencies in the resolution of contested proceedings because of the lack of procedures. For example, because informal objections do not need to be served, Bureau staff must often forward an informal objection to an applicant and afford the applicant an opportunity to respond to the informal objection. Additionally, our current rules contain no restriction on the number or type of pleadings that can be filed in response to an informal objection, and provide no pleading deadlines, which similarly delays the resolution of contested proceedings.

41. We first propose to require that the first above-mentioned category of informal objections, those intentionally filed directly as an informal objection under § 73.3587, must be served upon the applicant. We propose that service may be by mail or email to the address listed in the ''Applicant'' or ''Contact Representatives'' sections of the contested application. Both the street address and email address are mandatory fields within the ''Applicant'' and ''Contact Representatives'' sections. Therefore, the service information is readily available to the objector. We believe that requiring service of informal objections will ensure that parties are timely informed of these filings, thereby promoting a more efficient resolution of contested proceedings. The Bureau successfully implemented a requirement for applications in the 2023 LPFM filing window that filers of both petitions to deny and informal objections were required to serve a copy of their filings on applicants. This approach expedited review without hindering public participation in the regulatory process. We seek comment on whether, in the renewal context—where listeners and viewers most frequently file informal objections—it would be beneficial to include similar language in pre-renewal public notices to inform the public about the service requirements. Should service be to the Applicant instead of a choice between the Applicant and Contact Representative? Additionally, we note that our proposal to permit electronic service aligns with the Wireless Telecommunications Bureau's electronic service requirements. We seek comment on this proposal. Specifically, what should be the consequence of not serving a filing? Should the filing be subject to dismissal? Do these proposals create any barriers for certain parties?

42. Second, we propose to limit the types of responsive pleadings that may be filed and establish pleading deadlines on responsive pleadings to ensure a prompt resolution of the contested matter. Specifically, we propose that responsive pleadings shall be limited to one opposition and one reply. In the case of an informal objection against an application for renewal of license, an opposition thereto may be filed within 30 days after the informal objection is filed. The party that filed the informal objection against the renewal application may reply to the opposition within 20 days after the opposition is due or within 20 days after the opposition is filed, whichever occurs later. For all other pleadings, we propose that an opposition is required to be filed by the applicant within 10 days after the informal objection is filed and a reply filed by the objector within five days after the opposition is due or within five days after the opposition is filed, whichever occurs later. These pleading limitations and filing deadlines align with the pleading limitations and deadlines provided for petitions to deny, and we tentatively conclude they are appropriate for informal objections in order to balance the need of administrative efficiency with the filer's need to submit information that it believes the Commission should consider when evaluating whether grant of an application would serve the public interest. Our proposal to implement pleading limitations and deadlines on responses to informal objections has been successfully used by other Bureaus, and we believe these reforms will provide greater transparency and clarity for all interested parties.

43. We seek comment on this proposal. Alternatively, we seek comment on whether we should adopt longer time frames for responsive pleadings, or whether shorter time periods are sufficient, given the additional time provided under § 1.4 of our Rules. We also propose that such responsive pleadings must be served by mail or to the email address provided in the informal objection or application, as applicable. Our proposal for service of objections and responsive pleadings aligns with the electronic service requirements of other Bureaus and offices within the Commission, including, for example, the Wireless Telecommunications Bureau which requires service of all pleadings. We seek comment on these proposals.

IV. Initial Regulatory Flexibility Act Analysis

44. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in the Notice of Proposed Rulemaking (NPRM). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments in the NPRM. The Commission will send a copy of the NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the NPRM and IRFA (or summaries thereof) will be published in the **Federal Register**.

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

45. In the NPRM, the Commission initiates this rulemaking proceeding to obtain comments from small and other entities regarding its proposal to update several of its rules to better reflect current application processing requirements, clarify and harmonize provisions, and remove references to outdated procedures and legacy filing systems. In the past three decades, the Bureau has transitioned from paper-filing to electronic filing, and has

subsequently transitioned from its initial filing database to a new one. As a result, numerous rule sections still reference outdated terms from the Commission's legacy paper-filing processing procedures and discontinued databases, and are therefore incompatible with current electronic filing procedures.

46. Specifically, the Commission seeks comment on the following proposed rule changes: (1) replacing references to the Bureau's legacy Consolidated Database System (CDBS) electronic filing system with references to the new Licensing and Management System (LMS) electronic filing system and conforming the rules to the current LMS designation for applications; (2) changing the table of assignments/allotments references to conform to existing language; (3) delegating authority to the Bureau to remove a ten application cap rule adopted for the 2021 noncommercial educational (NCE) FM new station filing window, upon finality of the remaining NCE FM applications; (4) updating the AM station power increase rules to eliminate the requirement that stations request at least a 20% increase in nominal power and to reflect current station classifications and other administrative updates; (5) updating Incentive Auction rules to remove the obsolete post-incentive auction transition period language; (6) codifying and harmonizing the processing procedures for minor change low power FM (LPFM) applications with the current processing procedures for minor change full-service FM and FM translator applications; (7) defining the term ''authorized stations'' and codifying which applications an LPFM applicant must protect for purposes of the minimum distance separation requirements; (8) modifying the signature rule to expand the definition of who may sign a certification to include a ''duly authorized employee''; (9) codifying the current practice when applicants for new NCE FM, NCE TV, or LPFM construction permits must give local public notice of their applications; (10) removing language providing that an initial special temporary authorization (STA) necessitated by technical or equipment problems may only be granted for 90 days with a limited number of 90-day extensions, rather than the full 180-day period permitted for other reasons; (11) modifying the application processing rules to remove and revise references to various application processing procedures that are now obsolete; (12) consolidating the rules for petitions to deny under a single rule section; and (13) revising the informal objection rule to require service upon the relevant applicant and objector, limit the number of responsive pleadings, and impose filing deadlines.

B. Legal Basis

47. The proposed action is authorized pursuant to §§ 1, 4, 7, 301, 302, 303, 307, 308, 309, 310, 316, 319, 324, and 336 of the Communications Act, 47 U.S.C. 151, 154, 157, 301, 302, 303, 307, 308, 309, 310, 316, 319, 324, and 336.

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

48. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. The rules proposed herein will directly affect small television and radio broadcast stations. Below, we provide a description of these small entities, as well as an estimate of the number of such small entities, where feasible.

49. *Radio Stations.* This industry is comprised of ''establishments primarily engaged in broadcasting aural programs by radio to the public.'' Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA small business size standard for this industry classifies firms having $47 million or less in annual receipts as small. U.S. Census Bureau data for 2017 show that 2,963 firms operated in this industry during that year. Of this number, 1,879 firms operated with revenue of less than $25 million per year. Based on this data and the SBA's small business size standard, we estimate a majority of such entities are small entities.

50. The Commission estimates that as of September 30, 2024, there were 4,400 licensed commercial AM radio stations and 6,618 licensed commercial FM radio stations, for a combined total of 11,018 commercial radio stations. Of this total, 11,017 stations (or 99.99%) had revenues of $47 million or less in 2023, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Database (BIA) on October 15, 2024, and therefore these licensees qualify as small entities under the SBA definition. In addition, the Commission estimates that as of September 30, 2024, there were 4,377 licensed noncommercial (NCE) FM radio stations, 1,967 low power FM (LPFM) stations, and 8,894 FM translators and boosters. The Commission however does not compile, and otherwise does not have access to financial information for these radio stations that would permit it to determine how many of these stations qualify as small entities under the SBA small business size standard. Nevertheless, given the SBA's large annual receipts threshold for this industry and the nature of radio station licensees, we presume that all of these entities qualify as small entities under the above SBA small business size standard.

51. We note, however, that in assessing whether a business concern qualifies as ''small'' under the above definition, business (control) affiliations must be included. Our estimate, therefore, likely overstates the number of small entities that might be affected by our action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, another element of the definition of ''small business'' requires that an entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific radio or television broadcast station is dominant in its field of operation. Accordingly, the estimate of small businesses to which the rules may apply does not exclude any radio or television station from the definition of a small business on this basis and is therefore possibly over-inclusive. An additional element of the definition of ''small business'' is that the entity must be independently owned and operated. Because it is difficult to assess these criteria in the context of media entities, the estimate of small businesses to which the rules may apply does not exclude any radio or television station from the definition of a small business on this basis and similarly may be over-inclusive.

52. *Television Broadcasting.* This industry is comprised of ''establishments primarily engaged in broadcasting images together with sound.'' These establishments operate television broadcast studios and facilities for the programming and transmission of programs to the public. These establishments also produce or transmit visual programming to affiliated broadcast television stations,

which in turn broadcast the programs to the public on a predetermined schedule. Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA small business size standard for this industry classifies businesses having $47 million or less in annual receipts as small. 2017 U.S. Census Bureau data indicate that 744 firms in this industry operated for the entire year. Of that number, 657 firms had revenue of less than $25 million per year. Based on this data we estimate that the majority of television broadcasters are small entities under the SBA small business size standard.

53. As of September 30, 2024, there were 1,384 licensed commercial television stations. Of this total, 1,307 stations (or 94.4%) had revenues of $47 million or less in 2023, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) on October 15, 2024, and therefore these licensees qualify as small entities under the SBA definition. In addition, the Commission estimates as of September 30, 2024, there were 382 licensed noncommercial educational (NCE) television stations, 379 Class A TV stations, 1,812 LPTV stations and 3,092 TV translator stations. The Commission, however, does not compile and otherwise does not have access to financial information for these television broadcast stations that would permit it to determine how many of these stations qualify as small entities under the SBA small business size standard. Nevertheless, given the SBA's large annual receipts threshold for this industry and the nature of these television station licensees, we presume that all of these entities qualify as small entities under the above SBA small business size standard.

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

54. The NPRM proposes to amend existing rules to better reflect current application processing requirements, clarify and harmonize provisions, and remove references to outdated procedures and legacy filing systems. Some of these rule changes may require new or modified reporting, recordkeeping, or compliance obligations for small and other broadcasters, as detailed below.

55. The proposed rules will eliminate the requirement that an AM station requesting to increase power must propose at least a 20% increase in the station's nominal power. This change will provide small, AM broadcasters greater flexibility and allow for new opportunities for stations to optimize their operations. The NPRM also proposes to codify the processing procedures for LPFM minor modification applications, thereby creating consistency in the language in the rules on how these modifications are processed across different FM classes. The proposed rules also revise the minimum distance separation requirements for new and modified LPFM applications to explain which applications must be protected, define ''authorized station,'' and clarify that a public notice that just announces the filing window dates will not serve to terminate protection requirements for prior-filed applications. The NPRM further defines the acceptance public notice, which triggers the local public notice obligations for applicants for new NCE FM, NCE TV, or LPFM construction permits, many of whom are small entities. The proposed rules also removes language providing that an initial STA required by technical or equipment problems may only be granted for 90 days with a limited number of 90-day extensions, rather than the full 180-day period, which would ease the regulatory burden on small entities.

56. In addition, the NPRM proposes to expand the definition of who may sign a certification beyond an officer of the corporation, a partner in the partnership, or a member who is an officer of the unincorporated association, to include a ''duly authorized employee,'' similar to rules used by other bureaus and offices that allow for directors and authorized employees to sign applications and amendments for the organization. The rules also propose to revise the informal objection rule, requiring that informal objections be served upon the applicant as well as limiting the number of pleadings that may be filed in response to an informal objection to one objection and one reply. The proposed service requirement would result in a small paperwork obligation for small and other entities. The minimal burden would be offset by the benefit of promoting a more efficient resolution of contested proceedings. In the case of an informal objection against an application for renewal of license, an opposition must be filed within 30 days after the informal objection is filed, and replies would be due within 20 days after the opposition is due or within 20 days after the opposition is filed, whichever occurs later. For all other pleadings, the NPRM proposes that an opposition must be filed by the applicant within 10 days after the informal objection is filed and a reply filed by the objector within five days after the opposition is due or within five days after the opposition is filed, whichever occurs later.

57. We believe these revisions will make the rules more transparent and accessible to small entities and thus reduce the need for professional services such as expert engineering or legal assistance with compliance and reporting requirements. We anticipate the information we receive in comments, including where requested, cost and benefit analyses, will help the Commission identify and evaluate relevant compliance issues impacting small entities, including costs to hire professionals to comply with these rules, and other burdens that may result from the proposed revisions in the NPRM.

E. Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

58. The RFA requires an agency to describe any alternatives that could minimize impacts to small entities that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.''

59. In the NPRM, the Commission considered alternatives such as retaining the existing rules, while amending other related rules to further improve the accuracy of the Code of Federal Regulations, many of which may minimize the impact of the regulations on small broadcasters. For example, in proposing to revise the signature rule, we considered whether to permit a ''duly authorized employee'' to sign for the corporation, partnership or unincorporated association, or, in the alternative, to maintain our current rules requiring officers, partners, or members who are officers to sign, which often results in application dismissals. We also considered whether we should limit this to specific employees, and how this decision, if adopted, might impact small broadcasters that may not be represented by counsel. In considering the proposed revisions to the informal objection rule, we seek comment on whether we should adopt

longer times to respond to pleadings than proposed, which may provide flexibility for small entities.

60. The Commission seeks comment on whether any of the burdens associated the filing, recordkeeping and reporting requirements described in the NPRM can be minimized for small entities. The Commission is open to considering alternatives to the rules proposed in the NPRM, including but not limited to alternatives that will minimize significant economic burdens on small and other broadcasters.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule

61. None.

V. Ordering Clauses

62. Accordingly, *it is ordered* that, pursuant to the authority found in sections 1, 4, 7, 301, 302, 303, 307, 308, 309, 310, 316, 319, 324, and 336 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 157, 301, 302, 303, 307, 308, 309, 310, 316, 319, 324, and 336 this Notice of Proposed Rulemaking *is adopted.*

63. *It is further ordered* that the Commission's Office of the Secretary *shall send* a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Act Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects

47 CFR Part 1

Administrative Practice and Procedure, Radio, Reporting and recordkeeping requirements, Television.

47 CFR Parts 73 and 74

Communications equipment, Radio, Reporting and recordkeeping requirements, Television.

47 CFR Part 76

Television.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR parts 1, 73, 74, and 76 as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461 note; 47 U.S.C. 1754, unless otherwise noted.

■ 2. Amend § 1.401 by revising paragraph (d) to read as follows:

§ 1.401 Petitions for rulemaking.

* * * * *

(d) Petitions for amendment of the Table of FM Allotments (§ 73.202 of this chapter) or the Table of TV Allotments (§ 73.606) shall be served by petitioner on any Commission licensee or permittee whose channel assignment would be changed by grant of the petition. The petition shall be accompanied by a certificate of service on such licensees or permittees. Petitions to amend the Table of FM Allotments must be accompanied by the appropriate construction permit application and payment of the appropriate application filing fee.

* * * * *

■ 3. Revise § 1.403 to read as follows:

§ 1.403 Notice and availability.

All petitions for rulemaking (other than petitions to amend the Table of FM Allotments, Table of TV Allotments, and Air-Ground Table of Assignments) meeting the requirements of § 1.401 will be given a file number and, promptly thereafter, a ''Public Notice'' will be issued (by means of a Commission release entitled ''Petitions for Rule Making Filed'') as to the petition, file number, nature of the proposal, and date of filing. Petitions for rulemaking are available through the Commission's Reference Information Center at the FCC's main office, and electronically at *https://www.fcc.gov.*

■ 4. Amend § 1.420 by:

■ a. Revising the section heading, and paragraphs (a), and (b);

■ b. Redesignating the Note to paragraph (g) as Note 1 to paragraph (g);

■ c. Redesignating Note 1 to paragraph (h) as Note 2 to paragraph (h);

■ d. Revising paragraph (j) introductory text, and the note at the end of the section.

The revisions read as follows:

§ 1.420 Additional procedures in proceedings for amendment of the Table of FM Allotments, the Table of TV Allotments, or for amendment of certain FM assignments.

(a) Comments filed in proceedings for amendment of the Table of FM Allotments (§ 73.202 of this chapter) or the Table of TV Allotments (§ 73.622(j) of this chapter) which are initiated on a petition for rule making shall be served on petitioner by the person who files the comments.

(b) Reply comments filed in proceedings for amendment of the Table of FM Allotments or the Table of TV Allotments shall be served on the person(s) who filed the comments to which the reply is directed.

* * * * *

(j) Whenever an expression of interest in applying for, constructing, and operating a station has been filed in a proceeding to amend the Table of FM Allotments or the Table of TV Allotments, and the filing party seeks to dismiss or withdraw the expression of interest, either unilaterally or in exchange for financial consideration, that party must file with the Commission a request for approval of the dismissal or withdrawal, a copy of any written agreement related to the dismissal or withdrawal, and an affidavit setting forth:

* * * * *

Note 3 to § 1.420: The reclassification of a Class C station in accordance with the procedure set forth in Note 4 to § 73.3573 may be initiated through the filing of an original petition for amendment of the Table of FM Allotments. The Commission will notify the affected Class C station licensee of the proposed reclassification by issuing a notice of proposed rulemaking, except that where a triggering petition proposes an amendment or amendments to the Table of FM Allotments in addition to the proposed reclassification, the Commission will issue an order to show cause as set forth in Note 4 to § 73.3573, and a notice of proposed rule making will be issued only after the reclassification issue is resolved. Triggering petitions will be dismissed upon the filing, rather than the grant, of an acceptable construction permit application to increase antenna height to at least 451 meters HAAT by a subject Class C station.

■ 5. Amend § 1.5000 by revising the third sentence of paragraph (b) to read as follows:

§ 1.5000 Citizenship and filing requirements under section 310(b) of the Communications Act of 1934, as amended.

* * * * *

(b) * * * Petitions for declaratory ruling required by paragraph (a) of this section involving broadcast stations only shall be filed electronically on the internet through the Media Bureau's Licensing and Management System (LMS) or any successor system thereto when submitted to the Commission as part of an application for a construction permit, assignment, or transfer of control of a broadcast license; if there is no associated construction permit, assignment or transfer of control application, petitions for declaratory ruling should be filed with the Office of

the Secretary via the Commission's Electronic Comment Filing System (ECFS).

* * * * *

■ 6. Amend § 1.5004 by revising the third sentence of paragraph (d)(2) to read as follows:

§ 1.5004 Routine terms and conditions.

* * * * *

(d) * * *

(2) * * * The letter must also reference the licensee's foreign ownership ruling(s) by ICFS File No. and FCC Record citation, if available; or, if a broadcast licensee, the letter must reference the licensee's foreign ownership ruling(s) by LMS File No., Docket No., call sign(s), facility identification number(s), and FCC Record citation, if available. * * *

* * * * *

■ 7. Amend § 1.30001 by revising paragraph (d) to read as follows:

§ 1.30001 Definitions.

* * * * *

(d) *Distance from the AM station.* The distance shall be calculated from the tower coordinates in the case of a nondirectional AM station, or from the array center coordinates given in LMS or any successor database for a directional AM station.

■ 8. Amend § 1.30004 by revising the second sentence of paragraph (a) to read as follows:

§ 1.30004 Notice of tower construction or modification near AM stations.

(a) * * * Notice shall be provided to any AM station that is licensed or operating under Program Test Authority using the official licensee information and address listed in LMS or any successor database. * * *

* * * * *

PART 73—RADIO BROADCAST SERVICES

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

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 10. Amend § 73.30 by revising paragraph (c) and redesignating notes 1 through 5 as notes 1 through 5 to § 73.30.

The revision reads as follows:

§ 73.30 Petition for authorization of an allotment in the 1605–1705 kHz band.

* * * * *

(c) If awarded an allotment, a petitioner will have sixty (60) days from the date of public notice of selection to file an application for construction permit on FCC Form 2100, Schedule 301. (See §§ 73.24 and 73.37(e) for filing requirements). Unless instructed by the Commission to do otherwise, the application shall specify Model I facilities. (See § 73.14). Upon grant of the application and subsequent construction of the authorized facility, the applicant must file a license application on FCC Form 2100, Schedule 302.

* * * * *

■ 11. Amend § 73.37 by revising paragraph (c) to read as follows:

§ 73.37 Applications for broadcast facilities, showing required.

* * * * *

(c) If otherwise consistent with the public interest, an application requesting an increase in the daytime power of an existing Class C station on a local channel from 250 watts to a maximum of 1kW, or from 100 watts to a maximum of 500 watts, may be granted notwithstanding overlap prohibited by paragraph (a) of this section. In the case of a 100 watt Class C station increasing daytime power, the provisions of this paragraph shall not be construed to permit an increase in power to more than 500 watts, if prohibited overlap would be involved, even if successive applications should be filed.

* * * * *

■ 12. Amend § 73.45 by revising paragraph (d)(1) to read as follows:

§ 73.45 AM antenna systems.

* * * * *

(d) * * *

(1) Whenever the measurements show that the antenna or common point resistance differs from that shown on the station authorization by more than 2%, FCC Form 2100, Schedule 302 must be filed with the information and measurement data specified in § 73.54(d).

* * * * *

■ 13. Amend § 73.51 by revising paragraph (c) introductory text to read as follows:

§ 73.51 Determining operating power.

* * * * *

(c) Applications for authority to operate with antenna input power which is less than nominal power and/or to employ a dissipative network in the antenna system shall be made on FCC Form 2100, Schedule 302. The technical information supplied on section II–A of this form shall be that applying to the proposed conditions of operation. In addition, the following information shall be furnished, as pertinent:

* * * * *

■ 14. Amend § 73.202 by revising the third sentence of paragraph (a) introductory text to read as follows:

§ 73.202 Table of Allotments.

(a) * * * Channels to which licensed, permitted, and ''reserved'' facilities have been assigned are reflected in the Media Bureau's publicly available Licensing and Management System.

* * * * *

■ 15. Amend § 73.311 by revising paragraph (a) to read as follows:

§ 73.311 Field strength contours.

(a) Applications for FM broadcast authorizations must show the field strength contours required by FCC Form 2100, Schedule 301 or 340, as appropriate.

* * * * *

■ 16. Amend § 73.512 by revising paragraph (a) introductory text to read as follows:

§ 73.512 Special procedures applicable to Class D noncommercial educational stations.

(a) All Class D stations seeking renewal of license for any term expiring June 1, 1980, or thereafter shall comply with the requirements set forth below and shall simultaneously file an application on FCC Form 2100, Schedule 340, containing full information regarding such compliance with the provisions set forth in paragraphs (a)(1) through (3) of this section.

* * * * *

■ 17. Amend § 73.625 by revising the second sentence of paragraph (c)(4)(i) to read as follows:

§ 73.625 TV antenna system.

* * * * *

(c) * * *

(4) * * *

(i) * * * A formal application (FCC Form 2100, Schedule 301, or FCC Form 2100, Schedule 340 for a noncommercial educational station) will be required if the proposal involves substantial change in the physical height or radiation characteristics of the AM broadcast antennas; otherwise an informal application will be acceptable.

* * * * *

■ 18. Amend § 73.807 by:

■ a. Revising paragraph (a)(1) introductory text and designating the table as Table 1 to paragraph (a)(1);

■ b. Designating the table in paragraph (b) as Table 2 to paragraph (b);

■ c. Revising (c) introductory text and designating the table as Table 3 to paragraph (c); and

■ d. Designating the table in paragraph (g)(1) as Table 4 to paragraph (g)(1) and

the table in paragraph (g)(2) as Table 5 to paragraph (g)(2).

The revisions read as follows:

§ 73.807 Minimum distance separation between stations.

* * * * *

(a) * * *

(1) An LPFM station will not be authorized initially unless the minimum distance separations in the following table are met with respect to authorized FM stations, applications for new and existing FM stations filed prior to the release of the public notice announcing the filing procedures for the LPFM window period, authorized LPFM stations, LPFM station applications that were timely-filed within a previous window, and vacant FM allotments. The term authorized [FM or LPFM] station means the FM or LPFM station currently holds a granted construction permit and/or a granted license. LPFM modification applications must either meet the distance separations in the following table or, if short-spaced, not lessen the spacing to subsequently authorized stations.

* * * * *

(c) In addition to meeting the separations specified in paragraphs (a) and (b) of this section, LPFM applications must meet the minimum separation requirements in the following table with respect to authorized FM translator stations, and FM translator applications filed prior to the release of the Public Notice announcing the filing procedures for the LPFM window period. The term authorized FM translator station means the FM translator station currently holds a granted construction permit and/or a granted license.

* * * * *

■ 19. Amend § 73.870 by revising paragraph (e) to read as follows:

§ 73.870 Processing of LPFM broadcast station applications.

* * * * *

(e) Minor change LPFM applications must meet all technical and legal requirements applicable to new LPFM station applications. Such applications may be filed at any time, unless restricted by the staff, and generally, will be processed on a ''first come/first served'' basis, with the first acceptable application cutting off the filing rights of subsequent, competing applicants. The FCC will periodically release a Public Notice listing those applications accepted for filing. Applications received on the same day will be treated as simultaneously filed and, if they are found to be mutually exclusive, must be resolved through settlement or technical amendment. Conflicting applications received after the filing of the first acceptable application will be grouped, according to filing date, behind the lead application in the queue. The priority rights of the lead applicant, against all other applicants, are determined by the date of filing, but the filing date for subsequent conflicting applicants only reserves a place in the queue. The right of an applicant in a queue ripens only upon a final determination that the lead applicant is unacceptable and that the queue member is reached and found acceptable. The queue will remain behind the lead applicant until the construction permit is finally granted, at which time the queue dissolves.

* * * * *

■ 20. Amend § 73.872 by revising paragraphs (a) and (b)(1) to read as follows:

§ 73.872 Selection procedure for mutually exclusive LPFM applications.

(a) Following the close of each window for new LPFM stations and for modifications in the facilities of authorized LPFM stations, the Commission will issue a public notice identifying all groups of mutually exclusive applications. Such applications will be awarded points to determine the tentative selectee. Unless resolved by settlement pursuant to paragraph (e) of this section, the tentative selectee will be the applicant within each group with the highest point total under the procedure set forth in this section, except as provided in paragraphs (c) and (d) of this section. Acceptance for filing of a tentative selectee's application in the LPFM Mutually Exclusive Tentative Selectee Order or Public Notice, or an equivalent Order, triggers the applicant's local public notice obligation under § 73.3580.

* * * * *

(b) * * *

(1) *Established community presence.* An applicant must, for a period of at least two years prior to application and at all times thereafter, have qualified as local pursuant to § 73.853(b). Applicants claiming a point for this criterion must submit any documentation specified in FCC Form 2100, Schedule 318 at the time of filing their applications.

* * * * *

■ 21. Amend § 73.875 by revising paragraph (b) introductory text and the second sentence of paragraph (c) introductory text to read as follows:

§ 73.875 Modification of transmission systems.

* * * * *

(b) The following changes may be made only after the grant of a construction permit application on FCC Form 2100, Schedule 318.

* * * * *

(c) * * * A modification of license application (FCC Form 2100, Schedule 319) must be submitted to the Commission within 10 days of commencing program test operations pursuant to § 73.1620. * * *

* * * * *

■ 22. Amend § 73.1020 by revising paragraph (b) to read as follows:

§ 73.1020 Station license period.

* * * * *

(b) For the deadline for filing petitions to deny renewal applications, see § 73.3584(f).

* * * * *

■ 23. Amend § 73.1635 by revising paragraph (a)(4) to read as follows:

§ 73.1635 Special temporary authorizations (STA).

(a) * * *

(4) An STA may be granted for an initial period not to exceed 180 days. A limited number of extensions of such authorizations may be granted for additional periods not exceeding 180 days per extension. The permittee or licensee must demonstrate that any further extensions requested are necessary and that all steps to resume normal operation are being undertaken in an expeditious and timely fashion. The license of a broadcasting station that fails to transmit broadcast signals for any consecutive 12-month period expires as a matter of law at the end of that period, notwithstanding any STA or provision, term, or condition of the license to the contrary.

* * * * *

■ 24. Amend § 73.1670 by revising paragraph (b) to read as follows:

§ 73.1670 Auxiliary transmitters.

* * * * *

(b) Authorization to install an auxiliary transmitter for use with other than the main antenna or authorized auxiliary antenna must be obtained by filing an application for a construction permit on FCC Form 2100, Schedule 301 (FCC Form 2100, Schedule 340 for noncommercial educational stations).

* * * * *

■ 25. Amend § 73.1690 by revising the first sentence of paragraph (c)(9) to read as follows:

§ 73.1690 Modification of transmission systems.

* * * * *

(c) * * *

(9) The licensee of an AM, FM, or TV commercial station may propose to change from commercial to noncommercial educational on a modification of license application, provided that the application contains the completed Eligibility Certifications and Financial sections from FCC Form 2100, Schedule 340. * * *

* * * * *

■ 26. Amend § 73.3513 by revising paragraph (a)(3) and adding paragraph (e) to read as follows:

§ 73.3513 Signing of applications.

(a) * * *

(3) *Corporation.* An officer, director, or duly authorized employee, if the applicant is a corporation.

* * * * *

(e) The Commission only accepts electronic applications. An electronic application is ''signed'' when there is an electronic signature. An electronic signature is the typed name of the person ''signing'' the application, which is then electronically transmitted via LMS.

§ 73.3516 [Amended]

■ 27. Amend § 73.3516 by removing paragraph (e).

§ 73.3522 [Amended]

■ 28. Amend § 73.3522 by removing the note 1:

■ 29. Amend § 73.3526 by revising paragraphs (e)(2) and (4), redesignating paragraphs (e)(18)(1) and (2) as paragraphs (e)(18)(i) and (ii), and revising paragraphs (f)(1) and (2).

The revisions read as follows:

§ 73.3526 Online public inspection file of commercial stations.

* * * * *

(e) * * *

(2) *Applications and related materials.* A copy of any application filed with the FCC, together with all related material, and copies of Initial Decisions and Final Decisions in hearing cases pertaining thereto. If petitions to deny are filed against the application and have been served on the applicant, a statement that such a petition has been filed shall be maintained in the file together with the name and address of the party filing the petition. Applications shall be retained in the public inspection file until final action has been taken on the application, except that applications for a new construction permit granted pursuant to a waiver showing and applications for assignment or transfer of license granted pursuant to a waiver showing shall be retained for as long as the waiver is in effect. In addition, license renewal applications granted on a short-term basis shall be retained until final action has been taken on the license renewal application filed immediately following the shortened license term.

* * * * *

(4) *Contour maps.* A copy of any service contour maps, submitted with any application filed with the FCC, together with any other information in the application showing service contours and/or transmitter location (State, county, city, street address, or other identifying information). These documents shall be retained for as long as they reflect current, accurate information regarding the station.

* * * * *

(f) * * *

(1) For purposes of this section, action taken on an application filed with the FCC becomes final when that action is no longer subject to reconsideration, review, or appeal either at the FCC or in the courts.

(2) For purposes of this section, the term ''all related material'' includes all exhibits, letters, and other documents filed with the FCC as part of an application, report, or other document, all amendments to the application, report, or other document, copies of all documents incorporated therein by reference and not already maintained in the public inspection file, and all correspondence between the FCC and the applicant pertaining to the application, report, or other document, which according to the provisions of §§ 0.451 through 0.461 of this chapter are open for public inspection at the offices of the FCC.

■ 30. Amend § 73.3527 by revising paragraphs (e)(2) and (3) and (f)(1) and (2) to read as follows:

§ 73.3527 Online public inspection file of noncommercial educational stations.

* * * * *

(e) * * *

(2) *Applications and related materials.* A copy of any application filed with the FCC, together with all related material, including supporting documentation of any points claimed in the application pursuant to § 73.7003, and copies of FCC decisions pertaining thereto. If petitions to deny are filed against the application and have been served on the applicant, a statement that such a petition has been filed shall be maintained in the file together with the name and address of the party filing the petition. Applications shall be retained in the public inspection file until final action has been taken on the application, except that applications for a new construction permit granted pursuant to a waiver showing and applications for assignment or transfer of license granted pursuant to a waiver showing shall be retained for as long as the waiver is in effect. In addition, license renewal applications granted on a short-term basis shall be retained until final action has been taken on the license renewal application filed immediately following the shortened license term.

(3) *Contour maps.* A copy of any service contour maps, submitted with any application filed with the FCC, together with any other information in the application showing service contours and/or transmitter location (State, county, city, street address, or other identifying information). These documents shall be retained for as long as they reflect current, accurate information regarding the station.

* * * * *

(f) * * *

(1) For purposes of this section, a decision made with respect to an application filed with the FCC becomes final when that decision is no longer subject to reconsideration, review, or appeal either at the FCC or in the courts.

(2) For purposes of this section, the term ''all related material'' includes all exhibits, letters, and other documents filed with the FCC as part of an application, report, or other document, all amendments to the application, report, or other document, copies of all documents incorporated therein by reference and not already maintained in the public inspection file, and all correspondence between the FCC and the applicant pertaining to the application, report, or other document, which according to the provisions of §§ 0.451 through 0.461 of this chapter are open for public inspection at the offices of the FCC.

■ 31. Amend § 73.3564 by revising paragraphs (a)(1) and (3), (c), and (e) to read as follows:

§ 73.3564 Acceptance of applications.

(a)(1) Applications are dated upon filing in LMS. Except for applications for minor modifications of facilities in the non-reserved FM band, as defined in § 73.3573(a)(2), long form applications subject to the provisions of § 73.5005 found to be complete or substantially complete are accepted for filing and are given file numbers. In the case of minor defects as to completeness, a deficiency letter will be issued and the applicant will be required to supply the missing or corrective information. Applications that are not substantially complete will not be considered and will be returned to the applicant.

* * * * *

(3) Applications found not to meet minimum filing requirements will be returned to the applicant. Applications found to meet minimum filing requirements, but that contain deficiencies, shall be given an opportunity for corrective amendment pursuant to 73.3522. Applications found to be substantially complete and in accordance with the Commission's core legal and technical requirements will be accepted for filing. Applications with uncorrected defects remaining after the opportunity for corrective amendment will be dismissed with no further opportunity for amendment.

* * * * *

(c) At regular intervals, the FCC will issue a Public Notice listing all long form applications which have been accepted for filing. Pursuant to §§ 73.3571(h), 73.3572, and 73.3573(f), such notice shall establish a cut-off date for the filing of petitions to deny. However, no application will be accepted for filing unless certification of compliance with the local notice requirements of § 73.3580(h) has been made in the tendered application.

* * * * *

(e) Applications for minor modification of facilities may be filed at any time, unless restricted by the FCC. These applications will be processed on a ''first come/first served'' basis and will be treated as simultaneously filed if filed on the same day. Any applications received after the filing of a lead application will be grouped according to filing date, and placed in a queue behind the lead applicant. The FCC will periodically release a Public Notice listing those minor modification of facilities applications accepted for filing.

* * * * *

■ 32. Amend § 73.3571 by:

■ a. Revising paragraph (e);

■ b. Adding paragraph (h)(1)(ii)(D); and

■ c. Removing the note to § 73.3571.

The revision and addition read as follows:

§ 73.3571 Processing of AM broadcast station applications.

* * * * *

(e) The following special procedures will be followed in authorizing Class D daytime-only stations on 940 and 1550 kHz, and Class D daytime-only stations on the 41 regional channels listed in § 73.26(a), to operate unlimited-time.

(1) Each eligible daytime-only station in the foregoing categories will receive an Order to Show Cause why its license should not be modified to specify operation during nighttime hours with the facilities it is licensed to start using at local sunrise, using the power stated in the Order to Show Cause, that the Commission finds is the highest nighttime level—not exceeding 0.5 kW—at which the station could operate without causing prohibited interference to other domestic or foreign stations, or to co-channel or adjacent channel stations for which pending applications were filed before December 1, 1987.

(2) Stations accepting such modification shall be reclassified. Those authorized in such Show Cause Orders to operate during nighttime hours with a power of 0.25 kW or more, or with a power that, although less than 0.25 kW, is sufficient to enable them to attain an equivalent RMS field strength of at least 107.5 mV/m at 1 kilometer, shall be redesignated as Class B stations if they are assigned to 940 or 1550 kHz, and as unlimited-time Class B stations if they are assigned to regional channels.

(3) Stations accepting such modification that are authorized to operate during nighttime hours at powers less than 0.25 kW, and that cannot with such powers attain an equivalent RMS field strength of less than 107.5 mV/m at 1 kilometer, shall be redesignated as Class D stations if they are assigned to 940 or 1550 kHz, and as Class D stations if they are assigned to regional channels.

(4) Applications for new stations may be filed at any time on 940 and 1550 kHz and on the regional channels. Also, stations assigned to 940 or 1550 kHz, or to the regional channels, may at any time, regardless of their classifications, apply for power increases up to the maximum generally permitted. Such applications for new or changed facilities will be granted without taking into account interference caused to Class D stations, but will be required to show interference protection to other classes of stations, including stations that were previously classified as Class D, but were later reclassified as Class B unlimited-time stations.

* * * * *

(h) * * *

(1) * * *

(ii) * * *

(D) For purposes of this paragraph (h)(1)(ii), § 73.182(k) interference standards apply when determining nighttime mutual exclusivity between applications to provide AM service that are filed in the same window. Two applications would be deemed to be mutually exclusive if either application would be subject to dismissal because it would enter into, *i.e.,* raise, the twenty-five percent exclusion RSS nighttime limit of the other.

* * * * *

■ 33. Amend § 73.3573 by revising paragraph (f)(1) and note 4 to read as follows:

§ 73.3573 Processing FM broadcast station applications.

* * * * *

(f) * * *

(1) Applications for minor modifications for non-reserved FM broadcast stations, as defined in paragraph (a)(2) of this section, may be filed at any time, unless restricted by the FCC, and, generally, will be processed in the order in which they are tendered. The FCC will periodically release a Public Notice listing those applications accepted for filing. Processing of these applications will be on a ''first come/first serve'' basis with the first acceptable application cutting off the filing rights of subsequent applicants. All applications received on the same day will be treated as simultaneously filed and, if they are found to be mutually exclusive, must be resolved through settlement or technical amendment. Applications received after the filing of a lead application will be grouped, according to filing date, behind the lead application in a queue. The priority rights of the lead applicant, as against all other applicants, are determined by the date of filing, but the filing date for subsequent applicants for that channel and community only reserves a place in the queue. The rights of an applicant in a queue ripen only upon a final determination that the lead applicant is unacceptable and if the queue member is reached and found acceptable. The queue will remain behind the lead applicant until a construction permit is finally granted, at which time the queue dissolves.

* * * * *

Note 4 to § 73.3573: A Class C station operating with antenna height above average terrain (''HAAT'') of less than 451 meters is subject to reclassification as a Class C0 station upon the filing of a triggering application for construction permit that is short-spaced to such a Class C station under § 73.207 but would be fully spaced to such a station considered as a Class C0 assignment. Triggering applications may utilize § 73.215. Triggering applications must certify that no alternative channel is available for the proposed service. Available alternative frequencies are limited to frequencies that the proposed service could use at the specified antenna location in full compliance with the distance separation requirements of § 73.207, without any other changes to the Table of FM Allotments. Copies of a triggering application and related pleadings must

be served on the licensee of the affected Class C station. If the staff concludes that a triggering application is acceptable for filing, it will issue an order to show cause why the affected station should not be reclassified as a Class C0 station The order to show cause will provide the licensee 30 days to express in writing an intention to seek authority to modify the subject station's technical facilities to minimum Class C HAAT or to otherwise challenge the triggering application. If no such intention is expressed and the triggering application is not challenged, the subject station will be reclassified as a Class C0 station, and processing of the triggering application will be completed. If an intention to modify is expressed, an additional 180-day period will be provided during which the Class C station licensee must file an acceptable construction permit application to increase antenna height to at least 451 meters HAAT. Upon grant of such a construction permit application, the triggering application will be dismissed. Class C station licensees must serve on triggering applicants copies of any FAA submissions related to the application grant process. If the construction is not completed as authorized, the subject Class C station will be reclassified automatically as a Class C0 station. The reclassification procedure also may be initiated through the filing of an original petition for rulemaking to amend the Table of FM Allotments as set forth in the Note to § 1.420(g).

* * * * *

■ 34. Amend § 73.3578 by revising paragraph (a) to read as follows:

§ 73.3578 Amendments to applications for renewal, assignment or transfer of control.

(a) Any amendments to an application for renewal of any instrument of authorization shall be considered to be a minor amendment. However, the FCC may, within 15 days after filing of any amendment, advise the applicant that the amendment is considered to be a major amendment and therefore is subject to the provisions of § 73.3580.

* * * * *

■ 35. Amend § 73.3580 by revising paragraphs (a)(1) and (d)(2) to read as follows:

§ 73.3580 Local public notice of filing of broadcast applications.

(a) * * *

(1) *Acceptance public notice.* A Commission or Bureau public notice announcing that an application has been accepted for filing, or an equivalent Order accepting for filing applications from a filing window under § 73.7002, § 73.7003 or § 73.872.

* * * * *

(d) * * *

(2) Consent to an involuntary assignment or transfer or to a voluntary assignment or transfer which does not result in a change of control and which may be applied for on FCC Form 2100, Schedule 316, or any successor form released in the future, pursuant to the provisions of § 73.3540(b).

* * * * *

■ 36. Amend § 73.3584 by revising paragraphs (a) and (c) and adding paragraph (f) to read as follows:

§ 73.3584 Procedure for filing petitions to deny.

(a) For mutually exclusive applications subject to selection by competitive bidding (non-reserved channels) or fair distribution/point system (reserved channels), petitions to deny may be filed only against the winning bidders or tentative selectee(s), and such petitions will be governed by §§ 73.5006 and 73.7004, respectively. For all other applications the following rules will govern. Except in the case of applications for new low power TV and TV translator stations, for major changes in the existing facilities of such stations, or for applications for a change in output channel tendered by displaced low power TV and TV translator stations pursuant to § 73.3572(a)(1), any party in interest may file with the Commission a Petition to Deny any application (whether as originally filed or if amended so as to require a new file number pursuant to § 73.3571(j), § 73.3572(b), § 73.3573(b), § 73.3574(b) or § 73.3578) for which local notice pursuant to § 73.3580 is required, provided such petitions are filed prior to the day such applications are granted or designated for hearing; but where the FCC issues a public notice pursuant to the provisions of § 73.3571(c), § 73.3572(c) or § 73.3573(d), establishing a ''cut-off'' date, such petitions must be filed by the date specified. In the case of applications for transfers and assignments of construction permits or station licenses, Petitions to Deny must be filed not later than 30 days after issuance of a public notice of the acceptance for filing of the applications. In the case of applications for renewal of license, Petitions to Deny may be filed at any time up to the deadline established in paragraph (f) of this section. Requests for extension of time to file Petitions to Deny applications for new broadcast stations or major changes in the facilities of existing stations or applications for renewal of license will not be granted unless all parties concerned, including the applicant, consent to such requests, or unless a compelling showing can be made that unusual circumstances make the filing of a timely petition impossible and the granting of an extension warranted.

* * * * *

(c) In the case of applications for new low power TV and TV translator stations, for major changes in the existing facilities of such stations, or for applications for a change in output channel tendered by displaced low power TV and TV translator stations pursuant to § 73.3572(a)(1), any party in interest may file with the FCC a Petition to Deny any application (whether as originally filed or if amended so as to require a new file number pursuant to § 73.3572(b)) for which local notice pursuant to § 73.3580 is required, provided such petitions are filed within 30 days of the FCC Public Notice proposing the application for grant (applicants may file oppositions within 15 days after the Petition to Deny is filed); but where the FCC selects a tentative permittee pursuant to Section 1.1601 *et seq.* of this chapter, Petitions to Deny shall be accepted only if directed against the tentative selectee and filed after issuance of and within 15 days of FCC Public Notice announcing the tentative selectee. The applicant may file an opposition within 15 days after the Petition to Deny is filed. In cases in which the minimum diversity preference provided for in § 1.1623(f)(1) of this chapter has been applied, an ''objection to diversity claim'' and opposition thereto, may be filed against any applicant receiving a diversity preference, within the same time period provided herein for Petitions and Oppositions. In all pleadings, allegations of fact or denials thereof shall be supported by appropriate certification. However, the FCC may announce, by the Public Notice announcing the acceptance of the last-filed mutually exclusive application, that a notice of Petition to Deny will be required to be filed no later than 30 days after issuance of the Public Notice.

* * * * *

(f) A petition to deny an application for renewal of license of an existing broadcast station will be considered as timely filed if it is filed by the end of the first day of the last full calendar month of the expiring license term.

(1) If the license renewal application is not timely filed as prescribed in § 73.3539, the deadline for filing petitions to deny thereto is the 90th day after the FCC gives public notice that it has accepted the late-filed renewal application for filing.

(2) If any deadline falls on a nonbusiness day, the cutoff shall be the close of business of the first full business day thereafter.

(3) The dates when the licenses of all broadcast and broadcast auxiliary services regularly expire are listed in §§ 73.733, 73.1020 and 74.15.

■ 37. Revise § 73.3587 to read as follows:

§ 73.3587 Procedures for filing informal objections.

Before FCC action on any application for an instrument of authorization, any person may file informal objections to the grant in LMS. Such objections may be submitted in letter form (without extra copies), shall include an email address for receiving electronic service, and shall be signed. The objector must serve a copy of the objection upon the applicant by mail to the mailing address or electronically to the email address provided in either the Applicant or Contact Representatives sections of the application. The limitation on pleadings in response to the informal objection and time for filing such responsive pleadings provided for in § 1.45 of this chapter shall be applicable to any objections duly filed under this section, except that as to an informal objection against an application for renewal of license, an opposition thereto may be filed within 30 days after the informal objection is filed, and the party that filed the informal objection may reply to the opposition within 20 days after the opposition is due or within 20 days after the opposition is filed, whichever is longer. Responsive pleadings must be served by mail to the mailing address or electronically to the email address provided in the informal objection or application, as applicable.

■ 38. Amend § 73.3591 by revising paragraphs (b) introductory text and (b)(2) to read as follows:

§ 73.3591 Grants without hearing.

* * * * *

(b) In making its determinations pursuant to the provisions of paragraph (a) of this section, the FCC will not consider any other application, or any application if amended so as to require a new file number, as being mutually exclusive or in conflict with the application under consideration unless such other application was substantially complete, and filed by:

* * * * *

(2) The date prescribed in § 73.3584(f) in the case of applications which are mutually exclusive with applications for renewal of license of broadcast stations; or

* * * * *

■ 39. Amend § 73.3597 by revising paragraph (b)(2) to read as follows:

§ 73.3597 Procedures on transfer and assignment applications.

* * * * *

(b) * * *

(2) In determining whether the station has been operating on-air for one year, the FCC will calculate the period between the date of initiation of program tests (as specified in paragraph (b)(1) of this section) and the date the application for transfer or assignment is filed with the FCC.

* * * * *

■ 40. Amend § 73.3700 by revising paragraph (b)(5)(iv) and removing and reserving paragraph (c).

The revision reads as follows:

§ 73.3700 Post-incentive auction licensing and operation.

* * * * *

(b) * * *

(5) * * *

(iv) Applications for additional time to complete construction must be filed electronically in LMS using FCC Form 337 no less than 90 days before the expiration of the construction permit.

* * * * *

■ 41. Amend § 73.3801 by revising paragraph (h)(4)(i) to read as follows:

§ 73.3801 Full power television simulcasting during the ATSC 3.0 (Next Gen TV) transition.

* * * * *

(h) * * *

(4) * * *

(i) Next Gen TV stations must provide notice at least 90 days in advance of relocating their ATSC 1.0 signals.

* * * * *

■ 42. Amend § 73.5002 by revising the second sentence of paragraph (b) to read as follows:

§ 73.5002 Application and certification procedures; return of mutually exclusive applications not subject to competitive bidding procedures; prohibition of collusion.

* * * * *

(b) * * * So determinations of mutual exclusivity for auction purposes can be made, applicants for non-table broadcast services must also submit the engineering data contained in the appropriate FCC application FCC Form 2100, Schedule 301, 346, or 349).

* * * * *

■ 43. Amend § 73.6029 by revising paragraph (h)(4)(i) to read as follows:

§ 73.6029 Class A television simulcasting during the ATSC 3.0 (Next Gen TV) transition.

* * * * *

(h) * * *

(4) * * *

(i) Next Gen TV stations must provide notice at least 90 days in advance of relocating their ATSC 1.0 signals.

* * * * *

■ 44. Amend § 73.7002 by revising paragraph (b) to read as follows:

§ 73.7002 Fair distribution of service on reserved band FM channels.

* * * * *

(b) In an analysis performed pursuant to paragraph (a) of this section, a full-service FM applicant that identifies itself as a Tribal Applicant, that proposes Tribal Coverage, and that proposes the first reserved channel NCE service owned by any Tribal Applicant at a community of license located on Tribal Lands, will be awarded a construction permit. If two or more full-service FM applicants identify themselves as Tribal Applicants and meet the above criteria, the applicant providing the most people with reserved channel NCE service to Tribal Lands will be awarded a construction permit, regardless of the magnitude of the superior service or the populations of the communities of license proposed, if different. If two or more full-service FM applicants identifying themselves as Tribal Applicants each meet the above criteria and propose identical levels of NCE aural service to Tribal Lands, only those applicants shall proceed to be considered together in a point system analysis. In an analysis performed pursuant to paragraph (a) of this section that does not include a Tribal Applicant, a full service FM applicant that will provide the first or second reserved channel noncommercial educational (NCE) aural signal received by at least 10% of the population within the station's 60dBu (1mV/m) service contours will be considered to substantially further fair distribution of service goals and to be superior to mutually exclusive applicants not proposing that level of service, provided that such service to fewer than 2,000 people will be considered insignificant. First service to 2,000 or more people will be considered superior to second service to a population of any size. If only one applicant will provide such first or second service, that applicant will be selected as a threshold matter. If more than one applicant will provide an equivalent level (first or second) of NCE aural service, the size of the population to receive such service from the mutually exclusive applicants will be compared. The applicant providing the most people with the highest level of service will be awarded a construction permit, if it will provide such service to

5,000 or more people than the next best applicant. If none of the applicants in a mutually exclusive group would substantially further fair distribution goals, all applicants will proceed to examination under a point system. If two or more applicants will provide the same level of service to an equivalent number of people (differing by less than 5,000), only those equivalent applicants will be considered together in a point system. Acceptance for filing of a tentative selectee's application in a Threshold Fair Distribution of Service Order, or an equivalent Order, triggers the applicant's local public notice obligation under § 73.3580.

* * * * *

■ 45. Amend § 73.7003 by revising paragraph (a) to read as follows:

§ 73.7003 Point system selection procedures.

(a) If timely filed applications for reserved FM channels or reserved TV channels are determined to be mutually exclusive, applications will be processed and assessed points to determine the tentative selectee for the particular channels. The tentative selectee will be the applicant with the highest point total under the procedure set forth in this section and will be awarded the requested permit if the Commission determines that an award will serve the public interest, convenience, and necessity. Acceptance for filing of a tentative selectee's application in an NCE Comparative Points Order, or an equivalent Order, determined under this section triggers the applicant's local public notice obligation under § 73.3580.

* * * * *

PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

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

Authority: 47 U.S.C. 154, 302a, 303, 307, 309, 310, 325, 336 and 554.

■ 47. Amend § 74.782 by revising paragraph (i)(4)(i) to read as follows:

§ 74.782 Low power television and TV translator simulcasting during the ATSC 3.0 (Next Gen TV) transition.

* * * * *

(i) * * *

(4) * * *

(i) Next Gen TV stations must provide notice at least 90 days in advance of relocating their ATSC 1.0 signals.

* * * * *

PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

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

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 302a, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 335, 338, 339, 340, 341, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 562, 571, 572, 573.

■ 49. Amend § 76.66 by revising paragraph (d)(2)(ii) to read as follows:

§ 76.66 Satellite broadcast signal carriage.

* * * * *

(d) * * *

(2) * * *

(ii) Except as provided in this paragraph (d)(2)(ii), satellite carriers shall transmit the notices required by paragraph (d)(2)(i) of this section via certified mail to the address for such television station licensee listed in the Licensing and Management System maintained by the Commission. After July 31, 2020, the written notices required by paragraphs (d)(1)(vi), (d)(2)(i), (v), and (vi), (d)(3)(iv), (d)(5)(i), (f)(3) and (4), and (h)(5) of this section shall be delivered electronically via email to the email address for carriage-related questions that the station lists in its public file in accordance with §§ 73.3526 and 73.3527 of this subchapter.

* * * * *

[FR Doc. 2025–03115 Filed 3–21–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 36

[CC Docket No. 80–286, FCC 25J–1; FR ID 281678]

Part 36 Separations Rules in Response to Commission Referrals; Request for Comments

AGENCY: Federal Communications Commission.

ACTION: Request for comments.

SUMMARY: In this document, the Federal Communications Commission (Commission), on behalf of the Federal-State Joint Board on Jurisdictional Separations (Joint Board), seeks comment on issues and questions that the Commission referred to the Joint Board for consideration in the 2024 Separations Freeze Extension and Referral Order to determine the future course of the Part 36 separations rules.

DATES: Comments are due on or before April 23, 2025; reply comments are due on or before May 8, 2025.

ADDRESSES: Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated above. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). You may submit comments, identified by CC Docket No. 80–286, FCC 25J–1, by either of the following methods:

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

FOR FURTHER INFORMATION CONTACT: Marv Sacks, Pricing Policy Division of the Wireline Communications Bureau, at (202) 418–2017 or via email at *marvin.sacks@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Public Notice released on February 14, 2025, in CC Docket No. 80–286, FCC 25J–1. The full text of this document is available at the following internet address: *https://www.fcc.gov/*

document/separations-joint-board-seeks-comment-fcc-referrals.

On November 13, 2024, the Commission adopted the 2024 Separations Freeze Extension and Referral Order that extends, for up to an additional six years to December 31, 2030, the freeze of the separations rules for rate-of-return incumbent local exchange carriers. To fully address the future of these rules, last revised more than 35 years ago in a vastly different telecommunications marketplace, the Commission also referred to the Joint Board additional issues for its consideration.

First, the Commission reiterated a prior referral asking the Joint Board ''whether separations rules are still needed during the transition from a regulated to a competitive marketplace'' and whether the Commission should still pursue comprehensive reform or allow the separations rules to become increasingly obsolete over time. More specifically, the Commission asked the Joint Board for a recommended decision on ''whether comprehensive reform is still in the public interest when the industry is naturally transitioning away from legacy technologies and cost-based ratemaking and the burdens of compliance with any new set of rules, were they to be reformed, would be significant for the limited number of small carriers still subject to the separations rules.''

Second, the Commission asked the Joint Board for a recommended decision on whether it would be in the public interest to adopt a permanent freeze of the rules while considering the future course of the separations rules and framework. The Commission explained that consideration of a permanent freeze is particularly relevant in light of the referral on whether the separations rules still need to be reformed. The Commission observed that, if the Joint Board determines that comprehensive reform of the separations rules is no longer necessary and that these rules should be allowed to become obsolete due to technological transitions and regulatory reforms, then a permanent freeze appears to be prudent.

Third, if the Joint Board were to recommend a permanent separations freeze, the Commission asked the Joint Board to consider whether carriers should be given an opportunity to unfreeze their category relationships to enable carriers to update their cost data for categorizing investments and expenses. Relatedly, in asking the Joint Board to assess whether the Commission should allow carriers to unfreeze their category relationships, the Commission asked the Joint Board to consider whether this opportunity should be available only once or periodically, and whether or not these carriers should be permitted to refreeze their category relationships.

The Joint Board seeks comment on these issues and questions as it prepares to respond to the Commission's referrals and requests for recommended decisions in the 2024 Separations Freeze Extension and Referral Order.

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

Federal Communications Commission.

Lynne Engledow,

Deputy Division Chief, Pricing Policy Division, Wireline Competition Bureau.

[FR Doc. 2025–03668 Filed 3–21–25; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 90, No. 55
Monday, March 24, 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 AGRICULTURE

Forest Service

Colville Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Colville Resource Advisory Committee (RAC) will hold a public meeting according to the details shown below. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act (FACA). The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act, as well as make recommendations on recreation fee proposals for sites on the Colville National Forest within Ferry, Pend Oreille, and Stevens Counties, consistent with the Federal Lands Recreation Enhancement Act.

DATES: An in-person and virtual meeting will be held on April 16, 2025, 12 p.m. to 4:30 p.m. Pacific Daylight Time.

Written and Oral Comments: Anyone wishing to provide in-person and/or virtual oral comments must pre-register by 11:59 p.m. Pacific Daylight Time on April 10, 2025. Written public comments will be accepted by 11:59 p.m. Pacific Daylight Time on April 10, 2025. Comments submitted after this date will be provided by the Forest Service to the committee, but the committee may not have adequate time to consider those comments prior to the meeting.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: This meeting will be held in person and virtually at the Colville National Forest Supervisor's Office, located at 765 South Main Street, Colville, Washington 99114. RAC information and meeting details can be found at the following website: *https://www.fs.usda.gov/main/colville/workingtogether/advisorycommittees* or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written Comments: Written comments must be sent by email to *jeffrey.todd@usda.gov or* via mail (postmarked) to Jeffrey Todd, 765 S Main St., Colville, WA 99114. The Forest Service strongly prefers comments be submitted electronically.

Oral Comments: Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m. Pacific Daylight Time on April 10, 2025, and speakers can only register for one speaking slot. Oral comments must be sent by email to *jeffrey.todd@usda.gov* or via mail (postmarked) to Jeffrey Todd, 765 S Main St., Colville, WA 99114.

FOR FURTHER INFORMATION CONTACT: Josh White, Designated Federal Officer, by phone at 509–684–7118 or email at *joshua.white@usda.gov;* or Jeffrey Todd, RAC Coordinator, by phone at 928–245–3058 or email at *jeffrey.todd@usda.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Elect a Chairperson;
2. Hear from Title II project proponents and discuss Title II project proposals;
3. Make funding recommendations on Title II projects;
4. Recreation fee change proposal recommendation.

The agenda will include time for individuals to make oral statements of three minutes or less. Individuals wishing to make an oral statement should make a request in writing at least three days prior to the meeting date to be scheduled on the agenda. Written comments may be submitted to the Forest Service up to 14 days after the meeting date listed under **DATES**.

Please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, by or before the deadline, for all questions related to the meeting. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

Meeting Accommodations: The meeting location is compliant with the Americans with Disabilities Act, and the USDA provides reasonable accommodation to individuals with disabilities where appropriate. If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpretation, assistive listening devices, or other reasonable accommodation to the person listed under the **FOR FURTHER INFORMATION CONTACT** section or contact USDA's TARGET Center at (202) 720–2600 (voice and TTY) or USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

Dated: March 19, 2025.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2025–04927 Filed 3–21–25; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Utah Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Utah Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public meeting. The purpose of the meeting is to discuss the Committee's project, *The Civil Rights Implications of Disparate Outcomes in Utah's K–12 Education System.*

DATES: Wednesday, April 16, 2025, from 3:00 p.m.–4:30 p.m. Mountain Time. Comments must be received no later than Friday, May 16, 2025.

ADDRESSES: The meeting will be held via Zoom Webinar.

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_pzzYO87dS4W7JOj6-0ju8g.

Join by Phone (Audio Only): (833) 435–1820 USA Toll-Free; Meeting ID: 161 459 0612.

See **SUPPLEMENTARY INFORMATION** for more information on joining the meeting, submitting comments, obtaining records of the meeting, and additional information.

FOR FURTHER INFORMATION CONTACT: Brooke Peery, Designated Federal Officer, at *bpeery@usccr.gov* or (202) 701–1376.

SUPPLEMENTARY INFORMATION: This committee meeting is available to the public through the registration link in the **ADDRESSES** section of this notice. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning will be available by selecting ''CC'' in the meeting platform. To request additional accommodations, please email *lschiller@usccr.gov* at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received within 30 days following the meeting. Written comments may be emailed to Brooke Peery at *bpeery@usccr.gov.* Persons who desire additional information may contact the Regional Programs Coordination Unit at (202) 701–1376.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit, as they become available, both before and after the meeting. Records of the meeting will be available via the file sharing website, *www.box.com.* Persons interested in the work of this Committee are directed to the Commission's website, *www.usccr.gov,* or may contact the Regional Programs Coordination Unit at the above phone number.

Agenda

I. Welcome & Roll Call
II. Discussion: Civil Rights Implications of Disparate Outcomes in Utah's K–12 Education System
III. Public Comment
IV. Next Steps
V. Adjournment

Dated: March 19, 2025.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2025–04932 Filed 3–21–25; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–199]

Temporary Steel Fencing From the People's Republic of China: Postponement of Preliminary Determination of Countervailing Duty Investigation

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

DATES: Applicable March 24, 2025.

FOR FURTHER INFORMATION CONTACT: Dana Mermelstein, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 481–1391.

SUPPLEMENTARY INFORMATION:

Background

On February 4, 2025, the U.S. Department of Commerce (Commerce) initiated a countervailing duty (CVD) investigation on imports of temporary steel fencing from the People's Republic of China (China).[1] The preliminary determination is due no later than April 10, 2025.

Postponement of the Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a CVD investigation within 65 days after the date on which Commerce initiated the investigation. However, section 703(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 130 days after the date on which Commerce imitated the investigation if: (A) the petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperation, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On March 4, 2025, the petitioner[2] submitted a timely request that Commerce postpone the preliminary determination in this investigation.[3] The petitioner stated that it requested postponement to extend the deadline for the preliminary determination because of the complexity of the issues and number of subsidy programs under investigation.[4]

In accordance with 19 CFR 351.205(e), the petitioner submitted its request for postponement of the preliminary determination in this investigation 25 days or more before the scheduled date of the preliminary determination and stated the reasons for its request. For the reasons stated above, and because there are no compelling reasons to deny the request, in accordance with section 703(c)(1)(A) of the Act, Commerce is postponing the deadline for the preliminary determination to no later than 130 days after the date on which this investigation was initiated, *i.e.,* June 16, 2025.[5] Pursuant to section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination.

Notification to Interested Parties

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: March 14, 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. 2025–04916 Filed 3–21–25; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Temporary Steel Fencing from the People's Republic of China: Initiation of Countervailing Duty Investigation,* 90 FR 9311 (February 11, 2025).

[2] The petitioner is ZND US Inc.

[3] *See* Petitioner's Letter, ''Temporary Steel Fencing from the People's Republic of China: Request to Extend the Preliminary Determination,'' dated March 4, 2025.

[4] *Id.*

[5] Postponing the deadline to 130 days after the date of initiation would place the deadline on Saturday, June 14, 2025. Commerce practice dictates that where a deadline falls on a weekend or Federal holiday, the appropriate deadline is the next business day. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–823–819]

Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From Ukraine: Final Results of Antidumping Duty Administrative Review; 2022–2023

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that seamless carbon and alloy steel standard, line, and pressure pipe (seamless pipe) from Ukraine was sold at prices below normal value during the period of review (POR) August 1, 2022, through July 31, 2023.

DATES: Applicable March 24, 2025.

FOR FURTHER INFORMATION CONTACT: Reginald Anadio, 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) 482–3166.

SUPPLEMENTARY INFORMATION:

Background

On September 13, 2024, Commerce published the *Preliminary Results* of this administrative review in the **Federal Register**.[1] On December 9, 2024, Commerce tolled certain deadlines in this administrative proceeding by 90 days.[2] The deadline for the final results of this review is April 11, 2025.

Interpipe,[3] the sole mandatory respondent under review, and the domestic interested party Vallourec Star, L.P. (the petitioner), each submitted comments on the *Preliminary Results*.[4] For a description of the events that occurred since the *Preliminary Results,* as well as a full discussion of the issues raised by parties for these final results of review, *see* the Issues and Decision Memorandum.[5] Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order[6]

The merchandise covered by the scope of the *Order* is seamless pipe from Ukraine. For a full description of the scope, *see* the Issues and Decision Memorandum.

Analysis of Comments Received

Commerce addressed all the issues raised by interested parties in their briefs in the Issues and Decision Memorandum. A list of these issues is attached as an appendix to this notice. The Issues and 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 Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Final Results of Review

We determine that the following estimated weighted-average dumping margin exists for the period August 1, 2022, through July 31, 2023:

Exporter/producer	Weighted-average dumping margin (percent)
Interpipe Ukraine LLC/PJSC Interpipe Niznedneprovsky Tube Rolling Plant/LLC Interpipe Niko Tube/Interpipe Europe S.A./JSC Interpipe Novomoskovsk Pipe Production Plant	2.07

Disclosure

Commerce intends to disclose the calculations performed for these final results of review to parties to the proceeding within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with these final results of review.[7] We calculated importer-specific *ad valorem* assessment rates for the merchandise by dividing the total amount of antidumping duties calculated for all reviewed sales to the importer by the total entered value of the merchandise sold to the importer, in accordance with 19 CFR 351.212(b)(1). Where an importer-specific *ad valorem* assessment rate is not zero or *de minimis,* Commerce will instruct CBP to collect the appropriate duties at the time of liquidation. Where an importer-specific *ad valorem* assessment rate is zero or *de minimis,* Commerce will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[8]

In accordance with Commerce's ''automatic assessment'' practice, Commerce will instruct CBP to liquidate POR entries of the subject merchandise that Interpipe produced and sold, but did not know it was destined for the United States, at the all-others rate (*i.e.,* 23.75 percent)[9] if there is no rate for the intermediate company(ies) involved in the transaction.[10]

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice in the

[1] *See Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from Ukraine: Preliminary Results of Antidumping Duty Administrative Review; 2022–2023,* 89 FR 74919 (September 13, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated December 9, 2024.

[3] Interpipe refers to the collapsed entity, Interpipe Ukraine LLC, PJSC Interpipe Niznedneprovsky Tube Rolling Plant, LLC Interpipe Niko Tube, Interpipe Europe S.A., and JSC Interpipe Novomoskovsk Pipe Production Plant. *See Preliminary Results* PDM at the sections titled ''Summary'' and ''Affiliation/Single Entity.''

[4] *See* Interpipe's Letter, ''Case Brief of Interpipe,'' dated October 22, 2024; *see also* Petitioner's Letter, ''Petitioner's Case Brief,'' dated October 15, 2024; and Petitioner's Letter, ''Letter in Lieu of Rebuttal Brief,'' dated October 28, 2024.

[5] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the 2022–2023 Administrative Review of the Antidumping Duty Order on Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from Ukraine,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[6] *See Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Republic of Korea, the Russian Federation, and Ukraine: Antidumping Duty Orders,* 86 FR 47055 (August 23, 2021) (*Order*).

[7] *See Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

[8] *Id.,* 77 FR 8101, 8102; *see also* 19 CFR 351.106(c)(2).

[9] *See Order,* 86 FR 47055.

[10] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

Federal Register, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for Interpipe will be equal to the weighted-average dumping margin listed in the table above; (2) for companies that were previously reviewed or investigated in this proceeding that are not listed in the table above, the cash deposit rate will continue to be the rate assigned to the company in the most recently completed segment of this proceeding in which the company was examined; (3) if the exporter of the subject merchandise does not have a company-specific rate but the producer of the subject merchandise does, then the cash deposit rate will be the rate assigned to the producer of the subject merchandise in the most recently completed segment of this proceeding in which the producer was examined; and (4) the cash deposit rate for all other producers or exporters will continue to be the all-others rate of 23.75 percent that was established in the less-than-fair-value investigation in this proceeding.[11] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order (APO)

This notice serves as the only reminder to parties subject to an APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing these final results of review in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(5).

[11] *See Order,* 84 FR at 47057.

Dated: March 17, 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

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2025–04915 Filed 3–21–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–201–866, C–549–855]

Certain Chassis and Subassemblies Thereof From Mexico and Thailand: Initiation of Countervailing Duty Investigations

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

DATES: Applicable March 18, 2025.

FOR FURTHER INFORMATION CONTACT: Jose Rivera at (202) 482–0842 (Mexico) and Ian Riggs at (202) 482–3810 (Thailand), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On February 26, 2025, the U.S. Department of Commerce (Commerce) received countervailing duty (CVD) petitions concerning imports of certain chassis and subassemblies thereof (chassis) from Mexico and Thailand filed in proper form on behalf of the U.S. Chassis Manufacturers Coalition (the petitioner),[1] the members of which are domestic producers of chassis.[2] The CVD Petitions were accompanied by antidumping duty (AD) petitions concerning imports of chassis from Mexico, Thailand, and the Socialist Republic of Vietnam.[3]

Between February 28, and March 10, 2025, Commerce requested supplemental information pertaining to certain aspects of the Petitions in supplemental questionnaires.[4] Between March 4 and 11, 2025, the petitioner filed timely responses to these requests for additional information.[5]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that the Government of Mexico (GOM) and Government of Thailand (GOT) (collectively, Governments) are providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of chassis in Mexico and Thailand, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing chassis in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating CVD investigations, the Petitions were accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petitions on behalf of the domestic industry, because the petitioner is an interested party, as defined in section 771(9)(F) of the Act.[6] Commerce also finds that the petitioner

[1] The members of the U.S. Chassis Manufacturers Coalition are Cheetah Chassis Corporation and Stoughton Trailers, LLC.

[2] *See* Petitioner's Letter, ''Petitions for the Imposition of Antidumping and Countervailing Duties,'' dated February 26, 2025 (Petitions).

[3] *Id.*

[4] *See* Commerce's Letters, ''Supplemental Questions,'' dated February 28, 2025 (First General Issues Questionnaire); *see also* Country-Specific Supplemental Questionnaires: Mexico Supplemental and Thailand Supplemental, dated March 3, 2025; Memorandum, ''Phone Call with Counsel to the Petitioner,'' dated March 7, 2025 (March 7, 2025 Scope Memorandum); and Commerce's Letter, ''Supplemental Questions,'' dated March 10, 2025 (Third General Issues Questionnaire).

[5] *See* Petitioner's Letters, ''Petitioner Response to 1st Supplemental Questionnaire Regarding Common Issues and Injury Volume I of the Petition,'' dated March 4, 2025 (First General Issues Supplement); Country-Specific CVD Supplemental Responses: Mexico CVD Supplement, dated March 5, 2025; First Thailand CVD Supplement, dated March 7, 2025; and Second Thailand CVD Supplement, dated March 10, 2025; ''Petitioner Response to 2nd Supplemental Questionnaire Regarding Common Issues and Injury Volume I of the Petition,'' dated March 10, 2025 (Second General Issues Supplement); and ''Petitioner Response to 3rd Supplemental Questionnaire Regarding Common Issues and Injury Volume I of the Petition,'' dated March 11, 2025 (Third General Issues Supplement). The petitioner also filed a supplement correcting a clerical error and providing a complete replacement of Exhibit I–13 of Volume I of the Petitions. *See* Petitioner's Letter, ''Supplement to Exhibit I–13 of Volume I General Issues Petition,'' dated February 27, 2025 (Revised Exhibit I–13).

[6] The members of the petitioning coalition are interested parties under section 771(9)(C) of the Act.

demonstrated sufficient industry support with respect to the initiation of the requested CVD investigations.[7]

Periods of Investigation

Because the Petitions were filed on February 26, 2025, the period of investigation for the Mexico and Thailand CVD investigations is January 1, 2024, through December 31, 2024.[8]

Scope of the Investigations

The products covered by these investigations are chassis from Mexico and Thailand. For a full description of the scope of these investigations, *see* the appendix to this notice.

Comments on the Scope of the Investigations

On February 28, and March 7, 2025, Commerce requested information and clarification from the petitioner regarding the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.[9] On March 4, and 10, 2025, the petitioner provided clarifications and revised the scope.[10] The description of merchandise covered by these investigations, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.,* scope).[11] Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information, all such factual information should be limited to public information.[12] Commerce requests that interested parties provide at the beginning of their scope comments a public executive summary for each comment or issue raised in their submission. Commerce further requests that interested parties limit their public executive summary of each comment or issue to no more than 450 words, not including citations.

Commerce intends to use the public executive summaries as the basis of the comment summaries included in the analysis of scope comments. To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on April 7, 2025, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, and should also be limited to public information, must be filed by 5:00 p.m. ET on April 17, 2025, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of these investigations be submitted during that time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party must contact Commerce and request permission to submit the additional information. All scope comments must be filed simultaneously on the records of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.[13] An electronically filed document must be received successfully in its entirety by the time and date it is due.

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, Commerce notified the GOM and GOT of the receipt of the Petitions and provided an opportunity for consultations with respect to the Petition.[14] Commerce held consultations with the GOM on March 14, 2025,[15] and the GOT on March 12, 2025.[16]

Additionally, given the nature of certain subsidy programs alleged in the Petitions, on February 27, 2025, Commerce issued a letter to the Government of the People's Republic of China (China), providing the Government of China (GOC) with the opportunity to meet with Commerce officials.[17] The GOC did not request to meet with meet with Commerce officials.[18]

Determination of Industry Support for the Petitions

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in

[7] *See* section on ''Determination of Industry Support for the Petitions,'' *infra.*

[8] *See* 19 CFR 351.204(b)(2).

[9] *See* First General Issues Questionnaire; *see also* March 7, 2025, Memorandum.

[10] *See* First General Issues Supplement at 2–6 and Exhibits I-Supp-4 through I-Supp-6; *see also* Second General Issues Supplement at 1–8 and Exhibits I-Supp2–1 and I-Supp2–2.

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

[12] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[13] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014), for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf.*

[14] *See* Commerce's Letters, ''Invitation for Consultations to Discuss the Countervailing Duty Petition,'' dated February 27, 2025.

[15] *See* Memorandum, ''Consultations with the Government of Mexico,'' dated March 14, 2025; *see also* GOM's Letter, ''GOM's Submission,'' dated March 14, 2025.

[16] *See* Memorandum, ''Consultations with the Government of Thailand,'' dated March 12, 2025; *see also* GOT's Letter, ''Statement for the Consultations Regarding the Petition to Initiate a Countervailing Duty Investigation,'' dated March 12, 2025.

[17] *See* Commerce's Letter, ''Alleged Transnational Subsidy Programs,'' dated February 27, 2025.

[18] The GOC submitted comments on the CVD petitions. *See* GOC's Letters, ''Alleged Transnational Subsidy Programs,'' dated March 14, 2025.

order to define the industry. While both Commerce and the ITC apply the same statutory definition regarding the domestic like product,[19] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[20]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigations.[21] Based on our analysis of the information submitted on the record, we have determined that chassis, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[22]

In determining whether the petitioner has standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in the appendix to this notice. To establish industry support, the petitioner provided the 2024 production of the domestic like product for the U.S. producers that support the Petitions and compared this to the estimated total production of the domestic like product in 2024 by the entire U.S. chassis industry.[23] We relied on data provided by the petitioner for purposes of measuring industry support.[24]

Our review of the data provided in the Petitions, the First General Issues Supplement, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petitions.[25] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.,* polling).[26] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[27] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[28] Accordingly, Commerce determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.[29]

Injury Test

Because Mexico and Thailand are ''Subsidies Agreement Countries'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to these investigations. Accordingly, the ITC must determine whether imports of the subject merchandise from Mexico and/or Thailand materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that imports of the subject merchandise are benefiting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioner alleges that subject imports from Mexico and Thailand exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[30]

The petitioner contends that the industry's injured condition is illustrated by the significant increase in the volumes of subject imports; reduced market share; underselling and price depression and/or suppression; lost sales and revenues; declines in domestic producers' U.S. shipments, production, and capacity utilization; decline in employment variables; adverse impact on financial performance; and negative impact on the existing development and production efforts of the domestic industry.[31] We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, cumulation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[32]

Initiation of CVD Investigations

Based upon the examination of the Petitions and supplemental responses, we find that they meet the requirements of section 702 of the Act. Therefore, we are initiating CVD investigations to determine whether imports of chassis from Mexico and Thailand benefit from countervailable subsidies conferred by the GOM and GOT, respectively. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 65 days after the date of this initiation.

Mexico

Based on our review of the Petitions, we find that there is sufficient information to initiate a CVD investigation on 19 of the 19 programs

[19] *See* section 771(10) of the Act.

[20] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd Algoma Steel Corp., Ltd.* v. *United States,* 865 F.2d 240 (Fed. Cir. 1989)).

[21] *See* Petition at Volume I (pages 22–26 and Exhibits I–3, I–17, and I–18); *see also* First General Issues Supplement at 8–10; and Third General Issues Supplement at 1–4 and Exhibits I-Supp3–1 and I-Supp3–2.

[22] For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, *see* Checklists, ''Countervailing Duty Investigation Initiation Checklists: Certain Chassis and Subassemblies Thereof from Mexico, Thailand, and the Socialist Republic of Vietnam,'' dated concurrently with, and hereby adopted by, this notice (Country-Specific CVD Initiation Checklists), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Chassis and Subassemblies Thereof from Mexico, Thailand, and the Socialist Republic of Vietnam (Attachment II). These checklists are on file electronically via ACCESS.

[23] *Id.*

[24] For further discussion, *see* Attachment II of the Country-Specific CVD Initiation Checklists.

[25] *Id.*

[26] *Id.; see also* section 702(c)(4)(D) of the Act.

[27] *See* Attachment II of the Country-Specific CVD Initiation Checklists.

[28] *Id.*

[29] *Id.*

[30] For further information regarding negligibility and the injury allegation, *see* Country-Specific CVD Initiation Checklists at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping Duty and Countervailing Duty Petitions Covering Certain Chassis and Subassemblies Thereof from Mexico, Thailand, and the Socialist Republic of Vietnam (Attachment III).

[31] *Id.*

[32] *Id.*

alleged by the petitioner. For a full discussion of the basis for our decision to initiate on each program, *see* the Mexico CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

Thailand

Based on our review of the Petitions, we find that there is sufficient information to initiate a CVD investigation on 20 of the 20 programs alleged by the petitioner. For a full discussion of the basis for our decision to initiate on each program, *see* the Thailand CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

Respondent Selection

In the Petitions, the petitioner identified 13 companies in Mexico and three companies in Thailand as producers and/or exporters of chassis.[33] Commerce intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in these investigations. In the event that Commerce determines that the number of companies is large and it cannot individually examine each company based on Commerce's resources, Commerce normally selects mandatory respondents in CVD investigations using U.S. Customs and Border Protection (CBP) entry data for U.S. imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS) subheading(s) listed in the ''Scope of the Investigations'' in the appendix. However, for these investigations, the main HTSUS subheadings under which the subject merchandise would enter (8716.39.0090 and 8716.90.5060) are basket categories under which non-subject merchandise may also enter. Therefore, instead of relying on CBP entry data in selecting respondents, we intend to issue quantity and value (Q&V) questionnaires to each potential respondent for which there is complete address information on the record.

Commerce will post the Q&V questionnaires along with filing instructions on Commerce's website at *https://www.trade.gov/ec-adcvd-case-announcements.* Producers/exporters of chassis from Mexico and Thailand that do not receive Q&V questionnaires may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Commerce's website. Responses to the Q&V questionnaire must be submitted by the relevant producers/exporters no later than 5:00 p.m. ET on April 1, 2025, which is two weeks from the signature date of this notice. All Q&V questionnaire responses must be filed electronically via ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above.

Interested parties must submit applications for disclosure under administrative protective order (APO) in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce's website at *https://www.trade.gov/administrative-protective-orders.*

Distribution of Copies of the Petitions

In accordance with section 702(b)(4)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petitions has been provided to the GOM and GOT via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of its initiation, as required by section 702(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of chassis from Mexico and/or Thailand are materially injuring, or threatening material injury to, a U.S. industry.[34] A negative ITC determination for either country will result in the investigation being terminated with respect to that country.[35] Otherwise, these CVD investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors of production under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted [36] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[37] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Time Limits for Submission of Factual Information in Response to Questionnaires

Section 351.301(c) of Commerce's regulations states that during a proceeding, Commerce may issue to any person questionnaires, which includes both and initial and supplemental questionnaires. For all investigations initiated after January 15, 2025, the following time limits apply: [38]

(i) Initial questionnaire responses are due 30 days from the date of receipt of such questionnaire. The time limit for response to individual sections of the questionnaire, if Commerce requests a separate response to such sections, may be less than the 30 days allotted for response to the full questionnaire. In general, the date of receipt will be considered to be seven days from the date on which the initial questionnaire was transmitted.

(ii) Supplemental questionnaire responses are due on the date specified by Commerce.

(iii) A notification by an interested party, under section 782(c)(1) of the Act, of difficulties in submitting information in response to a questionnaire issued by Commerce is to be submitted in writing within 14 days after the date of the questionnaire or, if the questionnaire is due in 14 days or less, within the time specified by Commerce.

(iv) A respondent interested party may request in writing that Commerce conduct a questionnaire presentation. Commerce may conduct a questionnaire presentation if Commerce notifies the government of the affected country and that government does not object.

[33] *See* Petitions at Volume I (page 18 and Exhibit I–13); *see also* Revised Exhibit I–13; and First General Issues Supplement at 1–2 and Exhibits I-Supp-1 and I-Supp-17.

[34] *See* section 703(a)(1) of the Act.

[35] *Id.*

[36] *See* 19 CFR 351.301(b).

[37] *See* 19 CFR 351.301(b)(2).

[38] *See* 19 CFR 351.301(c)(1)(i)–(v).

(v) Factual information submitted to rebut, clarify, or correct questionnaire responses. Within 14 days after an initial questionnaire response and within 10 days after a supplemental questionnaire response has been filed with Commerce, an interested party other than the original submitter is permitted one opportunity to submit factual information to rebut, clarify, or correct factual information contained in the questionnaire response. Within seven days of the filing of such rebuttal, clarification, or correction to a questionnaire response, the original submitter of the questionnaire response is permitted one opportunity to submit factual information to rebut, clarify, or correct factual information submitted in the interested party's rebuttal, clarification or correction. Commerce will reject any untimely filed rebuttal, clarification, or correction submission and provide, to the extent practicable, written notice stating the reasons for rejection. If insufficient time remains before the due date for the final determination or final results of review, Commerce may specify shorter deadlines under this section.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.[39] For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in these investigations.[40]

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[41] Parties must use the certification formats provided in 19 CFR 351.303(g).[42] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in these investigations should ensure that they meet the requirements of 19 CFR 351.103(d) (*e.g.,* by filing the required letters of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[43]

This notice is issued and published pursuant to sections 702 and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: March 18, 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

Scope of the Investigations

The merchandise covered by these investigations consists of chassis and subassemblies thereof, whether finished or unfinished, whether assembled or unassembled, whether coated or uncoated, regardless of the number of axles, for carriage of containers, or other payloads (including self-supporting payloads) for road, marine roll-on/roll-off (RORO) and/or rail transport. Chassis are typically, but are not limited to, rectangular framed trailers with a suspension and axle system, wheels and tires, brakes, a lighting and electrical system, a coupling for towing behind a truck tractor, and a locking system or systems to secure the shipping container or containers to the chassis using twistlocks, slide pins or similar attachment devices to engage the corner fittings on the container or other payload.

Subject merchandise includes, but is not limited to, the following subassemblies:

- Chassis frames, or sections of chassis frames, including kingpin assemblies, bolsters consisting of transverse beams with locking or support mechanisms, goosenecks, drop assemblies, extension mechanisms and/or rear impact guards;
- Running gear assemblies or axle assemblies for connection to the chassis frame, whether fixed in nature or capable of sliding fore and aft or lifting up and lowering down, which may or may not include suspension(s) (mechanical or pneumatic), wheel end components, slack adjusters, dressed axles, brake chambers, locking pins, and tires and wheels; and
- Assemblies that connect to the chassis frame or a section of the chassis frame, such as but not limited to, pintle hooks or B-trains (which include a fifth wheel), which are capable of connecting a chassis to a converter dolly or another chassis.

Importation of any of these subassemblies, whether assembled or unassembled, constitutes an unfinished chassis for purposes of these investigations.

Subject merchandise also includes chassis, whether finished or unfinished, entered with components such as, but not limited to: hub and drum assemblies, brake assemblies (either drum or disc), bare axles, brake chambers, suspensions and suspension components, wheel end components, landing gear legs, spoke or disc wheels, tires, brake control systems, electrical harnesses and lighting systems.

Processing of finished and unfinished chassis and components such as trimming, cutting, grinding, notching, punching, drilling, painting, coating, staining, finishing, assembly, or any other processing either in the country of manufacture of the in-scope product or in a third country does not remove the product from the scope. Inclusion of other components not identified as comprising the finished or unfinished chassis does not remove the product from the scope.

Individual components entered and sold by themselves are not subject to the investigations, but components entered with a finished or unfinished chassis are subject merchandise. A finished chassis is ultimately comprised of several different types of subassemblies. Within each subassembly there are numerous components that comprise a given subassembly.

This scope excludes dry van trailers, refrigerated van trailers and flatbed trailers. Dry van trailers are trailers with a wholly enclosed cargo space comprised of fixed sides, nose, floor and roof, with articulated panels (doors) across the rear and occasionally at selected places on the sides, with the cargo space being permanently incorporated in the trailer itself. Refrigerated van trailers are trailers with a wholly enclosed cargo space comprised of fixed sides, nose, floor and roof, with articulated panels (doors) across the rear and occasionally at selected places on the sides, with the cargo space being permanently

[39] *See* 19 CFR 351.302.

[40] *See* 19 CFR 351.301; *see also Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013) (*Time Limits Final Rule*), available at *https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm.*

[41] *See* section 782(b) of the Act.

[42] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[43] *See Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069 (September 29, 2023).

incorporated in the trailer and being insulated, possessing specific thermal properties intended for use with self-contained refrigeration systems. Flatbed (or platform) trailers consist of load carrying main frames and a solid, flat or stepped loading deck or floor permanently incorporated with and supported by frame rails and cross members.

The finished and unfinished chassis subject to these investigations are typically classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings: 8716.39.0090 and 8716.90.5060. Imports of finished and unfinished chassis may also enter under HTSUS subheading 8716.90.5010. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

[FR Doc. 2025–04942 Filed 3–21–25; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–865, A–549–854, A–552–849]

Certain Chassis and Subassemblies Thereof From Mexico, Thailand, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations

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

DATES: Applicable March 18, 2025.

FOR FURTHER INFORMATION CONTACT: Jun Jack Zhao at (202) 482–1396 (Mexico), Aleksandras Nakutis at (202) 482–3147 (Thailand), and Benito Ballesteros at (202) 482–7425 (the Socialist Republic of Vietnam (Vietnam)), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On February 26, 2025, the U.S. Department of Commerce (Commerce) received antidumping duty (AD) petitions concerning imports of certain chassis and subassemblies thereof (chassis) from Mexico, Thailand, and Vietnam filed in proper form on behalf of the U.S. Chassis Manufacturers Coalition (the petitioner),[1] the members of which are domestic producers of chassis.[2] The AD Petitions were accompanied by countervailing duty (CVD) petitions concerning imports of chassis from Mexico and Thailand.[3]

Between February 28 and March 11, 2025, Commerce requested supplemental information pertaining to certain aspects of the Petitions in supplemental questionnaires.[4] Between March 4 and 11, 2025, the petitioner filed timely responses to these requests for additional information.[5]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that imports of chassis from Mexico, Thailand, and Vietnam are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that imports of such products are materially injuring, or threatening material injury to, the chassis industry in the United States. Consistent with section 732(b)(1) of the Act, the Petitions were accompanied by information reasonably available to the petitioner to support its allegations.

Commerce finds that the petitioner filed the Petitions on behalf of the domestic industry because the petitioner is an interested party, as defined in section 771(9)(F) of the Act.[6] Commerce also finds that the petitioner demonstrated sufficient industry support for the initiation of the requested LTFV investigations.[7]

Periods of Investigation

Because the Petitions were filed on February 26, 2025, pursuant to 19 CFR 351.204(b)(1), the period of investigation (POI) for the Mexico and Thailand LTFV investigations is January 1, 2024, through December 31, 2024. Because Vietnam is a non-market economy (NME) country, pursuant to 19 CFR 351.204(b)(1), the POI for the Vietnam LTFV investigation is July 1, 2024, through December 31, 2024.

Scope of the Investigations

The products covered by these investigations are chassis from Mexico, Thailand, and Vietnam. For a full description of the scope of these investigations, *see* the appendix to this notice.

Comments on the Scope of the Investigations

On February 28 and March 7, 2025, Commerce requested information and clarification from the petitioner regarding the proposed scope to ensure that the scope language in the Petitions is an accurate reflection of the products for which the domestic industry is seeking relief.[8] On March 4 and 10, 2025, the petitioner provided clarifications and revised the scope.[9] The description of merchandise covered by these investigations, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.,* scope).[10] Commerce will consider all scope comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information,[11] all such factual information should be limited to public information. Commerce requests that interested parties provide at the beginning of their scope comments a public executive summary for each comment or issue raised in their submission. Commerce further requests that interested parties limit their public executive summary of each comment or issue to no more than 450 words, not

[1] The members of the U.S. Chassis Manufacturers Coalition are Cheetah Chassis Corporation and Stoughton Trailers, LLC.

[2] *See* Petitioner's Letter, ''Petitions for the Imposition of Antidumping and Countervailing Duties,'' dated February 26, 2025 (Petitions).

[3] *Id.*

[4] *See* Commerce's Letters, ''Supplemental Questions,'' dated February 28, 2025 (First General Issues Questionnaire); *see also* Country-Specific Supplemental Questionnaires: Mexico Supplemental, Thailand Supplemental, and Vietnam Supplemental, dated February 28, 2025; Memorandum, ''Phone Call with Counsel to the Petitioner,'' dated March 7, 2025; Memorandum, ''Phone Call with Counsel to the Petitioner,'' dated March 7, 2025 (March 7, 2025, Scope Memorandum); and Commerce's Letter, ''Supplemental Questions,'' dated March 10, 2025.

[5] *See* Petitioner's Letters, ''Petitioner Response to 1st Supplemental Questionnaire Regarding Common Issues and Injury Volume I of the Petition,'' dated March 4, 2025 (First General Issues Supplement); *see also* Country-Specific AD Supplemental Responses: Mexico AD Supplement, Thailand AD Supplement, and Vietnam AD Supplement, dated March 4, 2025; Second Thailand AD Supplement, dated March 10, 2025; ''Petitioners Response to 2nd Supplemental Questionnaire Regarding Common Issues and Injury Volume I of the Petition,'' dated March 10, 2025 (Second General Issues Supplement); and ''Petitioner Response to 3rd Supplemental Questionnaire Regarding Common Issues and Injury Volume I of the Petition,'' dated March 11, 2025 (Third General Issues Supplement). The petitioner also filed a supplement correcting a clerical error and providing a complete replacement of Exhibit I–13 of Volume I of the Petitions. *See* Petitioner's Letter, ''Supplement to Exhibit I–13 of Volume I General Issues Petition,'' dated February 27, 2025 (Revised Exhibit I–13).

[6] The members of the petitioning coalition are interested parties under section 771(9)(C) of the Act.

[7] *See* section on ''Determination of Industry Support for the Petitions,'' *infra.*

[8] *See* First General Issues Questionnaire; *see also* March 7, 2025, Scope Memorandum.

[9] *See* First General Issues Supplement at 2–6 and Exhibit I–Supp–4 through I–Supp–6; *see also* Second General Issues Supplement at 1–8 and Exhibits I–Supp2–1 and I–Supp2–2.

[10] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*); *see also* 19 CFR 351.312.

[11] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

including citations. Commerce intends to use the public executive summaries as the basis of the comment summaries included in the analysis of scope comments. To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on April 7, 2025, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, and should also be limited to public information, must be filed by 5:00 p.m. ET on April 17, 2025, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of these investigations be submitted during that period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party must contact Commerce and request permission to submit the additional information. All scope comments must be filed simultaneously on the records of the concurrent LTFV and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.[12] An electronically filed document must be received successfully in its entirety by the time and date it is due.

Comments on Product Characteristics

Commerce is providing interested parties an opportunity to comment on the appropriate physical characteristics of chassis to be reported in response to Commerce's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant factors of production (FOP) or cost of production (COP) accurately, as well as to develop appropriate product comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) general product characteristics; and (2) product comparison criteria. We note that it is not always appropriate to use all product characteristics as product comparison criteria. We base product comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe chassis, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, Commerce attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on April 7, 2025, which is 20 calendar days from the signature date of this notice. Any rebuttal comments must be filed by 5:00 p.m. ET on April 17, 2025, which is 10 calendar days from the initial comment deadline. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of the each of the LTFV investigations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,[13] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[14]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigations.[15] Based on our analysis of the information submitted on the record, we have determined that chassis, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[16]

[12] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance: Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf.*

[13] *See* section 771(10) of the Act.

[14] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[15] *See* Petitions at Volume I (pages 22–26 and Exhibits I–3, I–17, and I–18); *see also* Third General Issues Supplement at 1–4 and Exhibits I–Supp3–1 and I–Supp3–2.

[16] For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, *see* Checklists, ''Antidumping Duty Investigation Initiation Checklists: Certain Chassis and Subassemblies Thereof from Mexico, Thailand, and the Socialist Republic of Vietnam,'' dated concurrently with, and hereby adopted by, this notice (Country-Specific AD Initiation Checklists), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Chassis and Subassemblies Thereof from Mexico,

In determining whether the petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in the appendix to this notice. To establish industry support, the petitioner provided the 2024 production of the domestic like product for the supporters of the Petitions and compared this to the estimated total production of the domestic like product for the entire domestic industry.[17] We relied on data provided by the petitioner for purposes of measuring industry support.[18]

Our review of the data provided in the Petitions, the First General Issues Supplement, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petitions.[19] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.,* polling).[20] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[21] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[22] Accordingly, Commerce determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.[23]

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[24]

The petitioner contends that the industry's injured condition is illustrated by a significant increase in the volume of subject imports; reduced market share; underselling and price depression and/or suppression; lost sales and revenues; declines in domestic producers' U.S. shipments, production, and capacity utilization; decline in employment variables; adverse impact on financial performance; negative impact on the existing development and production efforts of the domestic industry; and the magnitude of the alleged dumping margins.[25] We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[26]

Allegations of Sales at LTFV

The following is a description of the allegations of sales at LTFV upon which Commerce based its decision to initiate LTFV investigations of imports of chassis from Mexico, Thailand, and Vietnam. The sources of data for the deductions and adjustments relating to U.S. price and normal value (NV) are discussed in greater detail in the Country-Specific AD Initiation Checklists.

U.S. Price

For Mexico and Vietnam, the petitioner based export price (EP) on pricing information for chassis produced in each country and sold or offered for sale in the U.S. market during the POI.[27] For Thailand, because the petitioner had reason to believe the sale or sales offer was made through a U.S. affiliate, the petitioner based constructed export price (CEP) on pricing information for chassis produced in Thailand and sold or offered for sale in the U.S. market during the POI.[28] For each country, the petitioner made certain adjustments to U.S. price to calculate a net ex-factory U.S. price, where applicable.[29]

Normal Value [30]

For Mexico, the petitioner based NV on home market pricing information obtained for chassis produced in and sold or offered for sale in Mexico during the POI.[31]

For Thailand, the petitioner stated that it was unable to obtain home market or third-country pricing information for chassis in Thailand to use as a basis for NV.[32] Therefore, for Thailand, the petitioner calculated NV based on CV. For further discussion of CV, *see* the section ''Normal Value Based on Constructed Value.''

Commerce considers Vietnam to be an NME country.[33] In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by Commerce. Therefore, we continue to treat Vietnam as an NME country for purposes of the initiation of this LTFV investigation. Accordingly, we base NV on FOPs valued in a surrogate market economy country in accordance with section 773(c) of the Act.

The petitioner claims that Indonesia is an appropriate surrogate country for Vietnam because it is a market economy that is at a level of economic development comparable to that of Vietnam and is a significant producer of comparable merchandise.[34] The petitioner provided publicly available information from Indonesia to value all FOPs.[35] Based on the information provided by the petitioner, we believe it is appropriate to use Indonesia as a surrogate country for Vietnam to value all FOPs for initiation purposes.

Thailand, and the Socialist Republic of Vietnam (Attachment II). These checklists are on file electronically via ACCESS.

[17] For further discussion, *see* Attachment II of the Country-Specific AD Initiation Checklists.

[18] *Id.*

[19] *Id.*

[20] *Id.; see also* section 732(c)(4)(D) of the Act.

[21] *See* Attachment II of the Country-Specific AD Initiation Checklists.

[22] *Id.*

[23] *Id.*

[24] For further discussion, *see* Country-Specific AD Initiation Checklists at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Chassis and Subassemblies Thereof from Mexico, Thailand, and the Socialist Republic of Vietnam.

[25] *Id.*

[26] *Id.*

[27] *See* Country-Specific AD Initiation Checklists.

[28] *See* Thailand AD Initiation Checklist.

[29] *See* Country-Specific AD Initiation Checklists.

[30] In accordance with section 773(b)(2) of the Act, for the Mexico and Thailand LTFV investigations, Commerce will request information necessary to calculate the constructed value (CV) and COP to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product.

[31] *See* Mexico AD Initiation Checklist.

[32] *See* Thailand AD Initiation Checklist.

[33] *See, e.g., Raw Honey from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Changed Circumstances Review,* 89 FR 64411 (August 7, 2024), and accompanying NME Analysis Memorandum at 5.

[34] *See* Vietnam AD Initiation Checklist.

[35] *Id.*

Interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs within 30 days before the scheduled date of the preliminary determination.

Factors of Production

Because information regarding the volume of inputs consumed by Vietnamese producers/exporters was not reasonably available, the petitioner used the production experience and product-specific consumption rates of a U.S. producer of chassis as a surrogate to value Vietnamese manufacturers' FOPs.[36] Additionally, for Vietnam, the petitioner calculated factory overhead, selling, general, and administrative expenses (SG&A), and profit based on the experience of an Indonesian producer of comparable merchandise.[37]

Normal Value Based on Constructed Value

As noted above for Thailand, the petitioner stated that it was unable to obtain home market or third-country prices for chassis to use as a basis for NV. Therefore, for Thailand, the petitioner calculated NV based on CV.[38]

Pursuant to section 773(e) of the Act, the petitioner calculated CV as the sum of the cost of manufacturing, SG&A expenses, financial expenses, and profit.[39] For Thailand, in calculating the cost of manufacturing, the petitioner relied on the production experience and input consumption rates of a U.S. producer of chassis, valued using publicly available information applicable to Thailand.[40] In calculating SG&A expenses, financial expenses, and profit ratios, the petitioner relied on the 2024 financial statements of a producer of comparable merchandise domiciled in Thailand.[41]

Fair Value Comparisons

Based on the data provided by the petitioner, there is reason to believe that imports Chassis from Mexico, Thailand, and Vietnam are being, or are likely to be, sold in the United States at LTFV. Based on comparisons of EP or CEP to NV in accordance with sections 772 and 773 of the Act, the estimated dumping margins for chassis from each of the countries covered by this initiation are as follows: (1) Mexico—32.37 percent; (2) Thailand—181.57 percent; (3) and Vietnam—302.52 percent.[42]

Initiation of LTFV Investigations

Based upon the examination of the Petitions and supplemental responses, we find that they meet the requirements of section 732 of the Act. Therefore, we are initiating LTFV investigations to determine whether imports of chassis from Mexico, Thailand, and Vietnam are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of these initiations.

Respondent Selection

Mexico and Thailand

In the Petitions, the petitioner identified 13 companies in Mexico and three companies in Thailand as producers and/or exporters of chassis.[43] Following standard practice in AD investigations involving market economy countries, Commerce would normally select respondents based on U.S. Customs and Border Protection (CBP) entry data for imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS) subheading(s) listed in the ''Scope of the Investigations'' in the Appendix. However, for this investigation, the main HTSUS subheadings under which the subject merchandise would enter (8716.39.0090 and 8716.90.5060) are basket categories under which non-subject merchandise may also enter. Therefore, instead of relying on CBP entry data in selecting respondents, we intend to issue Q&V questionnaires to each potential respondent for which there is complete address information on the record.

Commerce will also post the Q&V questionnaires along with filing instructions on Commerce's website at *https://www.trade.gov/ec-adcvd-case-announcements.* Exporters/producers of chassis from Mexico and Thailand that do not receive Q&V questionnaires may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Commerce's website. Responses to the Q&V questionnaire must be submitted by the relevant producers/exporters no later than 5:00 p.m. on April 1, 2025, which is two weeks from the signature date of this notice. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above.

Interested parties must submit applications for disclosure under an administrative protective order (APO) in accordance with 19 CFR 351.305(b). As stated above, instructions for filing such applications may be found on Commerce's website at *https://www.trade.gov/administrative-protective-orders.*

Vietnam

In the Petitions, the petitioner identified four companies in Vietnam as producers and/or exporters of chassis.[44] Our standard practice for respondent selection in AD investigations involving NME countries is to select respondents based on Q&V questionnaires in cases where Commerce has determined that the number of companies is large, and it cannot individually examine each company based upon its resources. Therefore, considering the number of producers and/or exporters identified in the Petitions, Commerce will solicit Q&V information that can serve as a basis for selecting exporters for individual examination in the event that Commerce determines that the number is large and decides to limit the number of respondents individually examined pursuant to section 777A(c)(2) of the Act. Because there are four Vietnamese producers and/or exporters identified in the Petitions, Commerce has determined that it will issue Q&V questionnaires to each potential respondent for which there is complete address information on the record.

Commerce will post the Q&V questionnaires along with filing instructions on Commerce's website at *https://www.trade.gov/ec-adcvd-case-announcements.* Producers/exporters of chassis from Vietnam that do not receive Q&V questionnaires may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Commerce's website. Responses to the Q&V questionnaire must be submitted by the relevant Vietnamese producers/exporters no later than 5:00 p.m. ET on April 1, 2025, which is two weeks from the signature date of this notice. All Q&V questionnaire responses must be filed electronically via ACCESS. An electronically filed document must be received successfully, in its entirety, by

[36] *Id.*

[37] *Id.*

[38] *See* Thailand AD Initiation Checklist.

[39] *Id.*

[40] *Id.*

[41] *Id.*

[42] *See* Country-Specific AD Initiation Checklists.

[43] *See* Petitions at Volume I (page 17 and Exhibit I–13); *see also* Revised Exhibit I–13; and First General Issues Supplement at 1–2 and Exhibits I–Supp–1 and I–Supp–17.

[44] *See* Petitions at Volume I (page 27 and Exhibit I–13); *see also* Revised Exhibit I–13; and First General Issues Supplement at 1 and Exhibit I-Supp-1.

ACCESS no later than 5:00 p.m. ET on the deadline noted above.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). As stated above, instructions for filing such applications may be found on Commerce's website at *https://www.trade.gov/administrative-protective-orders.*

Separate Rates

In order to obtain separate rate status in an NME investigation, exporters and producers must submit a separate rate application. The specific requirements for submitting a separate rate application in an NME investigation are outlined in detail in the application itself, which is available on Commerce's website at *https://access.trade.gov/Resources/nme/nme-sep-rate.html.* Note that Commerce recently promulgated new regulations pertaining to separate rates, including the separate rate application deadline and eligibility for separate rate status, in 19 CFR 351.108.[45] Pursuant to 19 CFR 351.108(d)(1), the separate rate application will be due 21 days after publication of this initiation notice.[46] Exporters and producers must file a timely separate rate application if they want to be considered for individual examination. In addition, pursuant to 19 CFR 351.108(e), exporters and producers who submit a separate rate application and have been selected as mandatory respondents will be eligible for consideration for separate rate status only if they fully respond to all parts of Commerce's AD questionnaire and participate in the LTFV proceeding as mandatory respondents.[47] Commerce requires that companies from Vietnam submit a response both to the Q&V questionnaire and to the separate rate application by the respective deadlines to receive consideration for separate rate status. Companies not filing a timely Q&V questionnaire response will not receive separate rate consideration.

Use of Combination Rates

Commerce will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

> {w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that {Commerce} will now assign in its NME investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the {weighted average} of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question *and* produced by a firm that supplied the exporter during the period of investigation.[48]

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petitions has been provided to the governments of Mexico, Thailand, and Vietnam via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of chassis from Mexico, Thailand, and/or Vietnam are materially injuring, or threatening material injury to, a U.S. industry.[49] A negative ITC determination for any country will result in the investigation being terminated with respect to that country.[50] Otherwise, these LTFV investigations will proceed according to statutory and regulatory time limits.

Particular Market Situation Allegation

Section 773(e) of the Act addresses the concept of particular market situation (PMS) for purposes of CV, stating that ''if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.'' When an interested party submits a PMS allegation pursuant to section 773(e) of the Act (*i.e.,* a cost-based PMS allegation), the submission must be filed in accordance with the requirements of 19 CFR 351.416(b), and Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a cost-based PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act, nor 19 CFR 351.301(c)(2)(v), sets a deadline for the submission of cost-based PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a cost-based PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of a respondent's initial section D questionnaire response.

We note that a PMS allegation filed pursuant to sections 773(a)(1)(B)(ii)(III) or 773(a)(1)(C)(iii) of the Act (*i.e.,* a sales-based PMS allegation) must be filed within 10 days of submission of a respondent's initial section B questionnaire response, in accordance with 19 CFR 351.301(c)(2)(i) and 19 CFR 351.404(c)(2).

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted [51] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or

[45] *See Regulations Enhancing the Administration of the Antidumping and Countervailing Duty Trade Remedy Laws,* 89 FR 101694, 101759–60 (December 16, 2024).

[46] *See* 19 CFR 351.108(d)(1).

[47] *See* 19 CFR 351.108(e).

[48] *See* Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, ''Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation involving NME Countries,'' (April 5, 2005), at 6 (emphasis added), available on Commerce's website at *https://access.trade.gov/Resources/policy/bull05-1.pdf.*

[49] *See* section 733(a) of the Act.

[50] *Id.*

[51] *See* 19 CFR 351.301(b).

correct.[52] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Time Limits for Submission of Factual Information in Response to Questionnaires

Section 351.301(c) of Commerce's regulations states that during a proceeding, Commerce may issue to any person questionnaires, which includes both and initial and supplemental questionnaires. For all investigations initiated after January 15, 2025, the following time limits apply: [53]

(i) Initial questionnaire responses are due 30 days from the date of receipt of such questionnaire. The time limit for response to individual sections of the questionnaire, if Commerce requests a separate response to such sections, may be less than the 30 days allotted for response to the full questionnaire. In general, the date of receipt will be considered to be seven days from the date on which the initial questionnaire was transmitted.

(ii) Supplemental questionnaire responses are due on the date specified by Commerce.

(iii) A notification by an interested party, under section 782(c)(1) of the Act, of difficulties in submitting information in response to a questionnaire issued by Commerce is to be submitted in writing within 14 days after the date of the questionnaire or, if the questionnaire is due in 14 days or less, within the time specified by Commerce.

(iv) A respondent interested party may request in writing that Commerce conduct a questionnaire presentation. Commerce may conduct a questionnaire presentation if Commerce notifies the government of the affected country and that government does not object.

(v) Factual information submitted to rebut, clarify, or correct questionnaire responses. Within 14 days after an initial questionnaire response and within 10 days after a supplemental questionnaire response has been filed with Commerce, an interested party other than the original submitter is permitted one opportunity to submit factual information to rebut, clarify, or correct factual information contained in the questionnaire response. Within seven days of the filing of such rebuttal, clarification, or correction to a questionnaire response, the original submitter of the questionnaire response is permitted one opportunity to submit factual information to rebut, clarify, or correct factual information submitted in the interested party's rebuttal, clarification or correction. Commerce will reject any untimely filed rebuttal, clarification, or correction submission and provide, to the extent practicable, written notice stating the reasons for rejection. If insufficient time remains before the due date for the final determination or final results of review, Commerce may specify shorter deadlines under this section.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.[54] For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in these investigations.[55]

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[56] Parties must use the certification formats provided in 19 CFR 351.303(g).[57] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in these investigations should ensure that they meet the requirements of 19 CFR 351.103(d) (*e.g.,* by filing the required letter of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[58]

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: March 18, 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

Scope of the Investigations

The merchandise covered by these investigations consists of chassis and subassemblies thereof, whether finished or unfinished, whether assembled or unassembled, whether coated or uncoated, regardless of the number of axles, for carriage of containers, or other payloads (including self-supporting payloads) for road, marine roll-on/roll-off (RORO) and/or rail transport. Chassis are typically, but are not limited to, rectangular framed trailers with a suspension and axle system, wheels and tires, brakes, a lighting and electrical system, a coupling for towing behind a truck tractor, and a locking system or systems to secure the shipping container or containers to the chassis using twistlocks, slide pins or similar attachment devices to engage the corner fittings on the container or other payload.

Subject merchandise includes, but is not limited to, the following subassemblies:

- Chassis frames, or sections of chassis frames, including kingpin assemblies, bolsters consisting of transverse beams with locking or support mechanisms, goosenecks, drop assemblies, extension mechanisms and/or rear impact guards;
- Running gear assemblies or axle assemblies for connection to the chassis frame, whether fixed in nature or capable of

[52] *See* 19 CFR 351.301(b)(2).

[53] *See* 19 CFR 351.301(c)(1)(i)–(v).

[54] *See* 19 CFR 351.301; *see also Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013) (*Time Limits Final Rule*), available at *https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm.*

[55] *See* 19 CFR 351.302; *see also, e.g., Time Limits Final Rule.*

[56] *See* section 782(b) of the Act.

[57] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*). Additional information regarding the *Final Rule* is available at *https://access.trade.gov/Resources/filing/index.html.*

[58] *See Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069 (September 29, 2023).

sliding fore and aft or lifting up and lowering down, which may or may not include suspension(s) (mechanical or pneumatic), wheel end components, slack adjusters, dressed axles, brake chambers, locking pins, and tires and wheels; and

• Assemblies that connect to the chassis frame or a section of the chassis frame, such as but not limited to, pintle hooks or B-trains (which include a fifth wheel), which are capable of connecting a chassis to a converter dolly or another chassis.

Importation of any of these subassemblies, whether assembled or unassembled, constitutes an unfinished chassis for purposes of these investigations.

Subject merchandise also includes chassis, whether finished or unfinished, entered with components such as, but not limited to: hub and drum assemblies, brake assemblies (either drum or disc), bare axles, brake chambers, suspensions and suspension components, wheel end components, landing gear legs, spoke or disc wheels, tires, brake control systems, electrical harnesses and lighting systems.

Processing of finished and unfinished chassis and components such as trimming, cutting, grinding, notching, punching, drilling, painting, coating, staining, finishing, assembly, or any other processing either in the country of manufacture of the in-scope product or in a third country does not remove the product from the scope. Inclusion of other components not identified as comprising the finished or unfinished chassis does not remove the product from the scope.

Individual components entered and sold by themselves are not subject to the investigations, but components entered with a finished or unfinished chassis are subject merchandise. A finished chassis is ultimately comprised of several different types of subassemblies. Within each subassembly there are numerous components that comprise a given subassembly.

This scope excludes dry van trailers, refrigerated van trailers and flatbed trailers. Dry van trailers are trailers with a wholly enclosed cargo space comprised of fixed sides, nose, floor and roof, with articulated panels (doors) across the rear and occasionally at selected places on the sides, with the cargo space being permanently incorporated in the trailer itself. Refrigerated van trailers are trailers with a wholly enclosed cargo space comprised of fixed sides, nose, floor and roof, with articulated panels (doors) across the rear and occasionally at selected places on the sides, with the cargo space being permanently incorporated in the trailer and being insulated, possessing specific thermal properties intended for use with self-contained refrigeration systems. Flatbed (or platform) trailers consist of load carrying main frames and a solid, flat or stepped loading deck or floor permanently incorporated with and supported by frame rails and cross members.

The finished and unfinished chassis subject to these investigations are typically classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings: 8716.39.0090 and 8716.90.5060. Imports of finished and unfinished chassis may also enter under HTSUS subheading 8716.90.5010. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

[FR Doc. 2025–04938 Filed 3–21–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE769]

Fisheries of the US Caribbean; Southeast Data, Assessment, and Review (SEDAR); Public Meeting; Cancellation

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

ACTION: Notice of cancellation; SEDAR 101 Data Workshop for Highly Migratory Species (HMS) Sandbar Sharks.

SUMMARY: The SEDAR 101 assessment process of HMS sandbar sharks will consist of a Data Workshop, an Assessment Workshop and a Center for Independent Experts (CIE) Desk Review. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 101 Data Workshop was scheduled for May 12–16, 2025.

ADDRESSES:

Meeting address: The meeting was to be held at the Northeast Fishery Science Center Narragansett Laboratory, 28 Tarzwell Drive, Narragansett, RI 02882.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Emily Ott, SEDAR Coordinator; (843) 302–8434; email: *Emily.Ott@safmc.net.*

SUPPLEMENTARY INFORMATION: The meeting notice published on March 18, 2025 (90 FR 12528). This announces that the meeting is cancelled and will be rescheduled at a later date.

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

Dated: March 19, 2025.

Rey Israel Marquez,

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

[FR Doc. 2025–04958 Filed 3–21–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE746]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Alaska Department of Transportation and Public Facilities Angoon Ferry Terminal Modification Project in Angoon, Alaska

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

ACTION: Notice; proposed incidental harassment authorization; request for comments on proposed authorization and possible renewal.

SUMMARY: NMFS has received a request from the Alaska Department of Transportation and Public Facilities (ADOT&PF) for authorization to take marine mammals incidental to Angoon Ferry Terminal Modification Project in Angoon, Alaska. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-time, 1-year renewal that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorization and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than April 23, 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.davis@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: Leah Davis, 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.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review.

Summary of Request

On September 6, 2024, NMFS received a request from ADOT&PF for an IHA to take marine mammals incidental to pile driving (installation and removal) associated with construction for one ferry terminal in Angoon, Alaska. Following NMFS' review of the application, ADOT&PF submitted revised versions on November 6, 2024, November 12, 2024, November 26, 2024, and December 23, 2024. A final revised application was submitted on January 6, 2025 and the application was deemed adequate and complete on January 27, 2025. The ADOT&PF request is for take of eight species (12 stocks) by Level B harassment and, for a subset five of these species, Level A harassment. Neither ADOT&PF nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

Description of Proposed Activity

Overview

ADOT&PF is proposing to make improvements to Angoon Ferry Terminal within Killisnoo Harbor in Angoon, Alaska. The existing Angoon Ferry terminal was originally designed for the Alaska Marine Highway System fast ferries and motor vessels but ADOT&PF is in the process of replacing these aging vessels with longer and wider Alaska Class Ferries. Ferry replacement requires mooring dolphin rearrangement to accommodate these larger vessels as well as upgrades to the lift system from electric to hydraulic actuators for more reliable operations. Construction would occur on approximately 143 non-consecutive in-water work days over the course of 1 year. The proposed activities that have the potential to take marine mammals, by Level A and level B harassment, include down-the-hole drilling (DTH) of rock sockets and tension anchors, vibratory installation and removal of temporary steel pipe piles, vibratory and impact installation of permanent steel pipe piles, and vibratory removal of permanent piles (in cases where piles cannot be removed with direct pull methods).

Dates and Duration

ADOT&PF anticipates the project would require 143 non-consecutive -in water days of pile installation and removal over the course of 1 year. The effective date of the IHA, if issued, would be from May 1, 2026 through April 30, 2027.

Specific Geographic Region

The Angoon Ferry Terminal Modifications Project is located in Killisnoo Harbor in Angoon, Alaska as shown in figure 1. Angoon is a small southeast Alaskan village and the only permanent settlement on Admiralty Island. The ferry terminal is approximately 2 miles (3.2 kilometers (km)) south of Angoon's city center. The ferry terminal is adjacent to the City of Angoon's deep draft dock serving as the community's fuel supply operation, and other marine facilities in Angoon include a small boat harbor and seaplane base on Kootznahoo Inlet. Killisnoo Harbor is approximately 1 mile (1.6 km) wide and is situated between the west shore of Admiralty Island on the eastern side of Chatham Strait, which is one of the most extensive inside passages in Southeast Alaska. Water depths in the harbor are generally 150 feet (45.7 meters (m)) or shallower.

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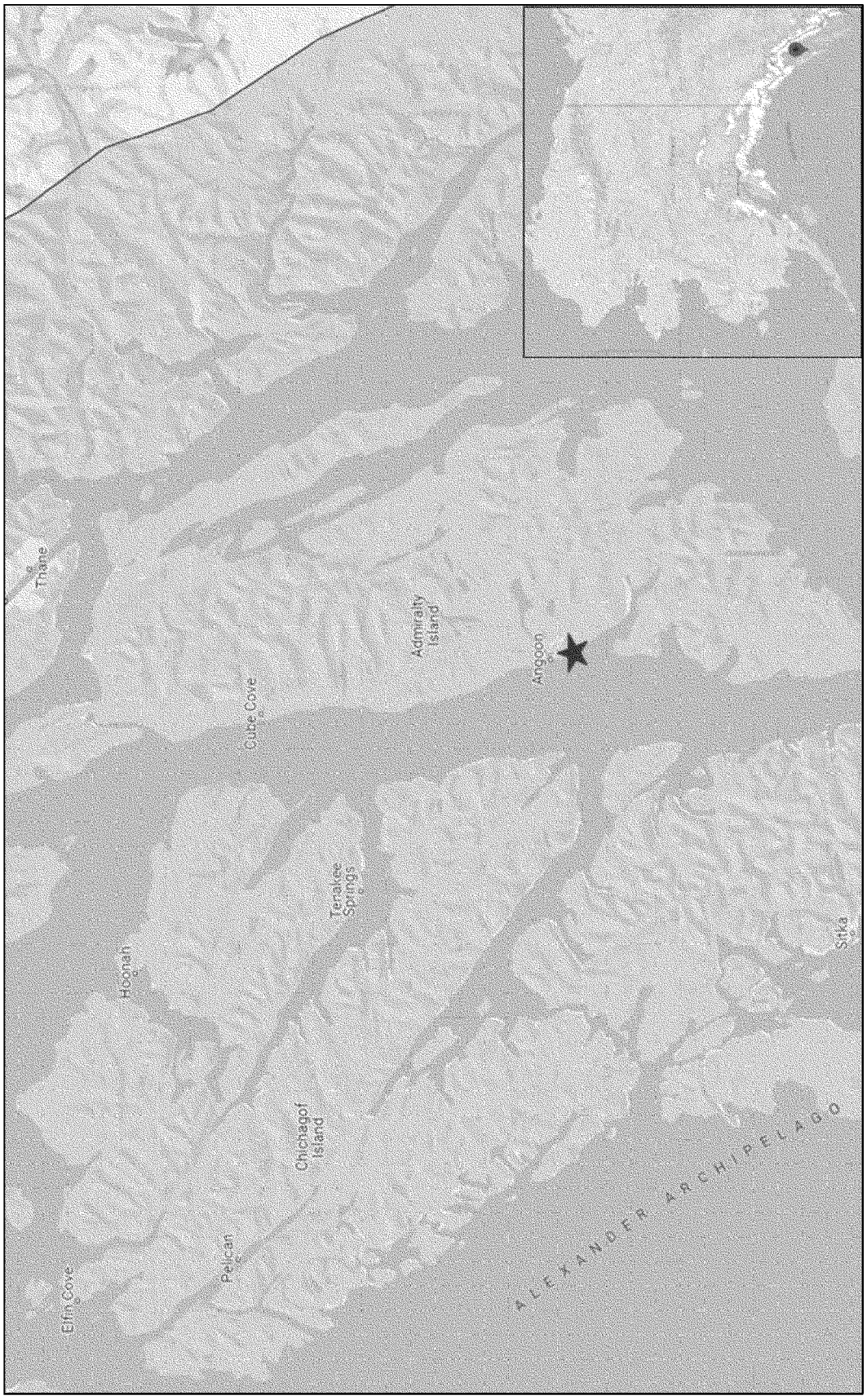

Figure 1– Angoon Ferry Terminal Project Area Overview

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Detailed Description of the Specified Activity

ADOT&PF is proposing to upgrade the existing Angoon Ferry Terminal to accommodate the new larger Alaska Class Vessel berthing. Work would include installation of three new floating fender dolphins (N4, N8, and N10), replacement of a mooring dolphin (S3), and modification of an existing dolphin (N7, to be renamed N9) to be an ultra-high molecular weight polyethylene panel fender pile, as well as some other above-water work.

The N4 floating fender dolphin would be comprised of one 30 inch (70 centimeters (cm)) steel pipe fender pile, two 24 inch (61 cm) vertical steel pipe piles, and two 24 inch (61 cm) batter piles. The N8 and N10 floating fender pile dolphins would each consist of one fender pile, two vertical piles, and two batter piles, all 30-in steel pipe piles. S3 mooring dolphin replacement would include removal and replacement of two 20 inch (51 cm) batter piles and potentially one 24 inch (61 cm) steel pipe pile. Tension anchors for the S3 mooring dock piles would also be cut at the mudline. ADOT&PF would also install and remove 16 temporary steel pipe piles up to 24 inch (61 cm) in diameter using a vibratory hammer as part of the construction process. ADOT&PF anticipates that pile removal would occur via direct pull, cutting, clipping, or other above water activities when feasible, but may use a vibratory hammer to extract piles if necessary. In addition to vibratory and impact pile driving, ADOT&PF may install rock sockets and tension anchors at some locations. Table 1 includes the total number of piles of each type and the proposed construction method.

The construction crew may use a single installation method for multiple piles on a single day or find other efficiencies to increase production; the anticipated ranges of possible values are provided in table 1. All of the construction activities described above have the potential to result in both Level A and Level B behavioral harassment of marine mammals.

Existing dolphin N7 (to be renamed N9) would be modified by cutting and replacing a portion of the pile about 10 feet (3.0 m) above high tide line. Other out-of-water work would include converting the existing electrical actuated bridge and apron lift system to a hydraulic actuated system; installing new hydraulic actuators, hydraulic power unit, and associated electrical components; and making improvements to the dock's transfer bridge and other uplands components. Modification of dolphin N7 and the other out-of-water work described here is not anticipated to result in take of marine mammal, and therefore, these activities are not discussed further in this document.

TABLE 1— NUMBER AND TYPE OF PILES TO BE INSTALLED AND REMOVED BY IMPACT AND VIBRATORY DRIVING AND DTH

Activity	Method	Pile diameter	Number of piles	Max days of activity
Installation	Vibratory	24 inch (61 cm) Steel Piles	16	16
		20 or 24 inch (51 or 61 cm) Steel Piles	7	7
		30 inch (76 cm) Steel Piles	11	11
Removal	Vibratory	20 inch (51 cm) Steel Piles	2	2
		24 inch (61 cm) Steel Piles	17	17
Installation	Impact	20 or 24 inch (51 or 61 cm) Steel Piles	7	14
		30 inch (76 cm) Steel Piles	11	22
8 inch (20 cm) tension anchor (for 24 inch (61 cm) piles).	DTH		7	21
8 inch (20 cm) tension anchor (for 30 inch (76 cm) piles).	DTH		8	24
Rock socket (for 30 inch (76 cm) piles)	DTH		3	9

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 2 lists all species or stocks for which take is expected and proposed to be authorized for the activities at the Angoon Ferry Terminal, 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 proposed to be authorized here, PBR and annual serious injury and mortality (M/SI) from anthropogenic sources are included here as gross indicators of the status of the species or stocks and other threats.

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' Alaska and Pacific SARs. All values presented in table 2 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 2—SPECIES [a] WITH ESTIMATED TAKE FROM THE SPECIFIED ACTIVITIES

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) [b]	Stock abundance (CV, N_{min}, most recent abundance survey) [c]	PBR	Annual M/SI [d]
Order Artiodactyla—Cetacea—Mysticeti (baleen whales)						
Family Balaenopteridae (rorquals):						
Humpback Whale	*Megaptera novaeangliae*	Mainland Mexico-CA/OR/WA	T, D, Y	3,477 (0.101, 3,185, 2018)	43	22
		Hawai'i	-, -, N	11,278 (0.56, 7,265, 2020)	127	27.09
Minke Whale	*Balaenoptera acutorostrata*	Alaska	-, -, N	N/A (N/A, N/A, N/A) [e]	UND	0
Odontoceti (toothed whales, dolphins, and porpoises)						
Family Delphinidae:						
Killer whale	*Orcinus orca*	Eastern North Pacific Alaska Resident.	-, -, N	1,920 (N/A, 1,920, 2019) [f]	19	1.3
		Eastern Northern Pacific Northern Resident.	-, -, N	302 (N/A, 302, 2018) [f]	2.2	0.2
		West Coast Transient	-, -, N	349 (N/A, 349, 2018) [g]	3.5	0.4
Pacific White-Sided Dolphin.	*Lagenorhynchus obliquidens*	N Pacific	-, -, N	26,880 (N/A, N/A, 1990)	UND	0
Family Phocoenidae (porpoises):						
Dall's Porpoise	*Phocoenoides dalli*	Alaska	-, -, N	UND (UND, UND, 2015) [h]	UND	37
Harbor Porpoise	*Phocoena phocoena*	Northern Southeast Alaska Inland Waters [i].	-, -, N	1,619 (0.26, 1,250, 2019)	13	5.6
Order Carnivora—Pinnipedia						
Family Otariidae (eared seals and sea lions):						
Steller Sea Lion	*Eumetopias jubatus*	Western	E, D, Y	49,837 (N/A, 49,837, 2022) [j]	299	267
		Eastern	-, -, N	36,308 (N/A, 36,308, 2022) [k]	2,178	93.2
Family Phocidae (earless seals):						
Harbor Seal	*Phoca vitulina*	Sitka/Chatham Strait	-, -, N	13,289 (N/A, 11,883, 2015	356	77

[a] 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/*).

[b] 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.

[c] 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.

[d] 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.

[e] 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.

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

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

[h] 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.

[i] New stock split from Southeast Alaska stock.

[j] Nest 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.

[k] 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 2 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 action area are included in table 3 of the IHA application. While gray 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 with no local knowledge of sightings and no sightings in recent years have been reported in recent years.

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.

Humpback Whale

The Mainland Mexico-CA/OR/WA and Hawaii stocks of humpback whale occur in the project area. Wild *et al.* (2023) identified Northern Chatham Strait as a Biologically Important Area (BIA) for humpback whales for feeding during the months of May through October, with an importance score of two (indicating an area of moderate importance), an intensity score of two (indicating an area of moderate comparative significance) and a data support score of three (highest relative confidence in the available supporting data). ADOT&PF ferry Captain of the M/V LeConte routinely transits the area and reports that humpback whales are frequently observed in Chatham Strait and the project area.

Minke Whale

Minke whale surveys in Southeast Alaska have consistently identified individuals throughout inland waters in low numbers (Dahlheim *et al.* 2009). All sightings were of single minke whales, except for a single sighting of multiple minke whales. Surveys took place in spring, summer, and fall, and minke whales were present in low numbers in

all seasons and years.Little is known about minke whale abundance and distribution in the project area as there have been no systematic studies conducted on the species in or near Killsnoo Harbor. Surveys throughout southeast Alaska between 1991 and 2007 recorded minke whales infrequently, but noted a wide variety of habitat types used throughout all inland waters and little seasonal variation. During these surveys, minke whales were observed in the Chatham Strait during the fall, approximately 19 km north of the proposed action area. Most minke whales observed during the surveys were individual animals (Dahlheim *et al.,* 2009). Therefore, minke whales are expected to be rare near the action area.

Killer Whale

Killer whales occur throughout the North Pacific and along the entire Alaska coast, in British Columbia and Washington inland waterways, and along the outer coasts of Washington, Oregon, and California. Of the eight recognized killer whale stocks, only the Eastern North Pacific Alaska Resident, Eastern Northern Pacific Northern Resident, and West Coast Transient stocks are expected to occur in the project area. Transient killer whales often occur in long-term stable social units (pods) of 1 to 16 whales. Average pod sizes in Southeast Alaska were 6.0 in spring, 5.0 in summer, and 3.9 in fall. Pod sizes of transient whales are generally smaller than those of resident social groups. Resident killer whales occur in larger pods, ranging from 7 to 70 whales that are seen in association with one another more than 50 percent of the time (Dahlheim *et al.,* 2009; NMFS 2016b). In Southeast Alaska, resident killer whale mean pod size was approximately 21.5 in spring, 32.3 in summer, and 19.3 in fall (Dahlheim *et al.,* 2009).

Surveys between 1991 and 2007 encountered resident killer whales during all seasons throughout southeast Alaska. Both residents and transients were common in a variety of habitats and all major waterways, including protected bays and inlets. The authors found strong seasonal variation in abundance or distribution of killer whales was not present, but there was substantial variability between years (Dahlheim *et al.,* 2009). Systematic surveys of killer whales have not been conducted in Killisnoo Harbor, Hood Bay, or the Chatham Strait. Although killer whales are common throughout southeast Alaska, they are expected to occur infrequently in the project area.

Pacific White-Sided Dolphin

Pacific white-sided dolphins are a pelagic species inhabiting temperate waters of the North Pacific Ocean and along the coasts of California, Oregon, Washington, and Alaska (Muto *et al.,* 2021). Despite their distribution mostly in deep, offshore waters, they also occur over the continental shelf and near shore waters, including inland waters of Southeast Alaska (Ferrero and Walker 1996). Dalheim *et al.* (2009) frequently encountered Pacific white-sided dolphin in Clarence Strait with significant differences in mean group size, but overall encounters were rare enough to limit the seasonality investigation to a qualitative note that spring featured the highest number of animals observed. These observations were located most typically in open strait environments, near the open ocean.

In southeast Alaska, Pacific white-sided dolphin occur in groups of 2 to 153 individuals, but are most commonly seen in groups of 23–26 individuals (Dahlheim *et al.,* 2009). However, animals have also been observed in groups with over 1,000 individuals (Stacey and Baird 1991). Although estimated to be uncommon in Killisnoo Harbor and Hood Bay, Pacific white-sided are reasonably likely to occur during the proposed construction activities.

Dall's Porpoise

Dall's porpoise is found in temperate to subarctic waters of the North Pacific and adjacent seas. They are widely distributed across the North Pacific over the continental shelf and slope waters, and over deep (greater than 2,500 m) oceanic waters (Friday *et al.,* 2012; Friday *et al.,* 2013).

Harbor Porpoise

The harbor porpoise is common in coastal waters. Individuals frequently occur in coastal waters of southeast Alaska and are observed most frequently in waters less than 107 m deep (Dahlheim *et al.,* 2009). The Northern Southeast Alaska Inland Waters stock occurs in Cross Sound, Glacier Bay, Icy Strait, Chatham Strait, Frederick Sound, Stephens Passage, Lynn Canal, and adjacent inlets (Young *et al.,* 2023).

Steller Sea Lion

The western distinct population segment (DPS) of Steller sea lion breeds on rookeries located west of 144 degrees W in Alaska and Russia, and the eastern DPS breeds on rookeries in southeast Alaska through California. Movement occurs between the western and eastern DPSs of Steller sea lions, and increasing numbers of individuals from the western DPS have been seen in southeast Alaska in recent years (Muto *et al.,* 2020; Fritz *et al.,* 2016). However, the proposed project area is outside of core mixing zones for western and eastern DPS Steller sea lions, thus animals in this area are expected to primarily be from the eastern DPS (Hastings *et. al.,* 2020).

Harbor Seal

Harbor seals are common in the coastal and inside waters of the project areas. Harbor seals in Alaska are typically non-migratory with local movements attributed to factors such as prey availability, weather, and reproduction (Scheffer and Slipp, 1944; Bigg, 1969; Hastings *et al.,* 2004). Harbor seals haul out of the water periodically to rest, give birth, and nurse their pups.

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 table 3.

TABLE 3—MARINE MAMMAL HEARING GROUPS (NMFS, 2024)

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

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

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

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section provides a discussion of the ways in which components of the specified activity may impact marine mammals and their habitat. The Estimated Take of Marine Mammals section later in this document includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The Negligible Impact Analysis and Determination section considers the content of this section, the Estimated Take of Marine Mammals section, and the Proposed Mitigation section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and whether those impacts are reasonably expected to, or reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Description of 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 (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 decibels (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 activities 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 proposed project would include impact pile driving, vibratory pile driving and removal, tension anchoring, and rock socketing. 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 (American National Standards Institute (ANSI), 1986; National Institute for Occupational Safety and Health (NIOSH), 1998; ANSI, 2005; 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).

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).

Rock socket or tension anchoring would be conducted using a DTH hammer. 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). Rock anchoring or socketing involves using DTH equipment to create a hole in the bedrock inside which the pile is placed to give it lateral and longitudinal strength. Tension anchoring involves creating a smaller hole below the bottom of a pile. A length of rebar is typically inserted in the small hole and is long enough to run up through the middle of a hollow pile to reach the surface where it is connected to the pile to provide additional mechanical support and stability to the pile. The sounds produced by DTH systems contain both a continuous, non-impulsive component

from the drilling action and an impulsive component from the hammering effect. Therefore, NMFS treats DTH systems as both impulsive (for estimating Level A harassment zones) and non-impulsive (for estimating Level B harassment zones) sound source types simultaneously.

The likely or possible impacts of the ADOT&PFs proposed activity on marine mammals could involve both non-acoustic and acoustic stressors. Potential non-acoustic stressors could result from the physical presence of the equipment and personnel; however, any impacts to marine mammals are expected to primarily be acoustic in nature.

Acoustic Impacts

The introduction of anthropogenic noise into the aquatic environment from pile driving is the primary means by which marine mammals may be harassed from the proposed activity. In general, animals exposed to natural or anthropogenic sound may experience physical and psychological effects, ranging in magnitude from none to severe (Southall *et al.,* 2007). In general, exposure to pile driving and tension anchoring noise has the potential to result in an auditory threshold shift (TS) and behavioral reactions (*e.g.,* avoidance, temporary cessation of foraging and vocalizing, changes in dive behavior). 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, 2018, 2024). The amount of TS is customarily expressed in dB. A TS can be permanent or temporary. As described in NMFS (2018, 2024), there are numerous factors to consider when examining the consequence of TS, including, but not limited to, the signal temporal pattern (*e.g.,* impulsive or non-impulsive), likelihood an individual would be exposed for a long enough duration or to a high enough level to induce a TS, the magnitude of the TS, time to recovery (seconds to minutes or hours to days), the frequency range of the exposure (*i.e.,* spectral content), the hearing frequency range of the exposed species relative to the signal's frequency spectrum (*i.e.,* how an 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—NMFS defines auditory injury as ''damage to the inner ear that can result in destruction of tissue . . . which may or may not result in permanent threshold shift'' (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). PTS does not generally affect more than a limited frequency range, and an animal that has incurred PTS has incurred some level of hearing loss at the relevant frequencies; typically, animals with PTS are not functionally deaf (Au and Hastings, 2008; Finneran, 2016). Available data from humans and other terrestrial mammals indicate that a 40-dB TS approximates PTS onset (see Ward *et al.,* 1958, 1959, 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)—TTS is a temporary, reversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 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 auditory 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 a 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 pinnipeds in water, measurements of TTS are limited to harbor seals, elephant seals (*Mirounga angustirostris*), bearded seals (*Erignathus barbatus*) and California sea lions (Kastak *et al.,* 1999, 2007; Kastelein *et al.,* 2019b, 2019c, 2021, 2022a, 2022b; Reichmuth *et al.,* 2019; Sills *et al.,* 2020). These studies examined 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 TS 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 have a lower TTS onset than other measured pinniped 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, SEL_{cum} will overestimate the amount of TTS from intermittent exposures, such as sonars and impulsive sources. Nachtigall *et al.* (2018) describes measurements of hearing sensitivity of multiple odontocete species (*i.e.,* bottlenose dolphin, harbor porpoise, beluga (*Delphinapterus leucas*), 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). 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, 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 dBs above that inducing mild TTS (*e.g.,* a 40-dB TS approximates PTS onset (Kryter *et al.,* 1966; Miller, 1974), while a 6-dB TS 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 SEL_{cum} thresholds are 15 to 20 dB higher than TTS SEL_{cum} 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.

Pile installation at the Angoon Ferry Terminal Modifications Project would require a combination DTH, impact, and vibratory pile driving and removal. Construction at the project site would only include one method of pile installation or removal at a time. Proposed construction activities are not expected to be constant and pauses in the activities producing sound are likely to occur each day. Given these pauses and 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 removal and tension anchoring also has the potential to behaviorally disturb marine mammals. 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; National Research Council (NRC), 2005).

Disturbance may result in changing durations of surfacing and dives, number of blows per surfacing, or moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior (such as tail/fluke slapping or jaw clapping); or avoidance of areas where sound sources are located. Pinnipeds may increase their haulout 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.,* 2003; Southall *et al.,* 2007; 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 a review of studies involving marine mammal behavioral responses to sound.

Habituation can occur when an animal's response to a stimulus wanes with repeated exposure, usually in the absence of unpleasant associated events (Wartzok *et al.,* 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 (*e.g.,* Erbe *et al.,* 2019). 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, Blair *et al.,* 2016). 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. In response to playbacks of vibratory pile driving sounds, captive bottlenose dolphins showed changes in target detection and number of clicks used for a trained echolocation task (Branstetter *et al.* 2018). Similarly, harbor porpoises trained to collect fish during playback of impact pile driving sounds also showed potential changes in behavior and task success, though individual differences were prevalent (Kastelein *et al.* 2019d). 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.

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.

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.,* 2002a) and, more rarely, studied in wild populations (*e.g.,* Romano *et al.,* 2002b). 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.

Masking—Sound can disrupt behavior through masking, or interfering with, an animal's ability to detect, recognize, or discriminate between acoustic signals of interest (*e.g.,* those used for intraspecific communication and social interactions, prey detection, predator avoidance, navigation) (Richardson *et al.,* 1995). Masking occurs when the receipt of a sound is interfered with by another coincident sound at similar frequencies and at similar or higher intensity, and may occur whether the sound is natural (*e.g.,* snapping shrimp, wind, waves, precipitation) or anthropogenic (*e.g.,* pile driving, shipping, sonar, seismic exploration) in origin. The ability of a noise source to mask biologically important sounds depends on the characteristics of both the noise source and the signal of interest (*e.g.,* signal-to-noise ratio, temporal variability, direction), in relation to each other and to an animal's hearing abilities (*e.g.,* sensitivity, frequency range, critical ratios, frequency discrimination, directional discrimination, age or TTS hearing loss), and existing ambient noise and propagation conditions. Masking of natural sounds can result when human activities produce high levels of background sound at frequencies important to marine mammals. Conversely, if the background level of underwater sound is high (*e.g.,* on a day with strong wind and high waves), an anthropogenic sound source would not be detectable as far away as would be possible under quieter conditions and would itself be masked.

Airborne Acoustic Effects—Pinnipeds that occur near the project site could be exposed to airborne sounds associated with pile driving or DTH that have the potential to cause behavioral harassment, depending on their distance from the activities. Cetaceans are not expected to be exposed to airborne sounds that would result in harassment as defined under the MMPA.

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 airborne acoustic harassment criteria. We recognize that pinnipeds in the water could be exposed to airborne sound that may result in behavioral harassment when swimming 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.

Marine Mammal Habitat Effects

ADOT&PF's proposed construction activities could have localized, temporary impacts on marine mammal habitat, including 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 DTH, impact, and vibratory pile driving, elevated levels of underwater noise would ensonify project areas 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.

Water Quality—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 where piles are installed or removed due benthic sediment disturbance. 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 suspended solids from disturbed sediment at project site would settle out of the water column within a few hours. Studies of the effects of turbid water on fish (marine mammal prey) suggest that concentrations of suspended sediment can reach thousands of milligrams per liter before an acute toxic reaction is expected (Burton, 1993).

Effects from turbidity and sedimentation are expected to be short-term, minor, and localized. Suspended solids in the water column should dissipate and quickly return to background levels in all construction scenarios. Turbidity within the water column has the potential to reduce the level of oxygen in the water and irritate the gills of prey fish species in the proposed project area. However, suspended sediment associated with the project would be temporary and localized, and fish in the proposed project area would be able to move away from and avoid the areas where plumes may occur. Therefore, it is expected that the impacts on prey fish species from turbidity, and therefore on marine mammals, would be minimal and temporary. In general, the area likely impacted by the proposed construction activities is relatively small compared to the total available marine mammal habitat. Therefore, we expect the impact from increased turbidity levels to be discountable to marine mammals and do not discuss it further.

In-water Effects on Potential Foraging Habitat—The proposed activities would not result in permanent impacts to habitats used directly by marine mammals outside of the actual footprint of the constructed dock. The total seafloor area affected by pile installation and removal is a very small area compared to the vast foraging area available to marine mammals in Chatham Strait and other inland waters of Southeast Alaska. Pile extraction and installation, tension anchoring, and rock socketing may have impacts on benthic invertebrate species primarily associated with disturbance of sediments that may cover or displace some invertebrates. The impacts would be temporary and highly localized, and no habitat would be permanently displaced by construction. Therefore, it is expected that impacts on foraging opportunities for marine mammals due to construction of the dock would be minimal.

It is possible that avoidance by potential prey (*i.e.,* fish) in the immediate area may occur due to temporary loss of this foraging habitat. The duration of fish avoidance of this area after pile driving stops is unknown, but we anticipate a rapid return to normal recruitment, distribution and

behavior. Any behavioral avoidance by fish of the disturbed area would still leave large areas of fish and marine mammal foraging habitat in the nearby vicinity in the in the project area and surrounding waters.

Effects on Potential Prey—Construction activities would produce continuous, non-impulsive (*i.e.,* vibratory pile driving, tension anchoring, and rock socketing) and intermittent impulsive (*i.e.,* impact pile driving, tension anchoring, and rock socketing) sounds. Sound may affect marine mammals through impacts on the abundance, behavior, or distribution of prey species (*e.g.,* fish). Marine mammal prey varies by species, season, and location. 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 (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 (2005a) 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, several of which are based on studies in support of large, multiyear bridge construction projects (*e.g.,* Scholik and Yan, 2001; Popper and Hastings, 2009). Many 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.,* Pearson et al., 1992; Skalski et al., 1992; Santulli et al., 1999; Fewtrell and McCauley, 2012; Paxton *et al.,* 2017). In response to pile driving, Pacific sardines (*Sardinops sagax*) and northern anchovies (*Engraulis mordax*) may exhibit an immediate startle response to individual strikes but return to ''normal'' pre-strike behavior following the conclusion of pile driving with no evidence of injury as a result (see NAVFAC, 2014). However, some studies have shown no or slight reaction to impulse sounds (*e.g.,* Wardle *et al.,* 2001; Popper *et al.,* 2005; Jorgenson and Gyselman, 2009; Peña *et al.,* 2013).

SPLs of sufficient strength have been known to cause injury to fish and fish mortality (summarized in Popper *et al.* 2014). 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.* (2012b) 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.,* 2012a; Casper *et al.,* 2013) and the greatest potential effect on fish during the proposed project would occur during impact pile driving. Vibratory pile driving may elicit behavioral reactions from fish such as temporary avoidance of the area but is unlikely to cause injuries to fish or have persistent effects on local fish populations. In addition, it should be noted that the area in question is low-quality habitat since it is already developed and experiences anthropogenic noise from vessel traffic.

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 activities *(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 on fish to occur would be temporary and limited to the duration of sound-generating activities.

Construction activities, in the form of increased turbidity, also have the potential to adversely affect forage fish in the project area. Pacific herring (*Clupea pallasii*) is a primary prey species of Steller sea lions, humpback whales, and many other marine mammal species that occur in the project areas. As discussed earlier, increased turbidity is expected to occur in the immediate vicinity (approximately 25 ft (7.6 m) or less) of construction activities (Everitt *et al.,* 1980). However, suspended solids are expected to dissipate quickly within a single tidal cycle. Given the limited area affected and high tidal dilution rates any effects on forage fish are expected to be minor or negligible. In addition, best management practices would be in effect to limit the extent of turbidity to the immediate project area.

In summary, given the short daily duration of sound associated with pile driving and DTH activities, 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. 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 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 would primarily be by Level B harassment, as use of the acoustic sources (*i.e.,* pile driving, tension anchoring, and rock socketing) 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 during rock socketing. 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 likely be behaviorally harassed or incur some degree of auditory 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 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 2024) as reflected below in the Level A harassment section.

Level B Harassment—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source or exposure context (*e.g.,* frequency, predictability, duty cycle, duration of the exposure, signal-to-noise ratio, distance to the source), the environment (*e.g.,* bathymetry, other noises in the area, predators in the area), and the receiving animals (hearing, motivation, experience, demography, life stage, depth) and can be difficult to predict (*e.g.,* Southall *et al.,* 2007, 2021, Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a metric that is both predictable and measurable for most activities, NMFS typically uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS generally predicts that marine mammals are likely to be behaviorally harassed in a manner considered to be Level B harassment when exposed to underwater anthropogenic noise above root-mean-squared pressure received levels (RMS SPL) of 120 dB (referenced to 1 micropascal (re 1 μPa)) for continuous (*e.g.,* vibratory pile driving, drilling) and above RMS SPL 160 dB re 1 μPa for non-explosive impulsive (*e.g.,* seismic airguns) or intermittent (*e.g.,* scientific sonar) sources. Generally speaking, Level B harassment take estimates based on these behavioral harassment thresholds are expected to include any likely takes by TTS as, in most cases, the likelihood of TTS occurs at distances from the source less than those at which behavioral harassment is likely. TTS of a sufficient degree can manifest as behavioral harassment, as reduced hearing sensitivity and the potential reduced opportunities to detect important signals (conspecific communication, predators, prey) may result in changes in behavior patterns that would not otherwise occur.

ADOT&PF's proposed activity includes the use of continuous (vibratory pile driving/removal and DTH) and impulsive (impact pile driving and DTH) sources, and therefore the RMS SPL thresholds of 120 and 160 dB re 1 μPa are applicable.

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). ADOT&PF's proposed activity includes the use of impulsive (impact pile driving and DTH) and non-impulsive (vibratory pile driving/removal and DTH) sources.

The 2024 Updated Technical Guidance criteria include both updated thresholds and updated weighting functions for each hearing group. The thresholds are provided in table 4. 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 4—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:* $L_{pk,flat}$: 222 dB; $L_{E,LF,24h}$: 183 dB	*Cell 2:* $L_{E,LF,24h}$: 197 dB.
High-Frequency (HF) Cetaceans	*Cell 3:* $L_{pk,flat}$: 230 dB; $L_{E,HF,24h}$: 193 dB	*Cell 4:* $L_{E,HF,24h}$: 201 dB.
Very High-Frequency (VHF) Cetaceans	*Cell 5:* $L_{pk,flat}$: 202 dB; $L_{E,VHF,24h}$: 159 dB	*Cell 6:* $L_{E,VHF,24h}$: 181 dB.
Phocid Pinnipeds (PW) (Underwater)	*Cell 7:* $L_{pk,flat}$: 223 dB; $L_{E,PW,24h}$: 183 dB	*Cell 8:* $L_{E,PW,24h}$: 195 dB.
Otariid Pinnipeds (OW) (Underwater)	*Cell 9:* $L_{pk,flat}$: 230 dB; $L_{E,OW,24h}$: 185 dB	*Cell 10:* $L_{E,OW,24h}$: 199 dB.

* Dual metric criteria for impulsive sounds: Use whichever criteria results in the larger isopleth for calculating auditory injury onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level criteria associated with impulsive sounds, the PK SPL criteria are recommended for consideration for non-impulsive sources.

Note: Peak sound pressure level ($L_{p,0\text{-}pk}$) has a reference value of 1 µPa, and weighted cumulative sound exposure level ($L_{E,p}$) has a reference value of 1 μPa^2s. In this table, criteria are abbreviated to be more reflective of International Organization for Standardization (ISO) 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). The subscript associated with cumulative sound exposure level criteria indicates the designated marine mammal auditory weighting function (LF, HF, and VHF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The weighted cumulative sound exposure level criteria could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these criteria will be exceeded.

Ensonified Area

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

The sound field in the proposed project areas 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 activities (*i.e.,* pile driving and removal, tension anchoring, and rock socketing).

The Angoon Ferry Terminal Modifications Project includes vibratory pile installation and removal, impact pile driving, tension anchoring, and rock socketing. Source levels for these activities are based on reviews of measurements of the same or similar types and dimensions of piles available in the literature. Source levels for each piles size and activity for the Angoon Ferry Terminal Modifications Project are presented in table 5. Source levels for vibratory installation and removal of piles of the same diameter are assumed to be the same.

TABLE 5—ESTIMATES OF MEAN UNDERWATER SOUND LEVELS GENERATED DURING VIBRATORY PILE DRIVING AND REMOVAL, IMPACT PILE DRIVING, TENSION ANCHORING, AND ROCK SOCKETING

Pile size and method	Proxy sound source levels at 10m (dB re 1 µPa)			Reference
	RMS SPL	SEL	Peak	
20 or 24 (51 or 61 cm) inch steel pile; vibratory.	163	.....	.....	NMFS 2023.
30 (76 cm) inch steel pile; vibratory	166	.....	.....	NMFS 2023.
24 (61 cm) inch steel pile; impact	190	177	203	Caltrans 2015.
30 inch (76 cm) steel pile; impact	190	177	210	Caltrans 2015.
8 inch (20 cm) tension anchor (DTH) (for 24 and 30 inch (61 or 76 cm) piles).	156	144	170	NMFS 2022a; Reyff 2020.
30 inch (76 cm) steel pile rock socketing (DTH).	174	164	194	Denes *et al.* (2019); NMFS (2022a); Reyff and Heyvaert (2019); Reyff (2020).

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:

$$TL = B \times \mathrm{Log10}\,(R_1/R_2),$$

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

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 Killisnoo Harbor 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 ensonified area associated with Level A harassment is more technically challenging to predict due to the need to account for a duration component. Therefore, NMFS developed an optional User Spreadsheet tool to accompany the 2024 Updated Technical Guidance that can be used to relatively simply predict an isopleth distance for use in conjunction with marine mammal density or occurrence to help predict potential takes. We note that because of some of the assumptions included in the methods underlying this optional tool, we anticipate that the resulting isopleth estimates are typically going to be overestimates of some degree, which may result in an overestimate of potential take by Level A harassment. However, this optional tool offers the best way to estimate isopleth distances when more sophisticated modeling methods are not available or practical. For stationary sources 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 in tables 6 and 7.

TABLE 6—NMFS USER SPREADSHEET INPUTS FOR THE ANGOON FERRY TERMINAL MODIFICATIONS PROJECT

Pile size and type	Spreadsheet tab used	Weighting factor adjustment	Activity duration (hours) per pile	Strike rate per second	Number of strikes per pile	Number of piles per day
Vibratory removal:						
20 or 24 inch (51 or 61 cm) steel piles (temporary or permanent).	A.1) Vibratory pile driving.	2.5	0.25	NA	NA	1–4

TABLE 6—NMFS USER SPREADSHEET INPUTS FOR THE ANGOON FERRY TERMINAL MODIFICATIONS PROJECT—Continued

Pile size and type	Spreadsheet tab used	Weighting factor adjustment	Activity duration (hours) per pile	Strike rate per second	Number of strikes per pile	Number of piles per day
Vibratory Installation:						
20 or 24 inch (51 or 61 cm) steel piles (permanent).	A.1) Vibratory pile driving.	2.5	0.25	NA	NA	1–4
30 inch (76 cm) steel piles						
Impact Installation:						
20 or 24 inch (51 or 61 cm) steel piles (permanent).	E. 1) Impact pile driving.	2	NA	NA	50	0.5–4
30 inch (76 cm) steel piles						
DTH:						
Rock socket (30 inch (76 cm)) ...	E. 2) DTH pile driving.	2	8	10	NA	0.33–1
8 inch (20 cm) tension anchor (for 20, 24 and 30 inch (51, 61, or 76 cm) piles).			4			0.33–2

TABLE 7—LEVEL A HARASSMENT AND LEVEL B HARASSMENT ISOPLETHS AND ASSOCIATED AREAS FROM VIBRATORY IMPACT AND DTH PILE DRIVING AND VIBRATORY REMOVAL

Pile size/type	Level A harassment zone (m) [a], areas (km^2) [b]					Level B harassment zone (m) [a], areas (km^2) [b]
	LF Cetaceans	HF Cetaceans	VHF Cetaceans	PW	OW	
Vibratory pile driving/removal:						
20 or 24 (51 or 61 cm) inch steel pile installation or removal	12.5	4.8	10.2	16.1	5.1	7,356
	(0.003)	(0.001)	(0.002)	(0.004)	(0.001)	(9.23)
30 inch (76 cm) steel pile installation	19.9	7.6	16.2	25.6	8.6	11,659
	(0.005)	(0.002)	(0.004)	(0.007)	(0.002)	(18.61)
Impact pile driving:						
20 or 24 inch (51 or 61 cm) steel installation	135.5	17.3	209.6	120.3	44.9	1,000
	(0.07)	(0.004)	(0.14)	(0.06)	(0.01)	(0.86)
30 inch (76 cm) permanent installation	135.5	17.3	209.6	120.3	44.9	1,000
	(0.07)	(0.004)	(0.14)	(0.06)	(0.01)	(0.86)
DTH:						
8 inch (20 cm) tension anchor installation (drilling)	109.0	13.9	168.7	96.8	36.1	2,512
	(0.05)	(0.003)	(0.10)	(0.04)	(0.01)	(2.39)
30 inch (76 cm) steel installation (rock sockets)	2,348.3	299.6	3,634.0	2,086.1	777.6	39,811
	(2.23)	(0.22)	(3.42)	(2.02)	(0.64)	(20.26)

[a] Distances represent the calculated radius of the zone. The actual zone may be truncated by landforms.
[b] Areas of zones accounting for truncation by landforms.

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. We describe how the information provided 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 historic data sets. Prior data sets included: (1) Cetacean Surveys conducted from vessels in Southeast Alaska between 1991–2007 (Dahlheim 2009), (2) surveys for humpback whales from vessels in the Prince William Sound, Lynn Canal, and the Sitka Sound from August through March in 2007 through 2009 (Staley *et al.,* 2018), (3) line transect surveys from vessels for Dall's and harbor porpoises from 1991 through 1993, 2006 through 2007, and 2010 through 2012 and 2019 (Jefferson *et al.,* 2019, Dahlheim *et al.,* 2015, and Zerbini *et. al.,* 2022), and (4) Land-based surveys conducted at Sitka's Whale Park completed weekly between September and May 1995–2000 (Straley and Pendell (2017).

ADOT&PF used species-specific density occurrence information described above to estimate take of each species using one of three formulas provided here:

(1) Incidental take estimate = group size × number of groups per day × days of pile driving activity (143 days)

(2) Incidental take estimate = group size × number of groups per month (considered 30 days) × months of pile driving activity (143 days/30 days per month)

(3) Incidental take estimate = marine mammal density (animals/km2) × ensonified area (km2) for each pile driving activity × days of each pile driving activity, summed across all activities

Minke Whale—Minke whales are generally rare in Southeast Alaska, including the Chatham Strait, and are often observed as single individuals (Dahlheim *et al.* 2009). NMFS estimates that up to one minke whale may occur within Level B harassment zone each month, and applied equation two above. Therefore, NMFS proposes to authorize 5 takes by Level B harassment of minke whales (1 animal × 1 group per month × 4.76 months).

For all project activities, ADOT&PF proposes to implement shutdown zones for low-frequency cetaceans that exceed the Level A harassment isopleths. Therefore, Level A harassment of minke whale from these activities is unlikely. However, given the large shutdown zone for rock socketing (2,350 m), NMFS anticipates that PSOs may not always be able to implement a shutdown at the farther extent of the zone. Therefore, NMFS anticipates that a minke whale could enter and remain within the Level A harassment zone long enough to incur auditory injury, and as requested by ADOT&PF, NMFS is proposing to authorize 1 take of minke whale by Level A harassment.

Humpback Whale—Humpback whales are common in inland water of Southeast Alaska. They occur daily with an average group size two animals (Dahlheim *et al.* 2009). NMFS estimates that up to one group of two humpback whales would occur in the Level B harassment zone each day of the proposed construction activities, and applied equation 1 above. Therefore, NMFS proposes to authorize 286 takes by Level B harassment of humpback whales (2 animals × 1 group per day × 143 days). In the project area, the majority of whales (98 percent) are anticipated to be from the Hawaii DPS and 2 percent from the ESA-listed Mexico DPS (Wade 2021; Muto *et al.* 2022). Therefore, of the 286 takes by Level B harassment, NMFS anticipates that 280 would be of individuals from the Hawaii DPS (Hawaii stock) and six takes would be of individuals from the Mexico DPS (Mexico-North Pacific stock).

For all project activities, ADOT&PF proposes to implement shutdown zones for low-frequency cetaceans that exceed the Level A harassment isopleths. Therefore, Level A harassment of humpback whale from these activities is unlikely. However, given the large shutdown zone for rock socketing (2,350 m), NMFS anticipates that PSOs may not always be able to implement a shutdown at the farther extent of the zone. Therefore, NMFS anticipates that a humpback whale could enter and remain within the Level A harassment zone long enough to incur auditory injury on each project day where the shutdown zone extends to that distance (2,350 m; 9 days). Therefore, ADOT&PF requested, and NMFS is proposing to authorize, 9 take of humpback whale by Level A harassment. Of the nine takes by Level A harassment, NMFS anticipates that eight would be of individuals from the Hawaii DPS (Hawaii stock) and one of an individual from the Mexico DPS (Mexico-North Pacific stock).

Killer Whale—Killer whales are commonly observed each month in Southeast Alaska inland waters, including the project action area. The three stocks that are most likely to occur in Southeast Alaska are the Eastern North Pacific Alaska Resident stock, Eastern North Pacific Northern Resident stock, and the West Coast Transient stock (Young *et al.* 2023). Mean group size for all seasons for residents is 24.4 animals; for transients 4.9 animals (Dahlheim *et al.* 2009). NMFS anticipates that up to two groups of 25 killer whales may occur in the project area during each month of construction, and applied equation 2 above. Therefore, NMFS proposes to authorize 238 takes of killer whales by Level B harassment (25 animals × 2 groups per month × 4.76 months).

The largest Level A harassment zone for killer whales is 299.6 m during rock socketing. For all activities, ADOT&PF would implement shutdown zones that exceed the Level A harassment zone for HF cetaceans. Therefore, considering the small size of all Level A harassment zones and the proposed shutdown zone requirements, no take by Level A harassment of killer whales is anticipated or proposed for authorization.

Pacific White-sided Dolphin—Pacific white-sided dolphins are generally rare in the project area but have been documented in the Chatham Strait. To avoid underestimating potential impacts from the project, NMFS estimates that up to one group may occur in the project area every other month (*i.e.,* one group every 60 days). Pacific white-sided dolphins typically occur in groups of 23–26 individuals (Dahlheim *et al.,* 2009), but have been observed in southeast Alaska in groups of up to 153. Using the equation above would result in an estimate of 62 takes by Level B harassment (26 animals × .5 groups per month × 4.76 months). However, to account for the potential of a large group occurring in the Level B harassment zone, NMFS proposes to authorize 153 takes by Level B harassment.

The largest Level A harassment zone for Pacific white-sided dolphins is 299.6 m during rock socketing. For all activities, ADOT&PF would implement shutdown zones that exceed the Level A harassment zone for HF cetaceans. Therefore, considering the small size of all Level A harassment zones and the proposed shutdown zone requirements, no take by Level A harassment of Pacific white-sided dolphins is anticipated or proposed for authorization.

Dall's Porpoise—Dall's porpoises are frequently observed in that Chatham Strait, including the proposed project area. Dall's porpoise typically occur in group sizes of less than five individuals with a mean group size of 3.13 individuals per group during spring, summer, and fall (Jefferson *et al.* 2019). The density of Dall's porpoise in Southeast Alaska was 0.189 animals per km² (Jefferson *et al.* 2019). NMFS applied equation three above to estimate take of Dall's porpoise by Level B harassment. Therefore, NMFS proposes to authorize 173 takes by Level B harassment of Dall's porpoise (*i.e.,* (0.189 animals/km² × 9.23 km² × 42 days = 73.3) + (0.189 animals/km² × 18.61 km² × 11 days = 39.0) + (0.189 animals/km² × 0.86 km² × 14 days = 2.3) + (0.189 animals/km² × 0.86 km² × 22 days = 3.6) + (0.189 animals/km² × 2.39 km² × 45 days = 20.3) + (0.189 animals/km² × 20.26 km² × 9 days = 34.5) = 173 takes by Level B harassment).

For all project activities except rock socketing, ADOT&PF proposes to implement shutdown zones for very high-frequency cetaceans that exceed the Level A harassment isopleths. Therefore, Level A harassment of Dall's porpoise from these activities is unlikely. For rock socketing, the Level A harassment zone exceeds the shutdown zone, and NMFS anticipates that one group of 3 Dall's porpoise could enter and remain within the Level A harassment zone long enough to incur auditory injury on each of the 9 days of that activity. Therefore, NMFS is proposing to authorize 27 takes of Dall's porpoise by Level A harassment.

Harbor Porpoise—Harbor porpoises have been infrequently observed in the south Chatham Strait, including the proposed action area. The density of harbor porpoise in Southeast Alaska was 0.106 animals per km² (Zerbini *et al.,* 2022). NMFS applied equation three above to estimate take of harbor porpoise by Level B harassment. Therefore, NMFS proposes to authorize 97 takes by Level B harassment of harbor porpoise (*i.e.,* (0.106 animals/km² × 9.23 km² × 42 days=41.1) + (0.106 animals/km² × 18.61 km² × 11 days = 21.7) + (0.106 animals/km² × 0.86 km² × 14 days = 1.3) + (0.106 animals/km² × 0.86 km² × 22 days = 2.0) + (0.106 animals/km² × 2.39 km² × 45 days = 11.4) + (0.106 animals/km² × 20.26 km² × 9 days = 19.3) = 97 takes by Level B harassment).

For all project activities except rock socketing, ADOT&PF proposes to implement shutdown zones for very high-frequency cetaceans that exceed the Level A harassment isopleths. Therefore, Level A harassment of harbor

porpoise from these activities is unlikely. For rock socketing, the Level A harassment zone exceeds the shutdown zone, and NMFS anticipates that one group of five harbor porpoise could enter and remain within the Level A harassment zone long enough to incur auditory injury on each of the 9 days of that activity. Therefore, NMFS is proposing to authorize 45 takes of harbor porpoise by Level A harassment.

Harbor Seal—Harbor seals are observed daily in the Chatham Strait. They typically occur in groups of one to four individuals (Jefferson *et al.,* 2019). NMFS estimates that up to two groups of three seals could occur in the project area each day, and applied equation 1 above. Therefore NMFS proposes to authorize 858 takes by Level B harassment of harbor seals (3 animals × 2 groups per day × 143 days).

For all project activities except rock socketing, ADOT&PF proposes to implement shutdown zones for phocids that exceed the Level A harassment isopleths. Therefore, Level A harassment of harbor seal from these activities is unlikely. For rock socketing, the Level A harassment zone exceeds the shutdown zone, and NMFS anticipates that up to two groups of three harbor seals could enter and remain within the Level A harassment zone long enough to incur auditory injury on each of the 9 days of that activity. Therefore, NMFS is proposing to authorize 54 takes of harbor seal by Level A harassment.

Steller Sea Lion—Steller sea lions are observed in the project area every month. They typically occur in groups of one to four individuals (NMFS 2023). To avoid potentially underestimating take, NMFS estimates that up to two groups of two Steller sea lions could occur in the Level B harassment zone each day, and applied equation 1 above (2 animals × 2 group per day × 143 days). Therefore, NMFS is proposing to authorize 572 takes by Level B harassment of Steller sea lion. NMFS estimates that the majority of Steller sea lions in the project area (98.6 percent) would be from the Eastern DPS and 1.4 percent would be from the Western DPS (Hastings *et al.,* 2020). Therefore, of the 572 takes by Level B harassment, NMFS anticipates 564 takes would be of individuals from the Eastern DPS and 8 from the Western DPS.

For all project activities except rock socketing, ADOT&PF proposes to implement shutdown zones for otariids that exceed the Level A harassment isopleths. Therefore, Level A harassment of Steller sea lion from these activities is unlikely. For rock socketing, the Level A harassment zone exceeds the shutdown zone, and NMFS anticipates that up to one Steller sea lion could enter and remain within the Level A harassment zone long enough to incur auditory injury on each of the 9 days of that activity. Given the expected occurrence of Western vs Eastern DPS Steller sea lions in the area, none of these takes are anticipated to be of Western DPS animals. Therefore, NMFS is proposing to authorize 9 takes of Eastern DPS Steller sea lion by Level A harassment. A summary of estimated take by Level A and Level B harassment is provided in table 8.

TABLE 8—ESTIMATED TAKE BY LEVEL A AND LEVEL B HARASSMENT, BY SPECIES AND STOCK

Common name	Stock	Stock abundance [a]	Level A harassment	Level B harassment	Total proposed take	Proposed take as a percentage of stock
Minke whale	Alaska	Undetermined	1	5	6	Undetermined.
Humpback whale	Hawaii (Hawaii DPS)	11,278	8	280	288	2.6.
	Mexico-North Pacific (Mexico DPS).	Undetermined	1	6	7	Undetermined.
Killer whale	Eastern North Pacific Alaska Resident.	1,920	0	238	238	12.4.[b]
	West Coast Transient.	349				68.2.[b]
	Eastern North Pacific Northern Resident.	302				78.8.[b]
Pacific white-sided dolphin.	North Pacific	26,880	0	153	153	Less than 1.
Dall's porpoise	Alaska	Undetermined	27	173	200	Undetermined.
Harbor porpoise	Northern Southeast Alaska Inland Waters.	1,619	45	97	142	8.8.
Harbor seal	Sitka/Chatham Strait	13,289	54	858	912	6.9.
Steller sea lion	Western DPS	49,837	0	8	8	Less than 1.
	Eastern DPS	36,308	9	564	573	1.6.

[a] Stock size is N_{best} according to NMFS 2023 SARs.
[b] NMFS conservatively assumed that all takes could occur to each 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 (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 would apply to all in-water construction activities for the Angoon Ferry Modifications project.

Shutdown Zones and Monitoring

ADOT&PF must establish shutdown zones for all pile driving activates. 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 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 9. A minimum shutdown zone of 10 m would be required for all in-water construction activities to avoid physical interaction with marine mammals. Marine mammal monitoring would be conducted during all pile driving activities to ensure that shutdowns occur, as required. Proposed shutdown zones for each activity type are shown in table 9.

Prior to the start of any pile driving, ADOT&PF would establish shutdown zones for construction activities (table 9). Protected species observers (PSO) would 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, tension anchoring, or rock socketing will be delayed until the animal has moved out of the shutdown zone, either verified by a PSO or by waiting until 15 minutes has elapsed without a sighting of small cetaceans, 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, tension anchoring, or rock socketing, the activity would be halted. Pile-driving would not re-commence until all marine mammals are assumed to have cleared these established shutdown zones as described above. 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, pile removal, or tension anchoring, the activity would 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 a species for which take is not authorized, or a species for take is authorized but the authorized takes are met) or after at least 15 minutes has passed since the last observation of the animal.

All marine mammals would 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 would continue and PSOs would document the animal's presence within the estimated harassment zone.

TABLE 9—SHUTDOWN ZONES 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	
Barge movements, pile positioning, *etc*	10	10	10	10	10	.....
Vibratory pile driving/removal:						
20 or 24 (51 or 61 cm) inch temporary and permanent pile installation or removal	15	10	15	20	10	7,360
30 inch (76 cm) steel permanent installation	20	10	20	30	10	11,660
Impact pile driving:						
20 or 24 inch (51 or 61 cm) steel permanent installation	140	20	210	120	45	1,000
30 inch (76 cm) steel permanent installation	140	20	210	120	45	1,000
DTH (Tension anchoring and rock sockets):						
8 inch (20 cm) tension anchor installation	110	15	170	100	40	2,515
30 inch (76 cm) steel permanent installation	2,350	300	400	400	400	12,865

Protected Species Observers

The monitoring locations for all protected species observers (PSOs) during all pile driving activities (described in the Proposed Monitoring and Reporting Section) would ensure that the entirety of all shutdown zones are visible, except potentially the outer extent of the zone for LF cetaceans during rock socketing. PSOs would monitor the 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 would observe the shutdown and monitoring zones for a period of 30 minutes. The shutdown zone would 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 would be delayed or halted. If work ceases for more than 30 minutes, the pre-activity monitoring of the shutdown zones would 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 are used 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, ADOT&PF would be required to provide an initial set of three strikes from the hammer at reduced energy, followed by a 30-second waiting period, then two subsequent reduced-energy strike sets. 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.

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.

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 must be conducted in accordance with the Marine Mammal Monitoring and Mitigation Plan and section 5 of the IHA. ADOT&PF's draft Marine Mammal Monitoring and Mitigation Plan is Appendix B of the IHA application.

Marine mammal monitoring during pile driving activities would be conducted by PSOs meeting NMFS' standards and 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 would 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 would 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.
- PSOs must be approved by NMFS prior to beginning any activities subject to this IHA.

PSOs should 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.

During all pile driving activities, a minimum of two PSOs will monitor shutdown zones during pile driving activities. PSOs will establish monitoring locations as described in the Marine Mammal Mitigation and Monitoring Plan. Monitoring locations would be selected by the contractor during pre-construction. PSOs would 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 would 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 would 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, tension anchoring, or rock socketing).
- 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 would be submitted 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 report would include an overall description of work completed, a narrative regarding marine mammal sightings, and associated PSO data sheets. Specifically, the report would 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 reports would constitute the final reports. If comments are received, a final report addressing NMFS' comments would be required to be submitted within 30 days after receipt of comments. All PSO datasheets and/or raw sighting data would be submitted with the draft marine mammal report.

Reporting Injured or Dead Marine Mammals

In the event that personnel involved in the construction activities discover an injured or dead marine mammal, ADOT&PF shall report the incident to the Office of Protected Resources, NMFS and to the Alaska regional stranding network as soon as feasible. If the death or injury was clearly caused by the specified activity, ADOT & PF 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 2, 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 removal, tension anchoring, and rock socketing have the potential to disturb or displace marine mammals. Specifically the project activities may result in take, in the form of Level A harassment (minke whale, humpback whale, Dall's porpoise, harbor porpoise, harbor seal, and Steller

sea lion only) and Level B harassment from underwater sounds generated from pile driving and removal, tension anchoring, and rock socketing. 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 proposed mitigation measures (see Proposed Mitigation Measures section).

Take would occur within a limited, confined area (Killisnoo Harbor) of the stocks' ranges. The intensity and duration of take by Level A harassment and Level B harassment would be minimized through use of mitigation measures described herein. Further, 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 proposed for authorization 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 would occur across a maximum of 143 days within the 12-month authorization period, any harassment would be temporary.

Any impacts on marine mammal prey that would occur during ADOT&PF's proposed 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 would therefore not result in population-level impacts.

The waters of the Chatham Strait are part of the Alaska humpback whale feeding BIA (Wild *et al.,* 2023). However, underwater sound would be constrained to Killisnoo Harbor and would be truncated by land masses. The area of the BIA that may be affected by the proposed project is small relative to the overall area of the BIA. The humpback whale feeding BIA is active between May and October while the proposed project is scheduled to occur from May 2026 through April 2027. Although the construction period overlaps when the humpback whale BIA is active, construction activities are only expected to occur for 143 non-consecutive days over one year period. Underwater sounds produced from proposed construction activities would only effect a small proportion of the BIA. Therefore, the proposed project is not expected to have significant adverse effects on humpback whales foraging in Alaska.

The closest harbor seal haul out to the proposed project is approximately 12 km away in Hood Bay, and the closest Steller sea lion haul out is 20 km away at Point Lull. Each of these haulouts are located outside of the ensonified area for this project, and the project is not expected to have adverse effects on these 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 overlap the project area.

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

- No serious injury or mortality is anticipated or authorized;
- For killer whale, Pacific white-sided dolphin, and the Western stock of Steller sea lions, no Level A harassment is anticipated or proposed for authorization;
- 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
- ADOT&PF would 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 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 amount of take NMFS is proposing to authorize is below one-third of the estimated stock abundance of all species and stocks. For all stocks other than the West Coast Transient and Eastern North Pacific Northern Resident stocks of killer whale, the number of takes proposed for authorization would be considered small relative to the relevant stocks' abundances, even in the unlikely scenario that each estimated taking occurred to a new individual.

The West Coast Transient stock of killer whale occurs from California through Southeast Alaska, and the Eastern North Pacific Northern Resident stock of killer whale occurs from Washington State through part of Southeast Alaska. Movements of killer whales, for both transient and resident stocks, between widely separated geographical areas have been documented. However, given the relatively sheltered location of the project site in inland waters of southeast Alaska, it is unlikely that numerous discrete groups of individuals sufficient to exceed one-third of the stock abundance would occur within the immediate vicinity of the project. It is more likely that individual groups that occur in the area would remain for periods of time and potentially be resighted on multiple days. As such, and given that the proposed takes would be allocated among three distinct killer whale stocks, the numbers of individuals taken would likely comprise less than one-third of the best available population abundance estimate of both the West Coast Transient and the Eastern North Pacific Northern Resident stocks of killer whale.

There are no valid abundance estimates available for humpback whale (Mexico-North Pacific stock), minke whale (Alaska stock), or Dall's porpoise (Alaska stock). There is no recent stock abundance estimate for the Mexico-North Pacific stock of humpback whale and the minimum population is considered unknown (Young *et al.,* 2024). There are two 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 seven total takes proposed for authorization (six by Level B harassment, one by Level A harassment) represent small numbers of the stock. There is also no current abundance estimate of the Alaska stock of minke whale, but an abundance of 2,020 individuals was estimated on the eastern Bering shelf based on a 2010 survey (Friday *et al.,* 2013; Young *et al.,* 2024). Therefore, the six takes proposed for authorization (five by Level B harassment, one by Level A harassment) 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 200 takes proposed for authorization (173 by Level B harassment, 27 by Level A harassment), 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 Kootznoowoo Tlingit tribe of Admiralty Island traditionally traded fur and harvested marine mammals. Today, much of the population engages in a commercial fishing and/or subsistence lifestyle with 98 percent of households reporting use of some type of subsistence resource in 2012, the last year for which data is available (ADF&G 2024f). About 10 percent of Angoon households attempted harvest of marine mammals, and 41 percent of households report using marine mammals, mostly harbor seals. No sea lion harvest was reported in the community in 2012.

This project would occur in Killisnoo Harbor, and subsistence hunting of marine mammals does not occur in the project area; therefore, there are no relevant subsistence uses of marine mammals adversely impacted by this action. The proposed 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 and the proposed mitigation and monitoring measures, NMFS has preliminarily determined that there will not be an unmitigable adverse impact on subsistence uses from ADOT&PF'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' Office of Protected Resources (OPR) consults internally whenever we propose to authorize take for endangered or threatened species, in this case with the Alaska Regional Office (AKRO).

NMFS is proposing to authorize take of humpback whale (Mexico DPS) and Steller sea lion (Western DPS), which are listed under the ESA. OPR has requested initiation of section 7 consultation with 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 an IHA to ADOT&PF for conducting the Angoon Ferry Terminal Modification Project in Angoon, Alaska from May 1, 2026 through April 30, 2027, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.*

Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this notice of proposed IHA for the proposed construction project. We also request comment on the potential renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform decisions on the request for this IHA or a subsequent renewal IHA.

On a case-by-case basis, NMFS may issue a one-time, 1-year renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical activities as described in the Description of Proposed Activity section of this notice is planned or (2) the activities as described in the Description of Proposed Activity section of this notice would not be completed by the time the IHA expires and a renewal would allow for completion of the activities beyond that described in the *Dates and Duration* section of this notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA).
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

- Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: March 18, 2025.

Catherine Marzin,

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

[FR Doc. 2025–04902 Filed 3–21–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE768]

Fisheries of the U.S. Caribbean; Southeast Data, Assessment, and Review (SEDAR); Public Meeting; Cancellation

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

ACTION: Notice of cancellation; SEDAR 101 Pre-Data Workshop Webinar for Highly Migratory Species (HMS) Sandbar Sharks.

SUMMARY: The SEDAR 101 assessment process of HMS sandbar sharks will consist of a Data Workshop, an Assessment Workshop and a Center for Independent Experts (CIE) Desk Review. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 101 Pre-Data Workshop webinar was scheduled for April 7, 2025, from 10 a.m. to 12 p.m. Eastern Time.

ADDRESSES:

Meeting address: The meeting was to be held via webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Emily Ott, SEDAR Coordinator; (843) 302–8434; email: *Emily.Ott@safmc.net.*

SUPPLEMENTARY INFORMATION: The meeting notice published on March 18, 2025 (90 FR 12525). This announces that the meeting is cancelled and will be rescheduled at a later date.

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

Dated: March 19, 2025.

Rey Israel Marquez,

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

[FR Doc. 2025–04959 Filed 3–21–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket No. DARS–2025–0002]

Acquisition of Items for Which Federal Prison Industries Has a Significant Market Share

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice.

SUMMARY: DoD is publishing the updated annual list of product categories for which the Federal Prison Industries' share of the DoD market is greater than five percent.

DATES: April 9, 2025.

FOR FURTHER INFORMATION CONTACT: Angela Lynch, 339–223–7387.

SUPPLEMENTARY INFORMATION: On November 19, 2009, a final rule was published in the **Federal Register** at 74 FR 59914, which amended the Defense Federal Acquisition Regulation Supplement (DFARS) subpart 208.6 to implement section 827 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110–181). Section 827 changed DoD competition requirements for purchases from Federal Prison Industries, Inc. (FPI) by requiring DoD to publish an annual list of product categories for which FPI's share of the DoD market was greater than five percent, based on the most recent fiscal year data available. Product categories on the current list, and the products within each identified product category, must be procured using competitive or fair opportunity procedures in accordance with DFARS 208.602–70.

The Principal Director, Defense Pricing, Contracting, and Acquisition Policy (DPCAP), issued a memorandum dated March 10, 2025, that provided the current list of product categories for which FPI's share of the DoD market is greater than five percent based on fiscal year 2024 data from the Federal Procurement Data System. The product categories to be competed effective April 9, 2025, are the following:

- 7110 (Office Furniture)
- 7290 (Miscellaneous Household and Commercial Furnishings and Appliances)
- 8125 (Bottles and Jars)
- 8405 (Outerwear, Men's)
- 8410 (Outerwear, Women's)
- 8415 (Clothing, Special Purpose)
- 8420 (Underwear and Nightwear, Men's)

The DPCAP memorandum with the current list of product categories for

which FPI has a significant market share is posted at *https://www.acq.osd.mil/dpap/policy/policyvault/USA000184-25_DPCAP.pdf.*

The statute, as implemented, also requires DoD to—

(1) Include FPI in the solicitation process for these items. A timely offer from FPI must be considered and award procedures must be followed in accordance with existing policy at Federal Acquisition Regulation (FAR) 8.602(a)(4)(ii) through (v);

(2) Continue to conduct acquisitions, in accordance with FAR subpart 8.6, for items from product categories for which FPI does not have a significant market share. FAR 8.602 requires agencies to conduct market research and make a written comparability determination, at the discretion of the contracting officer. Competitive (or fair opportunity) procedures are appropriate if the FPI product is not comparable in terms of price, quality, or time of delivery; and

(3) Modify the published list if DoD subsequently determines that new data requires adding or omitting a product category from the list.

Jennifer D. Johnson,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2025–04926 Filed 3–21–25; 8:45 am]

BILLING CODE 6001–FR–P

FEDERAL MARITIME COMMISSION

[FMC–2024–0015]

Agency Information Collection Activities: Submission for OMB Review; Comment Requested; Controlled Carriers

AGENCY: Federal Maritime Commission.

ACTION: Notice and request for comment.

SUMMARY: The Federal Maritime Commission (Commission) is giving public notice that the agency has submitted the continuing information collection listed below in this notice to the Office of Management and Budget (OMB) for approval. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before April 23, 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: For additional information, please email Lucille Marvin, 202–523–5800, *OMD@fmc.gov*.

SUPPLEMENTARY INFORMATION: The Commission invites the general public and other Federal agencies to comment on any aspect of the continuing information collection listed in this notice, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). We are particularly interested in receiving comments on: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Comments submitted in response to this notice will be included or summarized in our request for OMB approval of the relevant information collection. All comments are part of the public record and subject to disclosure. Please do not include any confidential or inappropriate material in your comments.

Previous Request for Comments

On August 23, 2024, the Commission published a notice and request for comment in the **Federal Register** (89 FR 68159) regarding the agency's request for approval from OMB for information collections as required by the Paperwork Reduction Act of 1995. During the 60-day period, the Commission received one comment. That comment was outside the scope of the information collection and was not considered.

Information Collection Open for Comment

Title: 46 CFR part 565—Controlled Carriers.

OMB Approval Number: 3072–0060 (Expires April 30, 2025).

Abstract: The Shipping Act requires that the Commission monitor the practices of controlled carriers (defined at 46 U.S.C. 40102(9)) to ensure that they do not maintain rates or charges in their tariffs and service contracts that are below a level that is just and reasonable; nor establish, maintain, or enforce unjust or unreasonable classifications, rules, or regulations in those tariffs or service contracts that result or are likely to result in the carriage or handling of cargo at rates or charges that are below a just and reasonable level, 46 U.S.C. 40701–40706. Part 565, title 46 of the Code of Federal Regulations establishes the method by which the Commission determines whether a particular ocean common carrier is a controlled carrier subject to 46 U.S.C. 40701–40706. When a government acquires a controlling interest in an ocean common carrier, or when a controlled carrier newly enters a United States trade, the Commission's rules require that such a carrier notify the Commission of these events.

Current Actions: There are no changes to this information collection, and it is being submitted for extension purposes only.

Type of Review: Extension.

Needs and Uses: The Commission uses these notifications in order to effectively discharge its statutory duty to determine whether a particular ocean common carrier is a controlled carrier and therefore subject to the requirements of 46 U.S.C. 40701–40706.

Frequency: The submission of notifications from controlled carriers is not assigned to a specific time frame by the Commission; they are submitted as circumstances warrant. The Commission only requires notification when a majority portion of an ocean common carrier becomes owned or controlled by a foreign government, or when a controlled carrier newly begins operation in any United States trade.

Type of Respondents: Controlled carriers are ocean common carriers that are, or whose operating assets are, directly or indirectly, owned or controlled by a foreign government. The Shipping Act defines ''controlled carriers'' at 46 U.S.C. 40102(9).

Number of Annual Respondents: The Commission cannot anticipate when a new controlled carrier may enter the United States trade, when ownership or control of a carrier will change so that notification is required, or when a controlled carrier exits the United States trade. Over the past three years, the Commission has received, on average, fewer than one notification per year. However, as the Commission has recently classified several additional carriers as controlled carriers, the total estimated burden is increased.

Estimated Time per Response: The estimated time for each notification is 2 hours.

Total Annual Burden: For purposes of calculating total annual burden, the Commission assumes 12 responses annually. The Commission thus estimates the total annual burden to be

24 hours (12 responses × 2 hours per response).

David Eng,

Secretary.

[FR Doc. 2025–04937 Filed 3–21–25; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm*. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than April 23, 2025.

A. Federal Reserve Bank of Dallas (Lindsey Wieck, Director, Mergers & Acquisitions), 2200 North Pearl Street, Dallas, Texas 75201–2272. Comments can also be sent electronically to *Comments.applications@dal.frb.org*:

1. *Cornerstone Bancorp, Inc.;* to become a bank holding company by acquiring Cornerstone Capital Bank, SSB, both of Houston, Texas.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025–04941 Filed 3–21–25; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Corporation To Do Business Under Section 25A of the Federal Reserve Act

The companies listed in this notice have applied to the Board for approval, pursuant to Section 25A of the Federal Reserve Act (Edge Corporation) (12 U.S.C. 611 *et seq.*), and all other applicable statutes and regulations to establish an Edge Corporation. The factors that are to be considered in acting on the application are set forth in the Board's Regulation K (12 CFR 211.5).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm*. Interested persons may express their views in writing on the standards enumerated in Section 25A of the Federal Reserve Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than April 8, 2025.

A. Federal Reserve Bank of Cleveland (Nadine M. Wallman, Vice President), 1455 East Sixth Street, Cleveland, Ohio 44101–2566. Comments can also be sent electronically to *Comments.applications@clev.frb.org*:

1. *PNC Bank, National Association, Wilmington, Delaware;* to continue the existence of PNC Bank International, Wilmington, Delaware, an Edge corporation.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025–04940 Filed 3–21–25; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm*. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than April 8, 2025.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice

President), 230 South LaSalle Street, Chicago, Illinois 60690–1414. Comments can also be sent electronically to *Comments.applications@chi.frb.org:*

1. *The Petrie Grandchildren Trust (12/27/2019), Carmel, Indiana, Julia L. Kaercher, Carmel, Indiana, Emily J. Pell, Denver, Colorado, and Jody Petrie, Carmel, Indiana, as co-trustees; Kaercher Children GST Trust (10/29/2021), Carmel, Indiana, Emily J. Pell, Denver, Colorado, as trustee; Kaercher Children GST Trust (12/08/2020), Carmel, Indiana, Emily J. Pell, Denver, Colorado, as trustee; and Julia L. Kaercher, Carmel, Indiana;* to join the Petrie Control Group, a group acting in concert, to retain voting shares of Merchants Bancorp, and thereby indirectly retain voting shares of Merchants Bank of Indiana, both of Carmel, Indiana.

In addition, *Emily J. Pell, Denver, Colorado;* to acquire voting shares of Merchants Bancorp, and thereby indirectly acquire voting shares of Merchants Bank of Indiana, both of Carmel, Indiana.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025–04939 Filed 3–21–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2025–0017]

Meeting of the Advisory Committee on Immunization Practices

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting and request for comment.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC) announces the following meeting of the Advisory Committee on Immunization Practices (ACIP). This meeting is open to the public. Time will be available for public comment.

DATES: The meeting will be held on April 15, 2025, from 8 a.m. to 5:30 p.m., EDT, April 16, 2025, from 8 a.m. to 5:30 p.m., EDT (times subject to change; see the ACIP website for updates: *https://www.cdc.gov/acip.*

Written comments must be received between March 31–April 11, 2025.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2025–0017, by either of the methods listed below. CDC does not accept comments by email.

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Ms. Stephanie Thomas, ACIP Meeting, Centers for Disease Control and Prevention, 1600 Clifton Road NE, Mailstop H24–8, Atlanta, Georgia 30329–4027. Attn: Docket No. CDC–2025–0017.

Instructions: All submissions received must include the Agency name and docket number. All relevant comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to .

The meeting will be webcast live via the World Wide Web. The webcast link can be found on the ACIP website at *https://www.cdc.gov/acip.*

FOR FURTHER INFORMATION CONTACT: Stephanie Thomas, Committee Management Specialist, Advisory Committee on Immunization Practices, National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention, 1600 Clifton Road NE, Mailstop H24–8, Atlanta, Georgia 30329–4027. Telephone: (404) 639–8836; Email: *ACIP@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: The Advisory Committee on Immunization Practices (ACIP) is charged with advising the Director, Centers for Disease Control and Prevention (CDC), on the use of immunizing agents. In addition, under 42 U.S.C. 1396s, the Committee is mandated to establish and periodically review and, as appropriate, revise the list of vaccines for administration to vaccine-eligible children through the Vaccines for Children program, along with schedules regarding dosing interval, dosage, and contraindications to administration of vaccines. Further, under applicable provisions of the Affordable Care Act and section 2713 of the Public Health Service Act, immunization recommendations of ACIP that have been approved by the Director, CDC, and appear on CDC immunization schedules generally must be covered by applicable health plans.

Matters to be Considered: The agenda will include discussions on chikungunya vaccines, COVID–19 vaccines, cytomegalovirus (CMV) vaccine, Human papillomavirus (HPV) vaccines, influenza vaccines, Lyme disease vaccine, meningococcal vaccines, mpox vaccines, pneumococcal vaccines, Respiratory Syncytial Virus (RSV) vaccines for adults, and RSV vaccines for maternal and pediatric populations. An update on the current measles outbreak will also be provided. Recommendation votes are scheduled for meningococcal vaccines, chikungunya vaccines, and RSV vaccines for adults. A Vaccines for Children (VFC) vote is scheduled for meningococcal vaccines. Agenda items are subject to change as priorities dictate. For more information on the meeting agenda, visit *https://www.cdc.gov/acip/meetings/index.html.*

Meeting Information: The meeting will be webcast live via the World Wide Web. For more information on ACIP, please visit the ACIP website: *https://www.cdc.gov/acip.*

Public Participation

Interested persons or organizations are invited to participate by submitting written views, recommendations, and data. Please note that comments received, including attachments and other supporting materials, are part of the public record and are subject to public disclosure. Comments will be posted on *https://www.regulations.gov.* Therefore, do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. If you include your name, contact information, or other information that identifies you in the body of your comments, that information will be on public display. CDC will review all submissions and may choose to redact, or withhold, submissions containing private or proprietary information such as Social Security numbers, medical information, inappropriate language, or duplicate/near-duplicate examples of a mass-mail campaign. CDC will carefully consider all comments submitted into the docket.

Written Public Comment: The docket will be opened to receive written comments March 31–April 11, 2025. Written comments must be received by April 11, 2025.

Oral Public Comment: This meeting will include time for members of the public to make an oral comment. Oral public comment will occur before any scheduled votes, including all votes relevant to the ACIP's Affordable Care Act and Vaccines for Children Program roles. Priority will be given to individuals who submit a request to make an oral public comment before the

meeting according to the procedures below.

Procedure for Oral Public Comment: All persons interested in making an oral public comment at the April 15–16, 2025, ACIP meeting must submit a request at *https://www.cdc.gov/acip/meetings/index.html* between March 31–April 11, 2025, and no later than 11:59 p.m., EDT, April 11, 2025 according to the instructions provided.

If the number of persons requesting to speak is greater than can be reasonably accommodated during the scheduled time, CDC will conduct a random draw to determine the speakers for the scheduled public comment session. CDC staff will notify individuals regarding their request to speak by email by April 14, 2025. To accommodate the significant interest in participation in the oral public comment session of ACIP meetings, each speaker will be limited to three minutes, and each speaker may speak only once per meeting.

The Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2025–04914 Filed 3–21–25; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comprehensive Child Welfare Information System (CCWIS) Automated Function Checklist and Data Quality Plan (Office of Management and Budget #0970–0463)

AGENCY: Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Administration for Children and Families (ACF) is requesting a three-year extension of the Comprehensive Child Welfare Information System (CCWIS) information collection (Office of Management and Budget (OMB) #0970–0463, expiration 6/30/2025). The CCWIS information collection includes the Automated Function List and the Data Quality Plan. There are no required instruments associated with the data collection and no changes to the data collection.

DATES: *Comments due* May 23, 2025. In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: You can obtain copies of the proposed collection of information and submit comments by emailing *infocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The CCWIS information collection includes two components:

- The Automated Function List update required pursuant to § 1355.52(i)(2);
- The Data Quality Plan update required pursuant to § 1355.52(d)(5).

The CCWIS regulations require updates of this information to confirm that the project meets CCWIS requirements and that project costs are appropriately allocated to benefiting programs.

Respondents: Title IV–E agencies under the Social Security Act.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
Automated Function List § 1355.52(i)(2)	55	1	10	550
Data Quality Plan § 1355.52(d)(5)	55	1	40	2,200
Estimated Total Annual Burden Hours				2,750

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: 42 U.S.C. 621 *et seq.,* 42 U.S.C. 670 *et seq.,* 42 U.S.C. 1301 and 1302.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2025–04900 Filed 3–21–25; 8:45 am]

BILLING CODE 4184–25–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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: National Cancer Institute Special Emphasis Panel; NCI Program Project (P01) Review SEP–E.

Date: April 14, 2025.

Time: 9:00 a.m. to 11:30 a.m.
Agenda: To review and evaluate grant applications.
Address: National Cancer Institute at Shady Grove 9609 Medical Center Drive, Room 7W334 Rockville, Maryland 20850.
Meeting Format: Virtual Meeting.
Contact Person: Leila B. Toulabi, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W334, Rockville, Maryland 20850, 240–276–6611, *leila.toulabi@nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Development of Informatics Technologies for Cancer Research: U01–U24 Review.
Date: April 16–17, 2025.
Time: 10:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W254, Rockville, Maryland 20850.
Meeting Format: Virtual Meeting.
Contact Person: Susan Lynn Spence, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W254, Rockville, Maryland 20850, 240–620–0819, *susan.spence@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: March 19, 2025.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–04948 Filed 3–21–25; 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; Neuroimmune, Neuroinflammation, and Metabolic Factors Involved in Neurodegenerative Disorders.
Date: April 23–24, 2025.
Time: 8:00 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: Mariam Zaka, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1009J, Bethesda, MD 20892, (301) 435–1042, *zakam2@csr.nih.gov*.

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Environmental Determinants of Disease Study Section.
Date: April 29–May 1, 2025.
Time: 8:30 a.m. to 6:30 p.m.
Agenda: To review and evaluate grant applications.
Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
Meeting Format: Virtual Meeting.
Contact Person: Stacey Nicole Williams, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 867–5309, *stacey.williams@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; IIA Innate Immunity-A.
Date: April 29, 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: Katie Lynn Alexander, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–1907, *katie.alexander@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Bacterial Virulence.
Date: May 1, 2025.
Time: 2:00 p.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: Liying Guo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4198, MSC 7812, Bethesda, MD 20892, (301) 827–7728, *lguo@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 19, 2025.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–04929 Filed 3–21–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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: National Cancer Institute Special Emphasis Panel; Innovative Technologies for Cancer Research.
Date: April 10–11, 2025.
Time: 10:00 a.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Address: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W114, Rockville, Maryland 20850.
Meeting Format: Virtual Meeting.
Contact Person: Jeffrey E. DeClue, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W114, Rockville, Maryland 20850, 240–276–6371, *decluej@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: March 13, 2025.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–04934 Filed 3–21–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; HIV/AIDS Scholars Using Nonhuman Primate (NHP) Models Program (K01 Independent Clinical Trial Not Allowed).

Date: April 17, 2025.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3D54, Rockville, MD 20892 (Video Assisted Meeting).

Contact Person: Shiv A Prasad, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 5601 Fishers Lane, Room 3D54, Rockville, MD 20892, 240–627–3219, *shiv.prasad@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 19, 2025.

Melanie Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–04943 Filed 3–21–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Regents of the National Library of Medicine.

The meeting will be held as a virtual meeting and will be open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting, should notify the Contact Person listed below in advance of the meeting. The meeting can be accessed from the NIH Videocast website at the following link: *https://videocast.nih.gov/*.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, 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: Board of Regents of the National Library of Medicine.

Date: May 13, 2025.

Open: May 13, 2025, 10:00 a.m. to 4:00 p.m.

Agenda: Program Discussion.

Place: National Library of Medicine, 8600 Rockville Pike, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Closed: May 13, 2025, 4:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Contact Person: Christine Ireland, Committee Management Officer, Division of Extramural Programs, National Library of Medicine, National Institutes of Health, Bethesda, MD 20892, 301–594–4929, *irelanc@mail.nih.gov*.

Any member of the public may submit written comments no later than 15 days in advance of the meeting. Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www.nlm.nih.gov/od/bor/bor.html* where additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS).

Dated: March 19, 2025.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–04953 Filed 3–21–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK RC2 SEP.

Date: April 9, 2025.

Time: 10:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, National Institute of Diabetes and Digestive and Kidney Diseases, Democracy II, Suite 7000A, 6707 Democracy Boulevard, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Xiaodu Guo, M.D., Ph.D., Scientific Review Officer, National Institutes of Health, National Institute of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Boulevard, RM: 7345, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: March 19, 2025.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–04957 Filed 3–21–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting of the Board of Scientific Counselors, National Institute of Biomedical Imaging and Bioengineering.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), title 5 U.S.C., as amended, for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Biomedical Imaging and Bioengineering, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Biomedical Imaging and Bioengineering.

Date: June 23–24, 2025.

Time: 9:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 49, Room A/B, 9000 Rockville Pike, Bethesda, MD 20892.

Meeting Format: In-Person.

Contact Person: Richard D. Leapman, Ph.D., Intramural Scientific Director, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, Building 13, Room 3E 73, Bethesda, MD 20892, (301) 496–2599, *leapmanr@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health.)

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–04936 Filed 3–21–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the NST–2 Study Section, April 3, 2025, 09:30 a.m. to April 4, 2025, 06:00 p.m., National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 which was published in the **Federal Register** on March 17, 2025, FR Doc. 2025–04217, 90 FR 12332.

This notice is being amended to change the dates of this two-day meeting to April 21, 2025, and April 22, 2025. The meeting time remains the same. The meeting is closed to the public.

Dated: March 19, 2025.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–04956 Filed 3–21–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; HHS–NIH–CDC–SBIR PHS 2025–1 Development of Diagnostics for Mycoplasma genitalium Infection (Topic 143).

Date: April 14–16, 2025.

Time: 9:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 903 South 4th Street, RML 31/3118, Hamilton, MT 59840 (Video Assisted Meeting).

Contact Person: Dylan P. Flather, Ph.D., Scientific Review Officer, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 903 S 4th Street, RML 31/31118A, Hamilton, MT 59840, (406) 802–6209, *dylan.flather@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 19, 2025.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–04945 Filed 3–21–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; SBIR Topic #NIH/NIMH 003 (Point-of-Care and Pharmacy-based Antiretroviral Drug Adherence Assays) (N01).

Date: April 30, 2025.

Time: 11:00 a.m. to 3:30 p.m.

Agenda: To review and evaluate contract proposals.

Address: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F31, Rockville, MD 20892.

Meeting Format: Video Assisted Meeting.

Contact Person: Mohammed S. Aiyegbo, Ph.D., Scientific Review Officer, Scientific Review Program, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F31, Rockville, MD 20892, (301) 761–7106, *mohammed.aiyegbo@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 19, 2025.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–04954 Filed 3–21–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Allergy and Infectious Diseases Council.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Allergy and Infectious Diseases Council.

Date: April 24, 2025.

Closed: 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 4F30, Rockville, MD 20892 (Video Assisted Meeting).

Contact Person: Kelly Y. Poe, Ph.D., Director, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 4F50, Bethesda, MD 20892, 301–496–7291, *poeky@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice at least 10 days in advance of the meeting. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *https://www.niaid.nih.gov/about/advisory-council,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 19, 2025.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–04955 Filed 3–21–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Diabetes and Digestive and Kidney Diseases Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council.

Date: April 24, 2025.

Open: April 24, 2025, 4:00 p.m. to 4:30 p.m.

Agenda: Council Business.

Break: 4:30 p.m.–4:35 p.m.

Closed: April 24, 2025, 4:35 p.m.–5:05 p.m.

Agenda: Division of Diabetes, Endocrinology, & Metabolic Diseases Subcommittee to review and evaluate grant applications.

Address: National Institutes of Health, National Institute of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd., Room 7329, Bethesda, MD 20892 (Virtual Meeting).

Closed: April 24, 2025, 4:35 p.m.–5:05 p.m.

Agenda: Division of Digestive Diseases & Nutrition Subcommittee to review and evaluate grant applications.

Address: National Institutes of Health, National Institute of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd., Room 7329, Bethesda, MD 20892 (Virtual Meeting).

Closed: April 24, 2025, 4:35 p.m.–5:05 p.m.

Agenda: Division of Kidney, Urologic, & Hematologic Diseases Subcommittee to review and evaluate grant applications.

Address: National Institutes of Health, National Institute of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd., Room 7329, Bethesda, MD 20892 (Virtual Meeting).

Break: 5:05 p.m.–5:10 p.m.

Closed: April 24, 2025, 5:10 p.m.–5:30 p.m.

Agenda: Review and Evaluation of Grant Applications.

Address: National Institutes of Health, National Institute of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd., Room 7329, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Karl F. Malik, Ph.D., Director, Division of Extramural Activities, National Institute of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd., Room 7329, MSC 5452, Bethesda, MD 20892, (301) 594–4757, *malikk@niddk.nih.gov.*

Information is also available on the Institute's/Center's home page: *https://www.niddk.nih.gov/about-niddk/advisory-coordinating-committees/national-diabetes-digestive-kidney-diseases-advisory-council* where additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: March 18, 2025.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–04911 Filed 3–21–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material,

and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; SBIR Topic #NIH/NIMH 004 (Development of novel In-vitro and In-vivo Models to support NeuroHIV Research) (N01).

Date: April 17, 2025.

Time: 10:00 a.m. to 11:30 a.m.

Agenda: To review and evaluate contract proposals.

Address: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E70, Rockville, MD 20892.

Meeting Format: Video Assisted Meeting.

Contact Person: Mohammed S. Aiyegbo, Ph.D., Scientific Review Officer, Scientific Review Program, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E70, Rockville, MD 20892, (301) 761–7106, *mohammed.aiyegbo@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 19, 2025.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–04946 Filed 3–21–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Small Business Innovation Research (SBIR) Phase II Program Contract Solicitation (PHS 2023–1) Topic 119—Adaptation of CRISPR-Based In Vitro Diagnostics for Rapid Detection of Select Eukaryotic Pathogens.

Date: April 21, 2025.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G72, Rockville, MD 20892 (Video Assisted Meeting).

Contact Person: Lindsey M. Pujanandez, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G72, Rockville, MD 20892, 240–627–3206, *lindsey.pujanandez@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 19, 2025.

Melanie Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–04944 Filed 3–21–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIH Support for Conferences and Scientific Meetings (Parent R13 Clinical Trial Not Allowed).

Date: May 5–7, 2025.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G62A, Rockville, MD 20892.

Meeting Format: Video Assisted Meeting.

Contact Person: Lindsey M. Pujanandez, Ph.D., Scientific Review Officer, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G62A, Rockville, MD 20892, 240–627–3206, *lindsey.pujanandez@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 19, 2025.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–04947 Filed 3–21–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute Environmental Health Sciences.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The meeting can be accessed from the NIH Videocast at the following link: *https://videocast.nih.gov/.*

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended for the review, discussion, and evaluation of individual grant applications conducted by the National Institute Of Environmental Health Sciences, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute Environmental Health Sciences ESBSC, May 4–6, 2025 Meeting.

Date: May 4–6, 2025.

Closed: May 04, 2025, 7:00 p.m. to 9:00 p.m.

Agenda: To review and evaluate discussion of BSC Reviews.

Meeting Format: In Person and Virtual Meeting.

Open: May 05, 2025, 8:30 a.m. to 10:15 a.m.

Agenda: Meeting Overview.

Address: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709, (Hybrid Meeting).

Open: May 05, 2025, 10:30 a.m. to 12:10 p.m.

Agenda: Q & A Sessions.

Address: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709, (Hybrid Meeting).

Closed: May 05, 2025, 12:10 p.m. to 1:15 p.m.

Agenda: To review and evaluate working Lunch.

Address: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709, (Hybrid Meeting).

Closed: May 05, 2025, 1:15 p.m. to 1:45 p.m.

Agenda: To review and evaluate sessions with Investigators.

Address: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709, (Hybrid Meeting).

Open: May 05, 2025, 1:45 p.m. to 3:25 p.m.

Agenda: Q&A Sessions.

Address: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709, (Hybrid Meeting).

Open: May 05, 2025, 3:40 p.m. to 4:30 p.m.

Agenda: Q & A Session.

Address: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709, (Hybrid Meeting).

Closed: May 05, 2025, 4:30 p.m. to 5:15 p.m.

Agenda: To review and evaluate session with Investigator.

Address: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709, (Hybrid Meeting).

Open: May 06, 2025, 8:30 a.m. to 10:10 a.m.

Agenda: Q & A Sessions.

Address: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709, (Hybrid Meeting).

Closed: May 06, 2025, 10:10 a.m. to 10:40 a.m.

Agenda: To review and evaluate 1:1 Session with Investigator.

Address: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709, (Hybrid Meeting).

Closed: May 06, 2025, 10:55 a.m. to 11:45 a.m.

Agenda: To review and evaluate 1:1 Session with Programmatic Staff Scientists.

Address: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709, (Hybrid Meeting).

Closed: May 06, 2025, 11:45 a.m. to 1:00 p.m.

Agenda: To review and evaluate working Lunch.

Address: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709, (Hybrid Meeting).

Open: May 06, 2025, 1:00 p.m. to 2:30 p.m.

Agenda: Poster Session.

Address: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709. (Hybrid Meeting).

Closed: May 06, 2025, 2:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate closed Session with Fellows, Biologists, and Staff Scientists.

Address: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709, (Hybrid Meeting).

Closed: May 06, 2025, 3:45 p.m. to 4:50 p.m.

Agenda: To review and evaluate closed BSC Discussion.

Address: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709, (Hybrid Meeting).

Closed: May 06, 2025, 4:50 p.m. to 5:40 p.m.

Agenda: To review and evaluate closed—Debriefing to NIEHS/DIR Leadership.

Address: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709, (Hybrid Meeting).

Contact Person: Darryl C. Zeldin, MD, National Institute Environmental Health Sciences (NIEHS), 111 T.W. Alexander Drive, Research Triangle Park, NC 27709, 984–287–3641, *zeldin@niehs.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has procedures at *https://www.nih.gov/about-nih/visitor-information/campus-access-security* for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus Federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: March 18, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–04912 Filed 3–21–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Halting Tuberculosis (TB) Transmission (R01 Clinical Trial Optional).

Date: April 28, 2025.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F58, Rockville, MD 20892.

Meeting Format: Video Assisted Meeting.

Contact Person: Soheyla Saadi, Ph.D., Scientific Review Officer, Scientific Review Program, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F58, Rockville, MD 20892, (240) 669–5178, *saadisoh@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 19, 2025.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–04952 Filed 3–21–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Clinical Trials for Aging Conditions.

Date: April 18, 2025.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institute on Aging, 5601 Fishers Lane, Suite 8B, Rockville, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Maurizio Grimaldi, M.D., Ph.D., Scientific Review Officer, National Institute on Aging, National Institutes of Health, 5601 Fishers Lane, Suite 8B, Rockville, MD 20892, (301) 496–9374, email: *maurizio.grimaldi@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: March 17, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–04935 Filed 3–21–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2025–0011; FXIA16710900000–256–FF09A30000]

Foreign Endangered Species; Receipt of Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications to conduct certain activities with foreign species that are listed as endangered under the Endangered Species Act (ESA). With some exceptions, the ESA prohibits activities with listed species unless Federal authorization is issued that allows such activities. The ESA also requires that we invite public comment before issuing permits for any activity otherwise prohibited by the ESA with respect to any endangered species.

DATES: We must receive comments by April 23, 2025.

ADDRESSES:

Obtaining Documents: The application, application supporting materials, and any comments and other materials that we receive will be available for public inspection at *https://www.regulations.gov* in Docket No. FWS–HQ–IA–2025–0011.

Submitting Comments: When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. You may submit comments by one of the following methods:

- *Internet: https://www.regulations.gov.* Search for and submit comments on Docket No. FWS–HQ–IA–2025–0011.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2025–0011; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

For more information, see Public Comment Procedures under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, by phone at 703–358–2185 or via email at *DMAFR@fws.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I comment on submitted applications?

We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

You may submit your comments and materials by one of the methods in **ADDRESSES**. We will not consider comments sent by email or to an address not in **ADDRESSES**. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**).

When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. Provide sufficient information to allow us to authenticate any scientific or commercial data you include. The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) those that include citations to, and analyses of, the applicable laws and regulations.

B. May I review comments submitted by others?

You may view and comment on others' public comments at *https://www.regulations.gov* unless our allowing so would violate the Privacy Act (5 U.S.C. 552a) or Freedom of Information Act (5 U.S.C. 552).

C. Who will see my comments?

If you submit a comment at *https://www.regulations.gov,* your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(c) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), we invite public comments on permit applications before final action is taken. With some exceptions, the ESA prohibits certain activities with listed species unless Federal authorization is issued that allows such activities. Permits issued under section 10(a)(1)(A) of the ESA allow otherwise prohibited activities for scientific purposes or to enhance the propagation or survival of the affected species. Service regulations regarding prohibited activities with

endangered species, captive-bred wildlife registrations, and permits for any activity otherwise prohibited by the ESA with respect to any endangered species are available in title 50 of the Code of Federal Regulations in part 17.

III. Permit Applications

We invite comments on the following applications.

Applicant: East Coast Zoological Society of Florida, Inc dba Brevard Zoo, Melbourne, FL; Permit No. PER15020210

The applicant requests to renew a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species, to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Common name	Scientific name
Cheetah	*Acinonyx jubatus.*
Siamang	*Symphalangus syndactylus.*
Ring-tailed lemur	*Lemur catta.*
Cotton-top tamarin	*Saguinus oedipus.*
Baird's tapir	*Tapirus bairdii.*
Radiated tortoise	*Astrochelys radiata.*
Grevy's zebra	*Equus grevyi.*

Applicant: Jacksonville Zoo and Gardens, Jacksonville, FL; Permit No. PER12792731

On November 8, 2024, we published a **Federal Register** notice inviting the public to comment on an application to a renew a permit to conduct certain activities with endangered species (89 FR 88804). We are now reopening the comment period to allow the public the opportunity to review additional information submitted for a renewal request for a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species, to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Common name	Scientific name
Pygmy chimpanzee	*Pan paniscus.*
Gorilla	*Gorilla gorilla.*
Tiger	*Panthera tigris.*
Southern white rhinoceros.	*Ceratotherium simum simum.*
Komodo Island monitor.	*Varanus komodoensis.*

Applicant: City of San Jose dba Happy Hollow Park & Zoo, San Jose, CA; Permit No. PER16035616

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species, to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Common name	Scientific name
Black-and-white ruffed lemur.	*Varecia variegata.*
Red ruffed lemur	*Varecia rubra.*
Parma wallaby	*Macropus parma.*

Applicant: Lake Superior Zoo, Duluth, MN; Permit No. PER17273062

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for ring-tailed lemur (*Lemur catta*) and cotton-top marmoset (*Saguinus oedipus*), to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Multiple Trophy Applicants

The following applicants request permits to import sport-hunted trophies of male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancing the propagation or survival of the species.

- Travis Wade Arledge, Novice, TX; Permit No. PER15796329
- David Lee Ristau, Wamego, KS; Permit No. PER15798029
- Jesse D. Palmer, Spring Branch, TX; Permit No. PER13800404
- Lance Craig Brewer, Snohomish, WA; Permit No. PER17449908

IV. Next Steps

After the comment period closes, we will make decisions regarding permit issuance. If we issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**. You may locate the notice announcing the permit issuance by searching *https://www.regulations.gov* for the permit number listed above in this document. For example, to find information about the potential issuance of Permit No. 12345A, you would go to *regulations.gov* and search for ''12345A''.

V. Authority

We issue this notice under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations.

Brenda Tapia,

Supervisory Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2025–04925 Filed 3–21–25; 8:45 am]

BILLING CODE 4333–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–757 and 731–TA–1737–1738 (Preliminary)]

Polypropylene Corrugated Boxes From China and Vietnam; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–757 and 731–TA–1737–1738 (Preliminary) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of polypropylene corrugated boxes (''PC boxes'') from China and Vietnam, provided for in subheading 3923.10.90 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and imports of PC boxes alleged to be subsidized by the Government of China. Unless the Department of Commerce (''Commerce'') extends the time for initiation, the Commission must reach preliminary determinations in antidumping and countervailing duty investigations in 45 days, or in this case by May 2, 2025. The Commission's views must be transmitted to Commerce within five business days thereafter, or by May 9, 2025.

DATES: March 18, 2025.

FOR FURTHER INFORMATION CONTACT: Calvin Chang (202–205–3602), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on

the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to petitions filed on March 18, 2025, by CoolSeal USA Inc., Perrysburg, Ohio; Inteplast Group Corporation, Livingston, New Jersey; SeaCa Plastic Packaging, Kent, Washington; and Technology Container Corp., Desoto, Texas.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in §§ 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.— The Office of Investigations will hold a staff conference in connection with the preliminary phase of these investigations beginning at 9:30 a.m. on Tuesday, April 8, 2025. Requests to appear at the conference should be emailed to *preliminaryconferences@usitc.gov* (DO NOT FILE ON EDIS) on or before noon on Friday, April 4, 2025. Please provide an email address for each conference participant in the email. Information on conference procedures, format, and participation, including guidance for requests to appear as a witness via videoconference, will be available on the Commission's Public Calendar (Calendar (USITC) | United States International Trade Commission). A nonparty who has testimony that may aid the Commission's deliberations may request permission to participate by submitting a short statement.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Written submissions.—As provided in §§ 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before 5:15 p.m. on April 11, 2025, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties shall file written testimony and supplementary material in connection with their presentation at the conference no later than 4:00 p.m. on April 7, 2025. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. appendix 3; or (ii) by U.S. Government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.12 of the Commission's rules.

By order of the Commission.
Issued: March 18, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–04909 Filed 3–21–25; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1105–0030]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; Electronic Applications for the Attorney General's Honors Program and the Summer Law Intern Program (HP/SLIP)

AGENCY: Office of Attorney Recruitment and Management, Justice Management Division, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Office of Attorney Recruitment and Management, 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 23, 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 Deana Willis, Assistant Director, Office of Attorney Recruitment and

Management, c/o Rae Ross, 450 5th Street NW, Suite 10200, Washington, DC, 20530, 202–514–8900, *Deana.Willis@usdoj.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Abstract: Candidates enter information pertinent to legal employment on a series of electronic screens (the number of screens varies by Program; hiring organizations vary by year). The data is then certified and submitted into a database for OARM review and transmission to the components that consider the candidates for legal employment. The candidate is automatically notified by email that his/her application has been received when he/she certifies and submits his/her electronic application, and provided other hiring status updates throughout the hiring cycle.

In compliance with the Executive Order issued January 20, 2025, (*https://www.whitehouse.gov/presidential-actions/2025/01/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal-government/*), the voluntary demographic question on the HP/SLIP application is revised to reflect ''Sex'' with the responses ''Male,'' ''Female'' or ''Decline to Answer,'' removing references to gender identity and sexual orientation. There is no impact on the public burden or cost.

OARM, in coordination with hiring offices, periodically reviews questions relating to qualifications and experience to ensure their focus and criteria remains relevant (*e.g.,* assists hiring officials evaluate written or oral communication skills, public service interest, relevant experience, etc.).

- Hiring officials requested the addition of two ''yes/no'' questions relating to written or oral communication skills for SLIP applicants. This change is limited to the questions presented to eligible applicants to the Summer Law Intern Program, who often have limited objective law school accomplishments at the time they apply. There is de minimis impact on the public burden and no impact on cost.
- In addition, hiring officials requested modification to an existing ''check the box'' question presented to all applicants clarifying the type of public service experience responsive to the question. There is no impact on the public burden or cost to this change.
- A new ''check the box'' question relating to relevant experience was added. There is de minimis impact on the public burden and no cost to this change.

The estimate of annualized cost to the federal government decreased from $54,000 to $39,885.

Overview of this information collection:

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *The Title of the Form/Collection:* Electronic Applications for the Attorney General's Honors Program and the Summer Law Intern Program.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* N/A

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Affected Public-Individuals. The obligation to respond is voluntary.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 2428 candidates apply to the HP & SLIP annually. It is estimated that the electronic application takes approximately one hour to complete and submit. It is further estimated that it takes an average of an additional 45 minutes to review the instructions, search existing data sources, gather and maintain the data needed, and complete and review the information collected. In addition, approximately 600 HP applicants will complete the Virtual Interview Scheduling form. Each Interview Scheduling Form will take approximately 10 minutes to complete. Thus, the annual burden would be 4349 hours based on 2428 applicants (the average number of applications received in the last several years) × 1.75 response hours (estimated time to collect the appropriate information and complete the Program application) plus 100 hours (time for 600 HP candidates to complete the Virtual Interview Scheduling Form).

6. *An estimate of the total annual burden (in hours) associated with the collection:* The total annual burden hours for this collection is 4349 hours.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* $39,885.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency (annually)	Total annual responses	Time per response (minutes)	Total annual burden (hours)
Electronic application (individuals)	2,428	1	2,428	105	4,249
Virtual Interview Scheduling Form (Individuals)	600	1	600	10	100
Unduplicated Totals	*3,028*		*3,028*		*4,349*

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 19, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025–04928 Filed 3–21–25; 8:45 am]

BILLING CODE 4410–PB–P

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Certification Process for the Temporary Employment of H–2A and H–2B Foreign Workers in the United States: Annual Update To Allowable Monetary Charges for Agricultural Workers' Meals and for Travel Subsistence Reimbursement, Including Lodging

AGENCY: Employment and Training Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Employment and Training Administration (ETA) of the Department of Labor (DOL) is issuing this notice to announce the annual updates to allowable monetary charges employers of H–2A workers, in occupations other than herding or production of livestock on the range, may charge workers when the employer provides three meals per day. This notice also announces the minimum and maximum amount of travel-related subsistence reimbursements required under the H–2A and H–2B programs. Finally, this notice includes a reminder regarding employers' obligations with respect to overnight lodging costs as part of required subsistence and reasonable travel costs to and from the worksite.

DATES: These allowable charges become effective March 24, 2025.

FOR FURTHER INFORMATION CONTACT: Brian Pasternak, Administrator, Office of Foreign Labor Certification, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–5311, Washington, DC 20210, telephone (202) 693–8200 (this is not a toll-free number). For persons with a hearing or speech disability who need assistance to use the telephone system, please dial 711 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: The U.S. Citizenship and Immigration Services of the Department of Homeland Security will not approve an employer's petition for the admission of H–2A or H–2B nonimmigrant temporary workers in the U.S. unless the petitioner has received an H–2A or H–2B labor certification from DOL. The labor certification provides that: (1) there are not sufficient U.S. workers who are able, willing, and qualified and who will be available at the time and place needed to perform the labor or services involved in the petition; and (2) the employment of the foreign worker(s) in such labor or services will not adversely affect the wages and working conditions of workers in the U.S. similarly employed. *See* 8 U.S.C. 1101(a)(15)(H)(ii)(a) and (b), 1184(c)(1), and 1188(a); 8 CFR 214.2(h)(5) and (6); 20 CFR 655.1(a) and 655.100.

Allowable Meal Charge

H–2A agricultural employers who are employing workers in occupations other than herding or production of livestock on the range must offer and provide workers three meals per day or free and convenient cooking facilities.[1] *See* 20 CFR 655.122(g). Where the employer provides the meals, the job offer must state the charge, if any, to the worker for such meals. *See id.* The amount of meal charges is governed by 20 CFR 655.173.

By regulation, DOL has established the methodology for determining the maximum amount that H–2A agricultural employers may charge workers for providing them with three meals per day. *See* 20 CFR 655.173(a). This methodology allows for annual adjustments of the previous year's maximum allowable charge based on the updated Consumer Price Index for All Urban Consumers for Food (CPI–U for Food), not seasonally adjusted. *See id.* The maximum amount employers may charge workers for providing meals is adjusted annually by the 12-month percentage change in the CPI–U for Food for the prior year (*i.e.,* between December of the year just concluded and December of the prior year). *See id.* The Office of Foreign Labor Certification (OFLC) Certifying Officer may also permit an employer to charge workers a higher amount for providing them with three meals a day if the higher amount is justified and sufficiently documented by the employer, as set forth in 20 CFR 655.173(b).

The percentage change in the CPI–U for Food between December 2023 and December 2024 was 2.5% percent.[2] Thus, the annual update to the H–2A allowable meal charge is calculated by multiplying the current allowable meal charge ($15.88) by the 12-month percentage change in the CPI–U for Food between December 2023 and December 2024 ($15.88 × 1.025 = $16.28).[3] Accordingly, the updated maximum allowable charge under 20 CFR 655.122(g) and 655.173 is $16.28 per day, and an employer is not permitted to charge a worker more than $16.28 per day unless the OFLC Certifying Officer approves a higher charge, as authorized under 20 CFR 655.173(b).

Reimbursement for Travel-Related Subsistence

H–2B and H–2A employers must pay reasonable travel and subsistence costs, including the costs of meals and lodging, incurred by workers during travel to the place of employment from the place from which the worker has come to work for the employer and from the place of employment to the place from which the worker departed to work for the employer, as well as any such costs incurred by the worker incident to obtaining a visa authorizing entry to the United States for the purpose of H–2A or H–2B employment. *See* 20 CFR 655.122(h)(1) and (2) and 655.20(j)(1)(i) and (ii).

Specifically, an H–2A employer is responsible for providing, paying in advance, or reimbursing a worker for the reasonable costs incurred by the worker for transportation and daily travel-related subsistence from the place from which the worker has come to work for the employer, if the worker completes 50 percent of the work contract period. 20 CFR 655.122(h)(1). In general, the employer must provide (or pay at the time of departure) the worker's transportation and daily travel-related subsistence from the place of employment to the place from which the worker departed to work for the employer upon the worker completing the contract or being terminated without cause. 20 CFR 655.122(h)(2).

Similarly, an H–2B employer is responsible for providing, paying in advance, or reimbursing a worker for transportation and daily travel-related subsistence from the place from which the worker has come to work for the employer, if the worker completes 50 percent of the job order period. 20 CFR 655.20(j)(1)(i). Upon the worker completing the job order period or being dismissed early (for any reason), the employer is generally responsible for providing (or paying at the time of departure) the worker's cost of return

[1] H–2A employers must provide workers engaged in herding or the production of livestock on the range meals or food to prepare meals without charge or deposit charge. *See* 20 CFR 655.210(e).

[2] *See* Consumer Price Index—December 2024, published January 15, 2025, *available at https://www.bls.gov/news.release/archives/cpi_01152025.pdf.*

[3] In 2024, the maximum allowable charge under 20 CFR 655.122(g) and 655.173 was $15.88 per day. *See* 89 FR 10101 (Feb. 13, 2024).

transportation and daily travel-related subsistence from the place of employment to the place from which the worker departed to work for the employer. 20 CFR 655.20(j)(1)(ii).

The amount of the daily subsistence must be at least the amount permitted in 20 CFR 655.173(a) (or the higher amount approved under 20 CFR 655.173(b), if any). The maximum daily amount an employer is required to reimburse workers for travel-related subsistence, as evidenced with receipts, is equal to the standard Continental United States (CONUS) per diem rate, as established by the General Services Administration (GSA) at 41 CFR part 301, formerly published in Appendix A and now found at *https://www.gsa.gov/travel/plan-book/per-diem-rates. See* Maximum Per Diem Reimbursement Rates for the Continental United States (CONUS), 89 FR 67093 (Aug. 19, 2024). The standard CONUS meals and incidental expenses rate is $68.00 per day for 2025. *See* 89 FR 67093, 67094. Workers who qualify for subsistence reimbursement are entitled to reimbursement for meals and lodging up to the standard CONUS meals and incidental expenses rate when they provide receipts. In determining the appropriate amount of reimbursement for meals for less than a full day, the employer may limit the meal expense reimbursement, with receipts, to 75 percent of the maximum reimbursement for meals, or $51.00, based on the GSA per diem schedule. *See https://www.gsa.gov/travel/plan-book/per-diem-rates.* If a worker does not provide receipts, the employer is not obligated to reimburse above the minimum stated at 20 CFR 655.173, as specified above.

In addition, the employer is responsible for those costs necessary for the worker to travel to the place of employment if the worker completes 50 percent of the work contract period. The employer also is responsible for the costs of return transportation. The amount an employer must pay for transportation to and from the place of employment must be no less than (and is not required to be more than) the most economical and reasonable costs. These requirements apply equally to instances where the worker is traveling within the U.S. or internationally to the employer's worksite. *See* 20 CFR 655.122(h)(1) and (2) and 655.20(j)(1)(i) and (ii).

For further information on when the employer is responsible for lodging costs, please see the DOL's Meal Charges and Travel Subsistence, on OFLC's website at *https://flag.dol.gov/wage-data/subsistence-rates,* and H–2B Frequently Asked Questions on Job Offers and Employer Obligations, on OFLC's website at *https://www.dol.gov/agencies/eta/foreign-labor/faqs/print.*

Authority: 20 CFR 655.173.

Amy Simon,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2025–04904 Filed 3–21–25; 8:45 am]

BILLING CODE 4510–FP–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Survey of Young Adults on the Autism Spectrum for the Research Support Services for Employment of Young Adults on the Autism Spectrum (REYAAS) Project

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Disability Employment Policy (ODEP)-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 23, 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.

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.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Office of Disability Employment Policy within the U.S. Department of Labor requests clearance for data collection activities to support identifying the obstacles and facilitators to the employment of autistic young adults. Specifically, this request covers collection of data through a large-scale survey of autistic young adults ages 16 to 28, as well as qualitative telephone or web interviews with autistic young adults to augment the survey. This study (referred to as Research Support Services for Employment of Young Adults on the Autism Spectrum) will provide insightful data on the employment experiences of young adults on the autism spectrum, which policymakers and the autism community can use to inform program and policy changes that support the well-being of autistic people. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on August 12, 2024 (89 FR 65672).

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–ODEP.

Title of Collection: Survey of Young Adults on the Autism Spectrum for the Research Support Services for Employment of Young Adults on the Autism Spectrum (REYAAS) Project.

OMB Control Number: 1230–0NEW.

Affected Public: Private Sector—Individuals or Households.

Total Estimated Number of Respondents: 3,030.

Total Estimated Number of Responses: 3,030.

Total Estimated Annual Time Burden: 1,265 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior PRA Analyst.

[FR Doc. 2025–04901 Filed 3–21–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

[OMB Control Nuo. 1240–0004]

Proposed Extension of Information Collection; Carrier's Report of Issuance of Policy

AGENCY: Office of Workers' Compensation Programs, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance request for comment to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This request helps to ensure that: requested data can be provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents can be properly assessed. Currently, the OWCP is soliciting comments on the information collection for the Carrier's Report of Issuance of Policy, LS–570.

DATES: All comments must be received on or before May 23, 2025.

ADDRESSES: You may submit comment as follows. Please note that late, untimely filed comments will not be considered.

Electronic Submissions: Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for [OWCP–2025–XXXX]. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket, with no changes. Because your comment will be made public, you are responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as your or anyone else's Social Security number or confidential business information.
- If your comment includes confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission.

Written/Paper Submissions: Submit written/paper submissions in the following way:

- *Mail/Hand Delivery:* Mail or visit DOL–OWCP, Division of Longshore and Harbor Workers' Compensation, 200 Constitution Ave. NW, Room S–3323, Washington, DC 20210.
- OWCP/LHWC will post your comment as well as any attachments, except for information submitted and marked as confidential, in the docket at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Anjanette Suggs, Office of Workers' Compensation Programs at (202) 354–9660 (phone) or *suggs.anjanette@dol.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Background

The Division of Longshore and Harbor Workers' Compensation (LHWC) administers the Longshore and Harbor Workers' Compensation Act. The Act provides benefits to workers injured in maritime employment on the navigable waters of the United States or in an adjoining area customarily used by an employer in loading, unloading, repairing, or building a vessel. In addition, several acts extend the Longshore Act's coverage to certain other employees.

Authorized insurance carriers are required to report the issuance of policies and endorsements under the Longshore and Harbor Workers' Compensation Act and its extensions, the Defense Base Act, Outer Continental Shelf Lands Act and Non-Appropriated Fund Instrumentalities Act, to the Department of Labor's Office of Workers' Compensation Programs (OWCP). 20 CFR 703.116. Carriers use the form LS–570 for this purpose. Filing the form LS–570 with OWCP's Division of Federal Employees', Longshore and Harbor Workers' Compensation binds the carrier to full liability for the named employer's obligations under the Act or its extensions. Legal authority for this information collection is found at 33 U.S.C. 932(a) and 33 U.S.C. 939.

Regulatory authority is found at 20 CFR 703.116 and 20 CFR 703.118.

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 under the PRA 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 Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

II. Desired Focus of Comments

OWCP/DLHWC is soliciting comments concerning the proposed information collection related to the Request for Employment Information. OWCP/DLHWC is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of OWCP/C's estimate of the burden related to the information collection, including the validity of the methodology and assumptions used in the estimate;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the information collection on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Documents related to this information collection request are available at *https://regulations.gov* and at DOL–OWCP located at 200 Constitution Ave. NW, Room S–3323, Washington, DC 20210. Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

This information collection request concerns the Carrier's Report of Issuance of Policy (LS–570). OWCP has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request from the previous information collection request.

Type of Review: Extension without change of currently approved collection.

Agency: Office of Workers' Compensation Programs.

OMB Number: 1240–0004.

Affected Public: Private Sector.

Number of Respondents: 400.

Number of Responses: 1,500.

Annual Burden Hours: 25.

Annual Respondent or Recordkeeping Cost: $24.98.

OWCP Form: DLHWC Form, Report of Issuance of Policy.

Comments submitted in response to this notice will be summarized in the request for Office of Management and Budget approval of the proposed information collection request; they will become a matter of public record and will be available at *https://www.reginfo.gov.*

(Authority: 44 U.S.C. 3506(c)(2)(A))

Anjanette Suggs,

Certifying Officer.

[FR Doc. 2025–04933 Filed 3–21–25; 8:45 am]

BILLING CODE 4510–CF–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 72–29, 50–277, and 50–278; NRC–2025–0033]

Constellation Energy Generation, LLC; Peach Bottom Atomic Power Station Units 2 and 3; Independent Spent Fuel Storage Installation; Exemption

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) issued an exemption to Constellation Energy Generation, LLC, permitting Peach Bottom Atomic Power Station (PB) Units 2 and 3 to use the Holtec HI–STORM Flood/Wind (FW) Multi-Purpose Canister (MPC) Storage System, including the use of the HI–TRAC VW transfer cask during loading and transport operations, at the PB independent spent fuel storage installation, for seven 89 multi-purpose canisters, in a near-term loading campaign beginning in June 2025, where the terms, conditions, and specifications in Certificate of Compliance No. 1032, Amendment No. 1, Revision No. 1, are not met.

DATES: The exemption was issued on March 6, 2025.

ADDRESSES: Please refer to Docket ID NRC–2025–0033 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–0033. 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.
- *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.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Yen-Ju Chen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone: 301–415–1018; email: *Yen-Ju.Chen@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated: March 19, 2025.

For the Nuclear Regulatory Commission.

Yoira Diaz-Sanabria,

Chief, Storage and Transportation Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety, and Safeguards.

Attachment—Exemption

Nuclear Regulatory Commission

Docket Nos. 72–29, 50–277, and 50–278

Constellation Energy Generation, LLC; Peach Bottom Atomic Power Station Units 2 and 3; Independent Spent Fuel Storage Installation

I. Background

Constellation Energy Generation, LLC (CEG) is the holder of renewed facility operating license Nos. DPR–44 and DPR–56, which authorize operation of the Peach Bottom Atomic Power Station (PB) Units 2 and 3 in Delta, Pennsylvania, under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, ''Domestic Licensing of Production and Utilization Facilities.'' The licenses provide, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC) now or hereafter in effect.

Consistent with 10 CFR part 72, subpart K, ''General License for Storage of Spent Fuel at Power Reactor Sites,'' a general license is issued for the storage of spent fuel in an independent spent fuel storage installation (ISFSI) at power reactor sites to persons authorized to possess or operate nuclear power reactors under 10 CFR part 50. CEG is authorized to operate nuclear power reactors under 10 CFR part 50 and holds a 10 CFR part 72 general license for storage of spent fuel at the PB ISFSI. Under the terms of the general license, CEG stores spent fuel at its PB ISFSI using the HI–STORM Flood/Wind (FW) Multi-Purpose Canister (MPC) Storage System in accordance with Certificate of Compliance (CoC) No. 1032, Amendment No. 1, Revision No. 1.

II. Request/Action

By a letter dated January 24, 2025 (Agencywide Documents Access and Management System (ADAMS) Accession Number No. ML25024A148), as supplemented on February 4, 2025 (ML25036A335), CEG requested an exemption from the requirements of 10 CFR 72.212(a)(2), 72.212(b)(3), 72.212(b)(5)(i), 72.212(b)(11), and 72.214 that require PB to comply with the terms, conditions, and specifications of CoC No. 1032, Amendment No. 1, Revision No. 1 (ML15152A358). If approved, CEG's exemption request would accordingly allow PB to load seven MPC–89 at the PB ISFSI site in a near-term loading campaign beginning in June 2025, in the HI–STORM FW MPC system, including the use of the HI–TRAC VW transfer cask (HI–TRAC) during loading and transport operations, where the terms, conditions, and specifications in CoC No. 1032, Amendment No. 1, Revision No. 1 are not met.

Before using a CoC, general licensees are required to perform a site-specific evaluation to establish that, once loaded with spent fuel, the cask will conform to the terms, conditions, and specifications of the CoC, including following the NRC-approved final safety analysis report (FSAR) methodology. CEG currently uses the HI–STORM FW MPC Storage System under CoC No. 1032, Amendment No. 1, Revision No. 1, for dry storage of spent nuclear fuel in MPC–89 at the PB ISFSI. The HI–STORM FW MPC Storage System CoC provides the requirements, conditions, and operating limits necessary for use of the system to store spent fuel. One of the operating limits established in the CoC involves potential tornado-generated missile impacts. The HI–STORM FW FSAR table 2.2.5 evaluates a generic set of tornado-generated missile impacts (ML24327A229). CEG discovered that PB's site-specific analysis performed to demonstrate

protection of the loaded MPC–89, while in the HI–TRAC, against tornado-generated missiles was not performed consistent with the NRC-approved method of evaluation in the FSAR. Contrary to CEG's site specific analysis, the NRC-approved evaluation in the FSAR does not take credit for the missile resistance offered by the HI–TRAC water jacket shell, and assumes that the small and intermediate missiles will penetrate the water jacket shell with no energy loss.

Therefore, CEG requests this exemption to allow it to conduct the planned loading and transport operations of the seven MPC–89 in the HI–STORM FW MPC Storage System at PB ISFSI beginning in June 2025, even though, because of the different tornado-generated missile analysis of the HI–TRAC in PB's site specific review, the terms, conditions, and specifications of the CoC will not be met.

III. Discussion

Pursuant to 10 CFR 72.7, ''Specific exemptions,'' the Commission may, upon application by any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations of 10 CFR part 72 as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

A. The Exemption Is Authorized by Law

This exemption would allow CEG to use the HI–STORM FW MPC Storage System, including the use of the HI–TRAC during loading and transport operations, for seven MPC–89 at its PB ISFSI, beginning in June 2025, where the terms, conditions, and specifications in CoC No. 1032, Amendment No. 1, Revision No. 1, are not met. CEG is requesting an exemption from the provisions in 10 CFR part 72 that require the licensee to comply with the terms, conditions, and specifications of the CoC for the approved cask model it uses. Section 72.7 allows the NRC to grant exemptions from the requirements of 10 CFR part 72. This authority to grant exemptions is consistent with the Atomic Energy Act of 1954, as amended, and is not otherwise inconsistent with the NRC's regulations or other applicable laws. Additionally, no other law prohibits the activities that would be authorized by the exemption. Therefore, the NRC concludes that there is no statutory prohibition on the issuance of the requested exemption, and the NRC is authorized to grant the exemption by law.

B. The Exemption Will Not Endanger Life or Property or the Common Defense and Security

CEG is requesting an exemption to use the HI–STORM FW MPC Storage System, including the use of the HI–TRAC during loading and transport operations for seven MPC–89 at the PB ISFSI, beginning in June 2025, where the terms, conditions, and specifications in CoC No. 1032, Amendment No. 1, Revision No. 1, are not met. In support of its exemption request, CEG asserts that issuance of the exemption would not endanger life or property because the evaluation of PB's postulated tornado-generated missiles demonstrates that all FSAR acceptance criteria are met. According to CEG, the site-specific analysis follows the same mathematical approach as the generic approach in the FSAR but takes credit for the additional resistance provided by the HI–TRAC water jacket shell. Additionally, CEG notes that the water jacket shell is an Important-to-Safety (ITS) component and meets all the criteria as analyzed. Therefore, CEG contends the site-specific analysis, although different from the FSAR methodology, demonstrates that the loading and transport operations of the system using the HI–TRAC provides adequate protection against PB's design basis tornado-generated missiles. As such, according to CEG, the proposed exemption does not endanger life or property or the common defense and security.

The NRC staff reviewed the requested exemption and determined that the request does not change the fundamental design, components, or safety features of the storage system. The NRC staff evaluated the applicable potential safety impacts of granting the exemption to assess the potential for any danger to life or property or the common defense and security. Specifically, the NRC staff reviewed the applicant's structural, confinement, thermal, criticality, shielding, and radiation protection evaluations for the proposed exemption.

Structural and Confinement Review for the Requested Exemption: The staff noted that this exemption does not involve any change to the physical design or construction of the HI–STORM FW overpack, HI–TRAC, or MPC–89, nor to any operating procedures. Instead, the exemption is to allow the use of the CoC system despite the different methodology used by PB regarding the tornado-generated missile impact analysis than that approved by the NRC and reflected in the CoC FSAR. Therefore, the staff's structural review focused on the analysis and methodology followed to demonstrate that the design of the MPC–89 and the HI–TRAC can withstand the governing PB site-specific tornado-generated missile impact without impairing their capability to perform their intended functions. The MPC and the HI–TRAC are deemed to perform their intended design functions if the following performance objectives, as described in HI–STORM FW FSAR section 3.1.2 (ML24327A229), can be satisfied:

(i) The postulated tornado generated missiles do not compromise the integrity of the MPC confinement boundary while the MPC is contained within the HI–TRAC.

(ii) No geometry changes occur under the postulated tornado-generated missiles impact during handling conditions that may preclude ready retrievability of the contained MPC.

(iii) The radiation shielding remains properly positioned under all applicable handling service conditions for the HI–TRAC.

In general, the above performance objectives are deemed to be satisfied for the MPC and the HI–TRAC if (1) the missile does not penetrate the inner shell of the HI–TRAC, MPC or MPC lid, and does not breach the confinement boundary, (2) the stresses (stress intensities or strains, as applicable) calculated by the appropriate structural analyses are less than the allowable defined in FSAR subsection 3.1.2.3, and (3) the geometry change in the HI–TRAC, if any, after any event of structural consequence to the transfer cask, does not preclude ready retrievability of the contained MPC.

The HI–TRAC body consists of two main layers: a water jacket layer and a lead shield layer. Each layer is contained within different steel shells: the water jacket shell (outermost shell of HI–TRAC), the outer shell of the lead shield layer (between the water jacket layer and a lead shield layer), and the inner shell (innermost shell of the lead shield layer and the HI–TRAC). The proprietary Holtec Report HI–2135869, ''Site-Specific Tornado Missile Analysis for HI–STORM FW System,'' Revision No. 9, generically addresses the HI–TRAC structural responses due to bounding site-specific small and intermediate tornado-generated missile strikes, except for the governing tornado-generated missile for PB, which is a 4-inch × 12-inch × 12-foot-long wooden plank with an impact velocity of 300 miles per hour (mph). In support of this exemption request, Holtec's ''HI–STORM FW Calculation Package to Support Exemptions'' (PB site-specific analysis, ML25021A244) further

analyzed the governing site-specific wooden plank missile using the same energy balance approach and assumptions relating to the missile behavior and kinetic energy as other evaluated tornado-generated missiles, with the exception of the credit given in the analysis for the resistance provided by the HI–TRAC water jacket shell. Based on this analysis, CEG concluded that the HI–TRAC inner shell is not penetrated and is sufficient to absorb the remaining kinetic energy of the wooden plank. Therefore, CEG concludes that the site-specific governing tornado-generated missile does not penetrate the MPC–89 confinement boundary, and no significant deformation of the HI–TRAC is expected that would prevent the MPC–89 from being retrieved or maintaining shielding effectiveness.

The staff reviewed the sizes, mass, and velocities of the site-specific tornado-generated missiles analyzed in the PB site-specific analysis and verified that the analyzed tornado-generated missiles bound the design basis tornado-generated missile spectrum specified in section C.2.4 of the PB updated final safety analysis report, Appendix C (ML23173A057). The staff's independent analysis of the missile penetration by the wooden plank concluded that a greater margin of safety is available for the inner shell penetration than the one calculated in the PB site-specific analysis. Furthermore, based on the review of the PB site-specific analysis, the staff finds that the missile penetration depth by the wooden plank in the MPC lid remains less than the minimum thickness of the MPC closure lid. Additionally, the calculated global stress intensities for the HI–TRAC shell due to the missile strike satisfy American Society of Mechanical Engineers, Boiler and Pressure Vessel Code, Section III, Division 1, Subsection NF, Level D limits, as specified in the HI–STORM FW FSAR section 3.1.2.3. Therefore, in the event of a tornado-generated missile impact from the wooden plank analyzed, damage to the cask or canister that compromise confinement boundary, global plastic deformation in the cask shell, or ovaling of the cask inner cavity, is not anticipated, and will not affect the overall shielding effectiveness of the cask and the retrievability of the MPC. The staff also noted that the analysis results are conservative since they assume that the wooden plank is rigid, and no kinetic energy dissipation is being credited due to deformation of the wooden plank when it strikes the HI–TRAC at high velocity.

Based on the staff's review of the analysis provided for the exemption request, the staff finds the proposed methodology used for the PB site-specific missile penetration analysis acceptable and concludes that the site-specific analysis demonstrates that the MPC and HI–TRAC can withstand the governing site-specific tornado-generated missile impact without compromising their ability to perform their intended safety functions at PB.

Thermal Review for the Requested Exemption: The thermal consequences of a complete loss of water due to rupture of the HI–TRAC water jacket from a tornado-generated missile has been analyzed in FSAR sections 4.6 and 12.2.6.2 (ML24327A229). It demonstrates that the consequences are within the short-term fuel cladding and material temperature limits. The revised analysis with credit for the HI–TRAC water jacket shell demonstrates that the FSAR acceptance criteria continue to be met, and a complete loss of water continues to be bounding for thermal evaluation. Therefore, no further thermal evaluation is required to support this exemption request.

Criticality and Shielding Review for the Requested Exemption: A complete loss of water due to rupture of the HI–TRAC water jacket from a tornado-generated missile has been analyzed for shielding and no effect on criticality control features as stated in FSAR section 12.2.6.2 (ML24327A229). The revised analysis with credit for the HI–TRAC water jacket shell demonstrates that the FSAR acceptance criteria continue to be met, and a complete loss of water continues to be bounding for the shielding evaluation. Therefore, no further criticality and shielding review is required to support this exemption request.

Radiation Protection Review for the Requested Exemption: There is no degradation in confinement capabilities of the MPC when inside of the HI–TRAC. The local dose rates of a complete loss of water due to rupture of the HI–TRAC water jacket from a tornado-generated missile has been analyzed in FSAR chapter 5 (ML24327A229). The revised analysis with credit for the HI–TRAC water jacket shell demonstrates that the FSAR acceptance criteria continue to be met, and a complete loss of water continues to be bounding for radiation protection. The necessary compensatory measures continue to be valid. Therefore, no further radiation protection review is required to support this exemption request.

Conclusion: Based on staff's analysis of the structural and confinement review, and the otherwise bounding nature of the FSAR's analysis in other areas, the NRC staff has concluded that under the requested exemption, the storage system will continue to meet the safety requirements of 10 CFR part 72 and the offsite dose limits of 10 CFR part 20 and, therefore, will not endanger life or property or the common defense and security.

C. The Exemption Is Otherwise in the Public Interest

The proposed exemption would allow CEG to use the HI–STORM FW MPC Storage System, including the use of the HI–TRAC solely during loading and transport operations for seven MPC–89 at PB ISFSI, beginning in June 2025, even though PB's tornado-generated missile analysis of HI–TRAC, which takes credit for the water jacket shell, is not part of the NRC-approved CoC No. 1032, Amendment No. 1, Revision No. 1. According to CEG, the exemption is in the public interest because being unable to load fuel into dry storage in the future loading campaign would impact CEG's ability to offload fuel from the PB reactor, consequently impacting continued safe reactor operation.

CEG states that not being able to use the HI–STORM FW MPC Storage System, including the use of the HI–TRAC during loading and transport operations for seven MPC–89 at the PB ISFSI in the June 2025 loading campaign, would impact its ability to effectively manage the margin to full core discharge capacity (FCDC) in the PB Units 2 and 3 spent fuel pools (SFP). The low FCDC margin makes it difficult to stage a complete reload batch of fuel in the SFPs in preparation for outages and presents a potential reactivity management risk to fuel handling operations during pre- and post-outage activities. In addition, according to CEG, a crowded spent fuel pool would challenge the decay heat removal demand of the pool and increase the likelihood of a loss of fuel pool cooling event and a fuel handling accident. Furthermore, CEG contends that PB planned the cask loading campaign years in advance based on availability of the specialized work force and equipment that is shared throughout the CEG fleet. These specialty resources support competing activities and priorities, including fuel pool cleanouts and refueling outages. Therefore, CEG asserts that the available windows to complete the cask loading campaigns are limited, and any delays would have a cascading impact on other scheduled specialized activities.

For the reasons described by CEG in the exemption request, the NRC staff agree that it is in the public interest to grant the exemption. If the exemption is not granted, in order to comply with the CoC, CEG would have to keep spent fuel in the spent fuel pool if it is not permitted to use the HI–TRAC during loading and transport operations for seven MPC–89 at the PB ISFSI for the loading campaign beginning in June 2025, thus impacting PB's ability to effectively manage the FCDC margin. Moreover, should spent fuel pool capacity be reached, the ability to refuel the operating reactor unit is challenged, thus potentially impacting continued reactor operations.

Therefore, the staff concludes that approving the exemption is in the public interest.

Environmental Consideration

The NRC staff also considered whether there would be any significant environmental impacts associated with the exemption. For this proposed action, the NRC staff performed an environmental assessment pursuant to 10 CFR 51.30. The environmental assessment concluded that the proposed action would not significantly impact the quality of the human environment. The NRC staff concluded that the proposed action would not result in any changes in the types or amounts of any radiological or non-radiological effluents that may be released offsite, and there would be no significant increase in occupational or public radiation exposure because of the proposed action. The environmental assessment and the finding of no significant impact was published on March 6, 2025 (90 FR 11440).

IV. Conclusion

Based on these considerations, the NRC has determined that, pursuant to 10 CFR 72.7, the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the NRC grants CEG an exemption from the requirements of 10 CFR 72.212(a)(2), 72.212(b)(3), 72.212(b)(5)(i), 72.212(b)(11), and 72.214 solely with respect to the planned loading and transport operations for seven MPC–89 at PB ISFSI for the loading campaign beginning in June 2025.

This exemption is effective upon issuance.

Dated: March 6, 2025.

For the Nuclear Regulatory Commission.

/RA/

Thomas Boyce,

Acting Chief, Storage and Transportation Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety, and Safeguards.

[FR Doc. 2025–04921 Filed 3–21–25; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2025–1234 and K2025–1233; MC2025–1235 and K2025–1234; MC2025–1236 and K2025–1235; MC2025–1237 and K2025–1236; MC2025–1238 and K2025–1237; MC2025–1239 and K2025–1238; MC2025–1240 and K2025–1239]

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 26, 2025.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

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

SUPPLEMENTARY INFORMATION:

Table of Contents

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).: Docket No(s).:* MC2025–1234 and K2025–1233; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 650 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* March 18, 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:* Christopher Mohr; *Comments Due:* March 26, 2025.

2. *Docket No(s).:* MC2025–1235 and K2025–1234; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1345 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* March 18, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Elsie Lee-Robbins; *Comments Due:* March 26, 2025.

3. *Docket No(s).:* MC2025–1236 and K2025–1235; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1346 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* March 18, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Arif Hafiz; *Comments Due:* March 26, 2025.

4. *Docket No(s).:* MC2025–1237 and K2025–1236; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 651 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* March 18, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Jennaca Upperman; *Comments Due:* March 26, 2025.

5. *Docket No(s).:* MC2025–1238 and K2025–1237; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 652 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* March 18, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Kenneth Moeller; *Comments Due:* March 26, 2025.

6. *Docket No(s).:* MC2025–1239 and K2025–1238; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 653 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* March 18, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Maxine Bradley; *Comments Due:* March 26, 2025.

7. *Docket No(s).:* MC2025–1240 and K2025–1239; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1347 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* March 18, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Elsie Lee-Robbins; *Comments Due:* March 26, 2025.

III. Summary Proceeding(s)

None. *See* Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Jennie L. Jbara,

Primary Certifying Official.

[FR Doc. 2025–04923 Filed 3–21–25; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35505; File No. 812–15696]

Barings LLC and Barings Private Credit Corporation

March 18, 2025.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of an application under Section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from Sections 18(a)(2), 18(c), 18(i), and 61(a) of the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain registered closed-end investment companies that have elected to be regulated as business development companies to issue multiple classes of shares with varying sales loads and asset-based distribution and/or service fees.

APPLICANTS: Barings LLC and Barings Private Credit Corporation.

FILING DATES: The application was filed on February 4, 2025, and amended on March 14, 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 14, 2025, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Mr. Brian High, Barings Private Credit Corporation, 300 South Tryon Street, Suite 2500, Charlotte, NC 28202; Harry S. Pangas, Dechert LLP, *Harry.Pangas@dechert.com.*

FOR FURTHER INFORMATION CONTACT: Jean Minarick, Senior Counsel, or Kyle R. Ahlgren, 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' First Amended and Restated Application, dated March 14, 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. 2025–04898 Filed 3–21–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission staff will hold a public roundtable on Thursday, March 27, 2025, at 9 a.m.

PLACE: The roundtable will be held in the Auditorium at the Commission's headquarters, 100 F Street NE, Washington, DC.

STATUS: The meeting will begin at 9 a.m. and will be open to the public. Seating will be on a first-come, first-served basis. Doors will open at 8 a.m. Visitors will be subject to security checks. The

meeting will be webcast on the Commission's website at *www.sec.gov.*

MATTERS TO BE CONSIDERED: The Commission staff will host a roundtable on artificial intelligence in the financial industry. The roundtable is open to the public and the public is invited to submit written or electronic feedback. This Sunshine Act notice is being issued because a majority of the Commission may attend the roundtable.

The roundtable will provide an opportunity for SEC staff to hear the views of market participants, academics, and industry professionals on the risks, benefits, and governance of artificial intelligence in the financial industry.

CONTACT PERSON FOR MORE INFORMATION: For further information, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Authority: 5 U.S.C. 552b.

Dated: March 20, 2025.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2025–05033 Filed 3–20–25; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, March 27, 2025.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov*.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of and/or participation in civil litigation; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Authority: 5 U.S.C. 552b.

Dated: March 20, 2025.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2025–05013 Filed 3–20–25; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission Small Business Capital Formation Advisory Committee will hold a public meeting on Tuesday, May 6, 2025, via videoconference.

PLACE: The meeting will be conducted by remote means (videoconference) and at the Commission's headquarters, 100 F Street NE, Washington, DC 20549. Members of the public may watch the webcast of the meeting on the Commission's website at *www.sec.gov.*

STATUS: The meeting will begin at 10:00 a.m. (ET) and will be open to the public via webcast on the Commission's website at *www.sec.gov.* This Sunshine Act notice is being issued because a majority of the Commission may attend the meeting.

MATTER TO BE CONSIDERED: The agenda for the meeting includes matters relating to rules and regulations affecting small and emerging businesses and their investors under the federal securities laws.

CONTACT PERSON FOR MORE INFORMATION: For further information, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Authority: 5 U.S.C. 552b.

Dated: March 20, 2025.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2025–04991 Filed 3–20–25; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35506; File No. 812–15722]

Goldman Sachs Private Credit Corp. and Goldman Sachs Asset Management, L.P.

March 18, 2025.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of an application under Section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from Sections 18(a)(2), 18(c), 18(i), and 61(a) of the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain registered closed-end investment companies that have elected to be regulated as business development companies to issue multiple classes of shares with varying sales loads and asset-based distribution and/or service fees.

APPLICANTS: Goldman Sachs Private Credit Corp. and Goldman Sachs Asset Management, L.P.

FILING DATES: The application was filed on March 13, 2025 and amended on March 18, 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 14, 2025, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the

Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov,* Applicants: Thomas J. Friedmann, Dechert LLP, One International Place, 40th Floor, 100 Oliver Street, Boston, MA 02110, William J. Bielefeld, *William.Bielefeld@dechert.com* and Caroline L. Kraus, Managing Director and Senior Counsel, Goldman Sachs & Co., *Caroline.Kraus@gs.com.*

FOR FURTHER INFORMATION CONTACT: Laura J. Riegel, Senior Counsel, or Thomas Ahmadifar, 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' First Amended and Restated Application, dated March 18, 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. 2025–04899 Filed 3–21–25; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20993 and #20994; NORTH DAKOTA Disaster Number ND–20008]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of North Dakota

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of North Dakota (FEMA–4852–DR), dated December 24, 2024.

Incident: Wildfires and Straight-Line Winds.

DATES: Issued on December 24, 2024.

Incident Period: October 5, 2024 through October 6, 2024.

Physical Loan Application Deadline Date: February 24, 2025.

Economic Injury (EIDL) Loan Application Deadline Date: September 24, 2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on December 24, 2024, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: McKenzie, Williams

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 209935 and for economic injury is 209940.

(Catalog of Federal Domestic Assistance Number 59008)

James Stallings,

Associate Administrator Office of Disaster Recovery & Resilience.

[FR Doc. 2025–04931 Filed 3–21–25; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent of Waiver With Respect to Land; Bolton Field Airport, Columbus, Ohio

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA is considering a proposal to change approximately 62.365 acres of airport land from aeronautical use to non-aeronautical use and to authorize the sale of airport property located at Bolton Field Airport, Columbus, Ohio. The aforementioned land is not needed for aeronautical use.

The property is located north of the airfield and currently consists of vacant land. The land is located along the north side of Alkire Road, east of Lone Eagle Street and west of the Runway Protection Zone for Runway 22. The anticipated future industrial development.

DATES: Comments must be received on or before April 23, 2025.

ADDRESSES: All requisite and supporting documentation will be made available for review by appointment at the FAA Detroit Airports District Office, Jordan Bowen, Program Manager, 11677 South Wayne Road, Suite 107, Romulus, MI, 48174, Telephone: (734) 229–2905/Fax: (734) 229–2950 and the Columbus Regional Airport Authority, Mark Kelby, Airport Planner, 4600 International Gateway, Columbus, OH 43219, (614) 239–5014.

Written comments on the Sponsor's request may be submitted using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov,* and follow the instructions for sending your comments electronically.
- *Mail:* Jordan Bowen, Program Manager, Federal Aviation Administration, Detroit Airports District Office, 11677 South Wayne Road, Suite 107, Romulus, MI 48174.
- *Hand Delivery:* Deliver to mail address above between 8 a.m. and 5 p.m. Monday through Friday, excluding Federal holidays.
- *Fax:* (734) 229–2950.

FOR FURTHER INFORMATION CONTACT: Jordan Bowen, Program Manager, Federal Aviation Administration, Detroit Airports District Office, 11677 South Wayne Road, Suite 107, Romulus, MI 48174. Telephone Number: (734) 229–2905/Fax: (734) 229–2950.

SUPPLEMENTARY INFORMATION: In accordance with section 47107(h) of Title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

This request to change the land use of federally obligated airport property pertains to parcel 9 identified on the Exhibit ''A'' Property Map for Bolton Field Airport. Excerpt from Property Map Data Table, these parcels were

acquired under a Federal Aviation Administration (FAA) Airport Developmental Aid Program (ADAP) grant, Federal Project # 8–39–0026–01. The land currently consists of vacant land. The proposed future industrial development includes: two bulk warehousing/distribution buildings, with truck docks, consisting of approximately 410,000 sf and 267,000 sf; paved areas for roadway access/circulation, trailer parking and automobile parking; landscaping; extension of utilities to and within the site and stormwater management features. The Columbus Regional Airport Authority will receive fair market value for the sale of this land.

The disposition of proceeds from the sale of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999 (64 FR 7696).

This notice announces that the FAA is considering the release of the subject airport property at the Bolton Field Airport, Columbus, Ohio from federal land covenants, subject to a reservation for continuing right of flight as well as restrictions on the released property as required in FAA Order 5190.6B section 22.16. Approval does not constitute a commitment by the FAA to financially assist in the disposal of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA.

DESCRIPTION OF 62.365 ACRES SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF COLUMBUS, VIRGINIA MILITARY SURVEY NUMBER 1462, BEING PART OF AN ORIGINAL 110.86 ACRE TRACT OF LAND (TRACT 26) DESCRIBED IN DEED TO COLUMBUS REGIONAL AIRPORT AUTHORITY OF RECORD IN INSTRUMENT NUMBER 200712310221193, ALL REFERENCES TO RECORDS BEING ON FILE IN THE OFFICE OF THE RECORDER, FRANKLIN COUNTY, OHIO, SAID 62.365 ACRE TRACT BEING MORE FULLY DESCRIBED HEREIN;

BEGINNING AT A MAG NAIL SET AT THE SOUTHWEST CORNER OF SAID 110.86 ACRE TRACT, BEING ON THE NORTH LINE OF A 48.672 ACRE TRACT OF LAND DESCRIBED IN DEED TO COLUMBUS REGIONAL AIRPORT AUTHORITY OF RECORD IN INSTRUMENT NUMBER 202204080055361, BEING AT THE SOUTHEAST CORNER OF SOUTHWEST AIRPORT INDUSTRIAL PARK SECTION 5 OF RECORD IN PLAT BOOK 50, PAGE 9, AND BEING ON THE CENTERLINE OF ALKIRE ROAD (COUNTY ROAD 11);

THENCE NORTH 01°09′23″ EAST, PASSING OVER A ¾″ IRON PIN FOUND AT A DISTANCE OF 40.87 FEET, AND PASSING OVER A ¾″ IRON PIN FOUND AT A DISTANCE OF 680.83 FEET, FOR A TOTAL DISTANCE OF 1114.08 FEET, WITH THE WEST LINE OF SAID 110.86 ACRE TRACT, WITH THE EAST LINE OF SAID SOUTHWEST AIRPORT INDUSTRIAL PARK SECTION 5, WITH THE EAST LINE OF A 4.812 ACRE TRACT OF LAND DESCRIBED IN DEED TO THOMAS M. SPEAKMAN, LLC OF RECORD IN INSTRUMENT NUMBER 201805170065928, WITH THE EAST LINE OF AN ORIGINAL 5.556 ACRE TRACT OF LAND DESCRIBED IN DEED TO HEARTLAND EXPRESS, INC. OF IOWA OF RECORD IN INSTRUMENT NUMBER 201709280135790, AND WITH THE EAST LINE OF TRACT NO. THREE (3) 1.605 ACRES, TRACT NO. FOUR (4) 3.000 ACRES, AND TRACT NO. ONE (1) 8.174 ACRES DESCRIBED IN DEED TO HEARTLAND EQUIPMENT, INC. OF RECORD IN INSTRUMENT NUMBER 200301270026433, TO AN IRON PIN SET AT A NORTHWEST CORNER OF SAID 110.86 ACRE TRACT, BEING ON THE EAST LINE OF SAID 8.174 ACRE TRACT, AND BEING AT THE SOUTHWEST CORNER OF LOT 1 OF SOUTHWEST AIRPORT INDUSTRIAL PARK SECTION 2 OF RECORD IN PLAT BOOK 45, PAGE 73 BEING AN 8.676 ACRE TRACT OF LAND DESCRIBED IN DEED TO BLEDSOE PROPERTIES, LLC OF RECORD IN INSTRUMENT NUMBER 200508190169042;

THENCE SOUTH 87°10′58″ EAST, PASSING OVER A ¾′ IRON PIPE FOUND AT A DISTANCE OF 843.38 FEET, FOR A TOTAL DISTANCE OF 1294.17 FEET, WITH A NORTH LINE OF SAID 110.86 ACRE TRACT, WITH THE SOUTH LINE OF SAID LOT 1, WITH THE SOUTH LINE OF SAID 8.676 ACRE TRACT, WITH THE SOUTH LINE OF A 2.436 ACRE TRACT OF LAND DESCRIBED IN DEED TO CITY OF COLUMBUS, OHIO OF RECORD IN INSTRUMENT NUMBER 200811280171606, AND WITH THE SOUTH LINE OF A 9.664 ACRE TRACT OF LAND DESCRIBED IN DEED TO CROWN ENTERPRISES, INC. OF RECORD IN INSTRUMENT NUMBER 201610190143015, TO A FENCE POST FOUND AT THE COMMON CORNER OF SAID 110.86 ACRE TRACT AND SAID 9.664 ACRE TRACT;

THENCE NORTH 01°06′31″ EAST, A DISTANCE OF 735.83 FEET, WITH A WEST LINE OF SAID 110.86 ACRE TRACT, WITH THE EAST LINE OF SAID LOT 1, AND WITH THE EAST LINE OF SAID 9.664 ACRE TRACT, TO A ¾′ IRON PIPE FOUND (S–5669) AT THE SOUTHWEST CORNER OF A 13.6672 ACRE TRACT OF LAND DESCRIBED IN DEED TO THE CITY OF COLUMBUS, OHIO OF RECORD IN INSTRUMENT NUMBER 200712310221202;

THENCE SOUTH 88°49′46″ EAST, A DISTANCE OF 775.34 FEET, WITH THE SOUTH LINE OF SAID 13.6672 ACRE TRACT, TO A ⅝″ REBAR FOUND AT THE SOUTHEAST CORNER OF SAID 13.6672 ACRE TRACT;

THENCE NORTH 01°11′25″ EAST, A DISTANCE OF 385.48 FEET, WITH THE EAST LINE OF SAID 13.6672 ACRE TRACT, TO A ¾″ IRON PIPE FOUND (STANTEC) AT A SOUTHWEST CORNER OF A 70.362 ACRE TRACT OF LAND DESCRIBED IN DEED TO SID TOOL CO., INC. OF RECORD IN INSTRUMENT NUMBER 201212050186849;

THENCE WITH THE SOUTH LINE OF SAID 70.362 ACRE TRACT, THE FOLLOWING TWO (2) COURSES:

1. SOUTH 66°07′29″ EAST, A DISTANCE OF 447.58 FEET, TO A ¾″ IRON PIPE FOUND (STANTEC);

2. SOUTH 39°43′56″ EAST, A DISTANCE OF 102.52 FEET, TO AN IRON PIN SET ON THE EAST LINE OF SAID 110.86 ACRE TRACT, AND BEING ON THE WEST LINE OF SAID 70.362 ACRE TRACT;

THENCE SOUTH 00°24′17″ WEST, A DISTANCE OF 687.44 FEET, WITH THE EAST LINE OF SAID 110.86 ACRE TRACT, AND WITH THE WEST LINE OF SAID 70.362 ACRE TRACT, TO A ¾″ IRON PIPE FOUND (STANTEC) AT THE SOUTHWEST CORNER OF SAID 70.362 ACRE TRACT;

THENCE THROUGH SAID 110.86 ACRE TRACT THE FOLLOWING TWO (2) COURSES:

1. NORTH 57°52′49″ WEST, A DISTANCE OF 547.47 FEET, TO AN IRON PIN SET;

2. SOUTH 23°51′45″ WEST, PASSING OVER AN IRON PIN SET AT 1684.67 FEET, FOR A TOTAL DISTANCE OF 1716.81 FEET, TO A MAG NAIL SET ON THE SOUTH LINE OF SAID 110.86 ACRE TRACT, BEING ON THE NORTH LINE OF (TRACTS 22, 23, 24, 25 & 30) DESCRIBED IN DEED TO COLUMBUS REGIONAL AIRPORT AUTHORITY OF RECORD IN INSTRUMENT NUMBER 200712310221193, AND BEING ON THE CENTERLINE OF SAID ALKIRE ROAD;

THENCE NORTH 87°09′02″ WEST, A DISTANCE OF 1426.03 FEET, WITH THE SOUTH LINE OF SAID 110.86 ACRE TRACT, THE NORTH LINE OF

SAID (TRACTS 22, 23, 24, 25 & 30), WITH THE NORTH LINE OF A 1.5411 ACRE TRACT OF LAND DESCRIBED IN DEED TO THE CITY OF COLUMBUS, OHIO OF RECORD IN INSTRUMENT NUMBER 200712310221201, WITH THE NORTH LINE OF SAID 48.672 ACRE TRACT, AND WITH THE CENTERLINE OF SAID ALKIRE ROAD, TO THE TRUE POINT OF BEGINNING, CONTAINING 62.365 ACRES, SUBJECT TO ALL EASEMENTS AND DOCUMENTS OF RECORD.

ALL IRON PINS SET ARE 5/8-INCH SOLID REBAR 30 INCHES IN LENGTH WITH A YELLOW PLASTIC CAP BEARING THE INITIALS ''CEC INC''.

THE BEARINGS SHOWN ON THIS SURVEY ARE BASED ON THE BEARING OF NORTH 87°09′02″ WEST AS DETERMINED FOR THE CENTERLINE OF ALKIRE ROAD BASED ON FIELD OBSERVATIONS PERFORMED IN MAY, 2022 AND BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83 (NSRS 2011 ADJUSTMENT). SAID BEARING WAS ESTABLISHED BY STATIC AND RTK GPS OBSERVATIONS.

Issued in Romulus, Michigan on March 18, 2025.

Katherine S. Delaney,

Assistant Manager, Detroit Airports District Office, FAA, Great Lakes Region.

[FR Doc. 2025–04919 Filed 3–21–25; 8:45 am]

BILLING CODE 4910–XX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2025–0006]

Request for Comments on the Renewal of a Previously Approved Collection: Maritime Administration (MARAD) Jones Act Vessel Availability Determinations

AGENCY: Maritime Administration, DOT

ACTION: Notice.

SUMMARY: The Maritime Administration (MARAD) invites public comments on our intention to request approval from the Office of Management and Budget (OMB) to renew an information collection in accordance with the Paperwork Reduction Act of 1995. The proposed collection OMB 2133–0545 (Maritime Administration (MARAD) Jones Act Vessel Availability Determinations) is used to collect information about the availability of qualified Jones Act vessels. Since the last renewal, there was a reduction in the public burden for this collection. We are required to publish this notice in the **Federal Register** to obtain comments from the public and affected agencies.

ADDRESSES: Written comments and recommendations for the proposed information collections 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: Lance Murray, 202–617–7792, Office of Cargo and Commercial Sealift, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, Email: *Cargo.MARAD@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Maritime Administration (MARAD) Jones Act Vessel Availability Determinations.

OMB Control Number: 2133–0545.

Type of Request: Extension of a previously approved information collection.

Abstract: Pursuant to 46 U.S.C. 501(b), the Maritime Administrator is required to make determinations about the availability of qualified United States flag capacity to carry coastwise cargo in connection with all requests for waivers of the Jones Act (46 U.S.C. 55102). This information collection supports that mission.

Respondents: Coastwise qualified vessel owners, operators, charterers, brokers, and representatives.

Affected Public: Business or other for profit.

Estimated Number of Respondents: 65.

Estimated Number of Responses: 260.

Estimated Hours per Response: .75.

Annual Estimated Total Annual Burden Hours: 195.

Frequency of Response: Four Times Annually.

A 60-day **Federal Register** Notice soliciting comments on this information collection was published on January 6, 2025 (90 **Federal Register** (FR) 725).

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.49.)

By Order of the Executive Director in lieu of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025–04924 Filed 3–21–25; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2025–0008; Notice 1]

Mack Trucks LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Mack Trucks, Inc., (Mack) has determined that certain model year (MY) 2017–2026 Mack Pinnacle (PI/PN) and MY 2017–2019 Mack CHU trucks do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 121, *Air Brake Systems.* Mack filed a noncompliance report dated December 20, 2024, and amended it on January 15, 2025. Mack petitioned NHTSA (the ''Agency'') on January 15, 2025, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces receipt of Mack's petition.

DATES: Send comments on or before April 23, 2025.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and may be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to the 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 comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy

form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477–78).

FOR FURTHER INFORMATION CONTACT: Ahmad Barnes, General Engineer, NHTSA, Office of Vehicle Safety Compliance, (202) 366–7236.

SUPPLEMENTARY INFORMATION:

I. Overview: Mack determined that certain MY 2017–2026 Mack Pinnacled (PI/PN) and MY 2017–2019 Mack CHU trucks do not fully comply with paragraph S5.1.2.1 of FMVSS No. 121, *Air Brake Systems* (49 CFR 571.121).

Mack filed a noncompliance report dated December 20, 2024, and amended the report on January 15, 2025, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Mack petitioned NHTSA on January 15, 2025, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

This notice of receipt of Mack's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or another exercise of judgment concerning the merits of the petition.

II. Vehicles Involved: Mack reported that approximately 12,827 MY 2017–2026 Mack Pinnacled (PI/PN) and 2017–2019 Mack CHU Trucks manufactured between April 12, 2016, and December 19, 2024, do not meet the requirements of FMVSS No. 121.

III. Relevant FMVSS Requirements: Paragraph S5.1.2.1 of FMVSS No. 121 includes the requirements relevant to this petition. Paragraph S5.1.2.1 requires, in relevant part, that the combined volume of all service and supply reservoirs be at least 12 times the combined volume of all service brake chambers.

IV. Noncompliance: Mack determined that the subject vehicles have service reservoirs with a combined volume of less than twelve times the combined volume of all service brake chambers. Mack estimates that the air reservoir volume in the subject vehicles falls less than 1.5 percent short of the required level of the nominal value of the air reservoirs as specified in table V of FMVSS 121 S5.1.2.1.

6x4 Vehicle (drum drum)				
	Steer Chamber Size	Drive Chamber Size		
	24	30	Total Air Volume (12x) (in^3)	Total Air Volume Liters
FMVSS121 Table 5 Vol (in^3)	67	89	5880	96.4
			Actual Air Volume Packaged	95.3
			% Volume Shortage	1.1

V. Summary of Mack's Petition: The following views and arguments presented in this section, ''V. Summary of Mack's Petition,'' are the views and arguments provided by Mack. They have not been evaluated by the Agency and do not reflect the views of the Agency. Mack describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

Mack quotes NHTSA as stating that ''an important issue to consider in determining inconsequentiality is the safety risk to individuals who experience the type of event against which the recall would otherwise protect.'' (Daimler Trucks North America, Grant of Petition for Decision of Inconsequential Noncompliance, 87 FR 14325, March 14, 2022.)

Mack cites the original rule published in 1971, in which NHTSA stated that the purpose of FMVSS No. 121 was to specify the requirements for the safe performance of air brake systems under normal and emergency conditions. (36 FR 3817, Feb. 27, 1971.) Mack also refers to the Notice of Proposed Rulemaking that preceded the FMVSS No. 121 final rule which explained that the proposed requirement for separate supply and service reservoirs to have a capacity that is 16 times the combined volume of all brake chambers was intended to protect the brake system against the consequence of malfunction. In the final rule, the reservoir capacity requirement was reduced to 12 times the combined brake chamber capacity due to comments that were received and reevaluation by the Administrator. (36 FR 3818, Feb. 27, 1971). Mack believes that the FMVSS No. 121 air reserve requirements are ''intended to assure that the trucks have an adequate air reserve to enable them to stop safely, even in the event of a malfunction.''

Mack lists three reasons why the subject vehicles meet the intended purpose of the safety standard:

1. Mack states that the subject vehicles have a greater air reserve, and therefore more energy to stop the truck, than required by FMVSS No. 121. Mack asserts that the amount of energy from the air pressure reservoir that is necessary to stop a vehicle is based more on air pressure than the volume of the reservoir itself. Therefore, Mack contends that the subject vehicles successfully compensate for any possible shortfall in stopping distance by having a slightly smaller reservoir with a higher air pressure. Mack uses a data table of test results comparing the actuation timing of the air brakes of the noncompliant trucks with a reservoir pressure of 100 psi with a compliant truck with the same reservoir pressure. According to their data, there is a ''nearly identical'' difference between

the actuation timing (and by extension stopping distance) of compliant and noncompliant trucks. Mack then shows that the actuation timing of a reservoir with 110 psi (which is used in all configurations of their trucks) gives the vehicles a ''superior'' stopping distance to compliant vehicles. Mack states that all testing protocols conform with a technical paper released by NHTSA entitled ''Tests To Evaluate Reservoir Volume Requirements For Standard And Long Stroke Chambers, VRTC–82–0255 (January 1996).''

2. Mack states that ''(t)he subject trucks compensate for the risk of malfunctions related to reservoir capacity at least as well as compliant trucks.'' Mack names three potential causes of malfunction that they believe were meant to be addressed by the required reservoir capacity requirements and gives reasons why the noncompliant trucks do not have a higher risk of those malfunctions.

The first is the risk of air governor cut-in pressure malfunction. Mack states that any increase in stopping distance caused by risk of failure of the air governors on the noncompliant subject trucks will be more than negated by the above-mentioned higher air pressure in the reservoirs.

The second is the risk of reduction of available air volume caused by water accumulating in the vehicle's pneumatic system. Mack recognizes that twelve to one reservoir-to-service-brake volume ratio required by FMVSS No. 121 lowers the risk of water accumulation. However, they claim to have reduced the risk of water accumulation in noncompliant trucks by instead installing air dryers as standard equipment in the entire subject vehicle population. This leads to an even greater reduction of water and humidity accumulation in the subject noncompliant vehicle population than compliant vehicles without air dryers. Mack additionally mentions that the greater air reserve will compensate for the reduction of available air volume caused by water accumulation even without the air dryers.

The third risk is the potential for air leakage to reduce the amount of energy needed for braking. As established, the subject vehicles have a greater air reserve than required in FMVSS No. 121 and as a result, would better tolerate an air leak. The subject noncompliant vehicles have a compressor fill rate (compliant with FMVSS 121, S5.1.1) that Mack says would ''compensate for non-readily detectable air leaks.''

3. Mack states that it has not received, nor found any complaints or field reports related to this noncompliance. While Mack acknowledges that a lack of complaints is not usually considered relevant to NHTSA's decision on inconsequential noncompliance, it notes that the absence of complaints of increased vehicle stopping distance supports their assertion that the noncompliant vehicles do not pose any increased risk to public safety.

Mack reiterates that for the above reasons, the subject noncompliant trucks do not have any increase in stopping distance, even in the event of a malfunction or emergency, and therefore meet the purpose of the safety standard although not technically conforming to it.

Mack concludes by stating its belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety and its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that Mack no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicles distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Mack notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2025–04950 Filed 3–21–25; 8:45 am]

BILLING CODE 4910–59–P

FEDERAL REGISTER

Vol. 90 Monday,
No. 55 March 24, 2025

Part II

Environmental Protection Agency

40 CFR Part 52
Air Plan Approval; ID; Regional Haze Plan for the Second Implementation Period; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR 2024–0545; FRL–11879–01–R10]

Air Plan Approval; ID; Regional Haze Plan for the Second Implementation Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the Idaho regional haze State Implementation Plan (SIP) revision submitted on August 5, 2022, and supplemented on May 8, 2024. Idaho submitted the SIP revision to address the requirement to make reasonable progress toward the national goal of preventing any future, and remedying any existing, anthropogenic impairment of visibility in certain national parks and wilderness areas.

DATES: Written comments must be received on or before April 23, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2024–0545 at *https://www.regulations.gov.* For comments submitted at *regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments may not be edited or removed from *regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information or other information the disclosure of which is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about confidential business information or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: John Chi, EPA Region 10, 1200 Sixth Avenue, Suite 155, Seattle, WA 98101, at (206) 553–1185 or *chi.john@epa.gov.*

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

Table of Contents

I. Background and Requirements for Regional Haze Plans

A. Regional Haze Background

In the 1977 Clean Air Act Amendments, Congress created a program[1] to protect visibility in the nation's mandatory class I Federal areas, which include certain national parks and wilderness areas.[2] Congress established as a national goal the ''prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution.'' [3] Congress further directed the EPA to promulgate regulations to assure reasonable progress toward meeting this national goal.[4]

In 1990, Congress added section 169B to the Clean Air Act to further address visibility impairment, specifically, impairment from regional haze. The EPA subsequently promulgated the Regional Haze Rule on July 1, 1999 (64 FR 35714), codified at 40 CFR 51.308.[5] These regional haze regulations are a central component of the EPA's comprehensive visibility protection program for Class I areas.

Regional haze is visibility impairment that is produced by a multitude of anthropogenic sources and activities which are located across a broad geographic area and that emit pollutants that impair visibility. Visibility impairing pollutants include fine and coarse particulate matter (PM) (*e.g.,* sulfates, nitrates, organic carbon, elemental carbon, and soil dust) and their precursors (*e.g.,* sulfur dioxide (SO_2), nitrogen oxides (NO_X), and, in some cases, volatile organic compounds (VOC) and ammonia (NH_3)). Fine particle precursors react in the atmosphere to form fine particulate matter ($PM_{2.5}$), which impairs visibility by scattering and absorbing light. Visibility impairment reduces the perception of clarity and color, as well as visible distance.[6]

To address regional haze visibility impairment, the 1999 Regional Haze Rule established an iterative planning process that requires both States in which Class I areas are located and States ''the emissions from which may reasonably be anticipated to cause or

[1] Clean Air Act section 169A.

[2] Areas statutorily designated as mandatory class I Federal areas consist of national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977. Clean Air Act 162(a). There are 156 mandatory class I Federal areas. The list of areas to which the visibility protection program applies is set forth in 40 CFR part 81, subpart D.

[3] Clean Air Act section 169A(a)(1).

[4] Clean Air Act section 169A(a)(4).

[5] In addition to the generally applicable regional haze provisions at 40 CFR 51.308, the EPA also promulgated regulations specific to addressing regional haze visibility impairment in Class I areas on the Colorado Plateau at 40 CFR 51.309. The latter regulations are applicable only for specific jurisdictions' regional haze plans submitted no later than December 17, 2007, and thus are not relevant here.

[6] There are several ways to measure the amount of visibility impairment, *i.e.,* haze. One such measurement is the deciview, which is the principal metric used by the Regional Haze Rule. Under many circumstances, a change in one deciview will be perceived by the human eye to be the same on both clear and hazy days. The deciview is unitless. It is proportional to the logarithm of the atmospheric extinction of light, which is the perceived dimming of light due to its being scattered and absorbed as it passes through the atmosphere. Atmospheric light extinction (b^{ext}) is a metric used to for expressing visibility and is measured in inverse megameters (Mm^{-1}).

contribute to any impairment of visibility'' in a Class I area to periodically submit SIP revisions to address such impairment.[7] Under the Clean Air Act, each SIP revision must contain ''a long-term (ten to fifteen years) strategy for making reasonable progress toward meeting the national goal''.[8] The initial round of SIP revisions also had to address the statutory requirement that certain older, larger sources of visibility impairing pollutants install and operate the best available retrofit technology (BART).[9] States' first regional haze SIPs were due by December 17, 2007,[10] with subsequent SIP revisions containing updated long-term strategies originally due July 31, 2018, and every ten years thereafter.[11] The EPA established in the 1999 Regional Haze Rule that all States either have Class I areas within their borders or ''contain sources whose emissions are reasonably anticipated to contribute to regional haze in a Class I area''; therefore, all States must submit regional haze SIPs.[12]

Much of the focus in the first implementation period of the regional haze program, which ran from 2007 through 2018, was on satisfying States' BART obligations. First implementation period SIPs were additionally required to contain long-term strategies for making reasonable progress toward the national visibility goal, of which BART is one component. The core required elements for the first implementation period SIPs (other than BART) are laid out in 40 CFR 51.308(d).

On January 10, 2017, the EPA promulgated revisions to the Regional Haze Rule that apply for the second and subsequent implementation periods (82 FR 3078). The 2017 rulemaking made several changes to the requirements for regional haze SIPs to clarify States' obligations and streamline certain regional haze requirements. The revisions to the regional haze program for the second and subsequent implementation periods focused on the requirement that SIPs contain long-term strategies for making reasonable progress towards the national visibility goal. The reasonable progress requirements as revised in the 2017 rulemaking (referred to here as the 2017 Regional Haze Rule Revisions) are codified at 40 CFR 51.308(f). Among other changes, the 2017 Regional Haze Rule Revisions adjusted the deadline for States to submit their second implementation period SIPs from July 31, 2018, to July 31, 2021, clarified the order of analysis and the relationship between RPGs and the long-term strategy, and focused on making visibility improvements on the days with the most *anthropogenic* visibility impairment, as opposed to the days with the most visibility impairment overall. The EPA also revised requirements of the visibility protection program related to periodic progress reports and Federal Land Manager consultation. The specific requirements applicable to second implementation period regional haze SIP revisions are addressed in detail in the following paragraphs.

B. Roles of Agencies in Addressing Regional Haze

Because the air pollutants and pollution affecting visibility in Class I areas can be transported over long distances, successful implementation of the regional haze program requires long-term, regional coordination among multiple jurisdictions and agencies that have responsibility for Class I areas and the emissions that impact visibility in those areas. In order to address regional haze, States need to develop strategies in coordination with one another, considering the effect of emissions from one jurisdiction on the air quality in another. Five regional planning organizations (RPOs),[13] which include representation from State and tribal governments, the EPA, and Federal Land Managers, were developed in the lead-up to the first implementation period to address regional haze. Regional planning organizations evaluate technical information to better understand how emissions impact Class I areas across the country, pursue the development of regional strategies to reduce emissions of particulate matter and other pollutants leading to regional haze, and help States meet the consultation requirements of the Regional Haze Rule.

1. The Western Regional Air Partnership

The Western Regional Air Partnership (WRAP)[14] is one of five regional air quality planning organizations across the United States.[15] The WRAP functions as a voluntary partnership of State, tribal, Federal, and local air agencies whose purpose is to understand current and evolving regional air quality issues in the west. There are 15 member States in the WRAP, including Idaho, in addition to 28 Tribes and 30 Local air agency members.[16] The WRAP Federal partners include the EPA, National Park Service, Fish and Wildlife Service, Forest Service, and Bureau of Land Management.

Based on emissions and monitoring data supplied by its membership, the WRAP produced technical tools to support regional modeling of visibility impacts at Class I areas across the west.[17] The ''WRAP Technical Support System'' consolidated air quality monitoring data, meteorological and receptor modeling data analyses, emissions inventories and projections, and gridded air quality/visibility regional modeling results. The WRAP Technical Support System is accessible by members and allows for the creation of maps, figures, and tables to export and use in developing regional haze SIP revisions, and maintains the original source data for verification and further analysis.

II. Requirements for Regional Haze Plans for the Second Implementation Period

Under the Clean Air Act and the EPA's regulations, all 50 States, the District of Columbia, and the United States (U.S.) Virgin Islands are required to submit regional haze SIPs satisfying the applicable requirements for the second implementation period of the regional haze program by July 31, 2021. Each State's SIP must contain a long-term strategy for making reasonable progress toward meeting the national goal of remedying any existing and preventing any future anthropogenic

[7] Clean Air Act section 169A(b)(2). See also 40 CFR 51.308(b), (f) (establishing submission dates for iterative regional haze SIP revisions (64 FR 35714, July 1, 1999, at page 35768). The Regional Haze Rule expresses the statutory requirement for states to submit plans addressing out-of-state Class I areas by providing that states must address visibility impairment ''in each mandatory Class I Federal area located outside the State that may be affected by emissions from within the State.'' 40 CFR 51.308(d), (f).

[8] Clean Air Act section 169A(b)(2)(B).

[9] Clean Air Act section 169A(b)(2)(A); 40 CFR 51.308(d), (e).

[10] 40 CFR 51.308(b).

[11] 64 FR 35714, July 1, 1999, at page 35768.

[12] 64 FR 35714, July 1, 1999, at page 35721. In addition to each of the fifty states, the EPA also concluded that the Virgin Islands and District of Columbia must also submit regional haze SIPs because they either contain a Class I area or contain sources whose emissions are reasonably anticipated to contribute regional haze in a Class I area. See 40 CFR 51.300(b), (d)(3).

[13] RPOs are sometimes also referred to as ''multi-jurisdictional organizations,'' or MJOs. For the purposes of this notice, the terms RPO and MJO are synonymous.

[14] The WRAP website may be found at *https://www.wrapair2.org/*.

[15] *See https://www.epa.gov/visibility/visibility-regional-planning-organizations/* for information about the regional planning organizations, or RPOs, for visibility.

[16] The WRAP membership list may be found at *https://www.wrapair2.org/membership.aspx/*.

[17] Technical information may be found at *https://www.wrapair2.org/RHPWG.aspx/* and in the docket for this action.

visibility impairment in Class I areas.[18] To this end, 40 CFR 51.308(f) lays out the process by which States determine what constitutes their long-term strategies, with the order of the requirements in section 51.308(f)(1) through (3) generally mirroring the order of the steps in the reasonable progress analysis [19] and (f)(4) through (6) containing additional, related requirements.

Broadly speaking, a State first must identify the Class I areas within the State and determine the Class I areas outside the State in which visibility may be affected by emissions from the State. These are the Class I areas that must be addressed in the State's long-term strategy.[20] For each Class I area within its borders, a State must then calculate the baseline (five-year average period of 2000–2004), current, and natural visibility conditions (*i.e.,* visibility conditions without anthropogenic visibility impairment) for that area, as well as the visibility improvement made to date and the ''uniform rate of progress'' (URP). The URP is the linear rate of progress needed to attain natural visibility conditions, assuming a starting point of baseline visibility conditions in 2004 and ending with natural conditions in 2064. This linear interpolation is used as a tracking metric to help states assess the amount of progress they are making towards the national visibility goal over time in each Class I area.[21] Each State having a Class I area and/or emissions that may affect visibility in a Class I area must then develop a long-term strategy that includes the enforceable emission limitations, compliance schedules, and other measures that are necessary to make reasonable progress in such areas. A reasonable progress determination is based on applying the four factors in Clean Air Act section 169A(g)(1) to sources of visibility-impairing pollutants that the State has selected to assess for controls for the second implementation period.[22]

Additionally, as further explained below, the Regional Haze Rule at 40 CFR 51.308(f)(2)(iv) separately provides five ''additional factors'' [23] that States must consider in developing their long-term strategies. A State evaluates potential emission reduction measures for those selected sources and determines which are necessary to make reasonable progress. Those measures are then incorporated into the State's long-term strategy. After a State has developed its long-term strategy, it then establishes RPGs for each Class I area within its borders by modeling the visibility impacts of all reasonable progress controls at the end of the second implementation period, *i.e.,* in 2028, as well as the impacts of other requirements of the Clean Air Act. The RPGs include reasonable progress controls not only for sources in the State in which the Class I area is located, but also for sources in other States that contribute to visibility impairment in that area. The RPGs are then compared to the baseline visibility conditions and the uniform rate of progress to ensure that progress is being made towards the statutory goal of preventing any future and remedying any existing anthropogenic visibility impairment in Class I areas.[24]

In addition to satisfying the requirements at 40 CFR 51.308(f) related to reasonable progress, the regional haze SIP revisions for the second implementation period must address the requirements in section 51.308(g)(1) through (5) pertaining to periodic reports describing progress towards the RPGs, 40 CFR 51.308(f)(5), as well as requirements for Federal Land Manager consultation that apply to all visibility protection SIPs and SIP revisions.[25]

A State must submit its regional haze SIP and subsequent SIP revisions to the EPA according to the requirements applicable to all SIP revisions under the Clean Air Act and the EPA's regulations.[26] Upon EPA approval, a SIP is enforceable by the EPA and the public under the Clean Air Act. If the EPA finds that a State fails to make a required SIP revision, or if the EPA finds that a SIP is incomplete or disapproves the SIP, the EPA must promulgate a Federal implementation plan (FIP) that satisfies the applicable requirements.[27]

A. Identification of Class I Areas

The first step in developing a regional haze SIP is for a State to determine which Class I areas, in addition to those within its borders, ''may be affected'' by emissions from within the State. In the 1999 Regional Haze Rule, the EPA determined that all States contribute to visibility impairment in at least one Class I area and explained that the statute and regulations lay out an ''extremely low triggering threshold'' for determining ''whether States should be required to engage in air quality planning and analysis as a prerequisite to determining the need for control of emissions from sources within their State.'' [28]

A State must determine which Class I areas must be addressed by its SIP by evaluating the total emissions of visibility impairing pollutants from all sources within the State. The determination of which Class I areas may be affected by a State's emissions is subject to the requirement in 40 CFR 51.308(f)(2)(iii) to ''document the technical basis, including modeling, monitoring, cost, engineering, and emissions information, on which the State is relying to determine the emission reduction measures that are necessary to make reasonable progress in each mandatory Class I Federal area it affects.''

B. Calculations of Baseline, Current, and Natural Visibility Conditions; Progress to Date; and the Uniform Rate of Progress

As part of assessing whether a SIP revision for the second implementation period is providing for reasonable progress towards the national visibility goal, the Regional Haze Rule contains requirements in section 51.308(f)(1) related to tracking visibility improvement over time. The requirements of this section apply only to States having Class I areas within their borders; the required calculations must be made for each such Class I area. The EPA's 2018 Visibility Tracking Guidance [29] provides recommendations to assist States in satisfying their obligations under section 51.308(f)(1); specifically, in developing information on baseline, current, and natural visibility conditions, and in making optional adjustments to the uniform rate of progress to account for the impacts of international anthropogenic emissions and prescribed fires.[30]

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[18] Clean Air Act section 169A(b)(2)(B).

[19] The EPA explained in the 2017 Regional Haze Rule Revisions that we were adopting new regulatory language in 40 CFR 51.308(f) that, unlike the structure in 51.308(d), ''tracked the actual planning sequence.'' (82 FR 3091, January 10, 2017).

[20] 40 CFR 51.308(f), (f)(2).

[21] 40 CFR 51.308(f)(1).

[22] 40 CFR 51.308(f)(2).

[23] The five ''additional factors'' for consideration in 40 CFR 51.308(f)(2)(iv) are distinct from the four factors listed in Clean Air Act section 169A(g)(1) and 40 CFR 51.308(f)(2)(i) that States must consider and apply to sources in determining reasonable progress.

[24] 40 CFR 51.308(f)(2)–(3).

[25] 40 CFR 51.308(i).

[26] See Clean Air Act section 169(b)(2); Clean Air Act section 110(a).

[27] Clean Air Act section 110(c)(1).

[28] 64 FR 35714, July 1, 1999, at pages 35720–35722.

[29] The 2018 Visibility Tracking Guidance references and relies on parts of the 2003 Tracking Guidance: ''Guidance for Tracking Progress Under the Regional Haze Rule,'' which can be found at *https://www.epa.gov/sites/default/files/2021-03/documents/tracking.pdf* and in the docket for this action.

[30] 82 FR 3078, January 10, 2017, at pages 3103–05.

The Regional Haze Rule requires tracking of visibility conditions on two sets of days: the clearest and the most impaired days. Visibility conditions for both sets of days are expressed as the average deciview index for the relevant five-year period (the period representing baseline or current visibility conditions). The Regional Haze Rule provides that the relevant sets of days for visibility tracking purposes are the 20% clearest (the 20% of monitored days in a calendar year with the lowest values of the deciview index) and 20% most impaired days (the 20% of monitored days in a calendar year with the highest amounts of anthropogenic visibility impairment).[31] A State must calculate visibility conditions for both the 20% clearest and 20% most impaired days for the baseline period of 2000–2004 and the most recent five-year period for which visibility monitoring data are available (representing current visibility conditions).[32] States must also calculate natural visibility conditions for the clearest and most impaired days [33] by estimating the conditions that would exist on those two sets of days absent anthropogenic visibility impairment.[34] Using all these data, States must then calculate, for each Class I area, the amount of progress made since the baseline period (2000–2004) and how much improvement is left to achieve in order to reach natural visibility conditions.

Using the data for the set of most impaired days only, States must plot a line between visibility conditions in the baseline period and natural visibility conditions for each Class I area to determine the uniform rate of progress—the amount of visibility improvement, measured in deciviews, that would need to be achieved during each implementation period in order to achieve natural visibility conditions by the end of 2064. The uniform rate of progress is used in later steps of the reasonable progress analysis for informational purposes and to provide a non-enforceable benchmark against which to assess a Class I area's rate of visibility improvement. Additionally, in the 2017 Regional Haze Rule Revisions, the EPA provided States the option of proposing to adjust the endpoint of the uniform rate of progress to account for impacts of anthropogenic sources outside the U.S. and/or impacts of certain types of wildland prescribed fires. These adjustments, which must be approved by the EPA, are intended to avoid any perception that States should compensate for impacts from international anthropogenic sources and to give States the flexibility to determine that limiting the use of wildland-prescribed fire is not necessary for reasonable progress.[35]

The EPA's 2018 Visibility Tracking Guidance can be used to help satisfy the 40 CFR 51.308(f)(1) requirements, including in developing information on baseline, current, and natural visibility conditions, and in making optional adjustments to the uniform rate of progress. In addition, the 2020 Data Completeness Memo provides recommendations on the data completeness language referenced in section 51.308(f)(1)(i) and provides updated natural conditions estimates for each Class I area.

C. Long-Term Strategy for Regional Haze

The core component of a regional haze SIP revision is a long-term strategy that addresses regional haze in each Class I area within a State's borders and each Class I area that may be affected by emissions from the State. The long-term strategy ''must include the enforceable emissions limitations, compliance schedules, and other measures that are necessary to make reasonable progress, as determined pursuant to (f)(2)(i) through (iv).'' [36] The amount of progress that is ''reasonable progress'' is based on applying the four statutory factors in Clean Air Act section 169A(g)(1) in an evaluation of potential control options for sources of visibility impairing pollutants, which is referred to as a ''four-factor'' analysis. The outcome of that analysis is the emission reduction measures that a particular source or group of sources needs to implement in order to make reasonable progress towards the national visibility goal.[37] Emission reduction measures that are necessary to make reasonable progress may be either new, additional control measures for a source, or they may be the existing emission reduction measures that a source is already implementing. See 82 FR 3078, January 10, 2017, at pages 3092–93. Such measures must be represented by ''enforceable emissions limitations, compliance schedules, and other measures'' (*i.e.,* any additional compliance tools) in a State's long-term strategy in its SIP.[38]

Section 51.308(f)(2)(i) provides the requirements for the four-factor analysis. The first step of this analysis entails selecting the sources to be evaluated for emission reduction measures; to this end, States should consider ''major and minor stationary sources or groups of sources, mobile sources, and area sources'' of visibility impairing pollutants for potential four-factor control analysis.[39] A threshold question at this step is which visibility impairing pollutants will be analyzed.

While States have discretion to choose any source selection methodology that is reasonable, whatever choices they make should be reasonably explained. To this end, 40 CFR 51.308(f)(2)(i) requires that a State's SIP revision include ''a description of the criteria it used to determine which sources or groups of sources it evaluated.'' The technical basis for source selection, which may include methods for quantifying potential visibility impacts such as emissions divided by distance metrics, trajectory analyses, residence time analyses, and/or photochemical modeling, must also be appropriately documented, as required by 40 CFR 51.308(f)(2)(iii).

Once a State has selected the set of sources, the next step is to determine the emissions reduction measures for those sources that are necessary to make reasonable progress for the second implementation period.[40] This is accomplished by considering the four factors—''the costs of compliance, the time necessary for compliance, and the energy and nonair quality environmental impacts of compliance, and the remaining useful life of any

[31] 40 CFR 51.301. This notice also refers to the 20% clearest and 20% most anthropogenically impaired days as the ''clearest'' and ''most impaired'' or ''most anthropogenically impaired'' days, respectively.

[32] 40 CFR 51.308(f)(1)(i), (iii).

[33] The Regional Haze Rule at 40 CFR 51.308(f)(1)(ii) contains an error related to the requirement for calculating two sets of natural conditions values. The rule says, ''most impaired days or the clearest days'' where it should say ''most impaired days and clearest days.'' This is an error that was intended to be corrected in the 2017 Regional Haze Rule Revisions but did not get corrected in the final rule language. This is supported by the preamble text on page 3098 in the document published at 82 FR 3078, January 10, 2017: ''In the final version of 40 CFR 51.308(f)(1)(ii), an occurrence of ''or'' has been corrected to ''and'' to indicate that natural visibility conditions for both the most impaired days and the clearest days must be based on available monitoring information.''

[34] 40 CFR 51.308(f)(1)(ii).

[35] 82 FR 3078, January 10, 2017, at page 3107, footnote 116.

[36] 40 CFR 51.308(f)(2).

[37] 40 CFR 51.308(f)(2)(i).

[38] 40 CFR 51.308(f)(2).

[39] 40 CFR 51.308(f)(2)(ii).

[40] The Clean Air Act provides that, ''[i]n determining reasonable progress there shall be taken into consideration'' the four statutory factors. Clean Air Act section 169A(g)(1). However, in addition to four-factor analyses for selected sources, groups of sources, or source categories, a state may also consider additional emission reduction measures for inclusion in its long-term strategy, *e.g.,* from other newly adopted, on-the-books, or on-the-way rules and measures for sources not selected for four-factor analysis for the second implementation period.

existing source subject to such requirements.'' [41] The EPA has explained that the four-factor analysis is an assessment of potential emission reduction measures (*i.e.,* control options) for sources; ''use of the terms 'compliance' and 'subject to such requirements' in section 169A(g)(1) strongly indicates that Congress intended the relevant determination to be the requirements with which sources would have to comply in order to satisfy the [Clean Air Act's] reasonable progress mandate.'' [42] Thus, for each source it has selected for four-factor analysis,[43] a State should consider a ''meaningful set'' of technically feasible control options for reducing emissions of visibility impairing pollutants.[44]

After identifying a reasonable set of potential control options for the sources it has selected, a State then collects information on the four factors with regard to each option identified. The EPA has also explained that, in addition to the four statutory factors, States have flexibility under the Clean Air Act and Regional Haze Rule to reasonably consider visibility benefits as an additional factor alongside the four statutory factors.[45] Ultimately, while States have discretion to reasonably weigh the factors and to determine what level of control is needed, section 51.308(f)(2)(i) provides that a State ''must include in its implementation plan a description of . . . how the four factors were taken into consideration in selecting the measure for inclusion in its long-term strategy.''

As explained above, section 51.308(f)(2)(i) requires States to determine the emission reduction measures for sources that are necessary to make reasonable progress by considering the four factors. Pursuant to section 51.308(f)(2), measures that are necessary to make reasonable progress towards the national visibility goal must be included in a State's long-term strategy and in its SIP.[46] If the outcome of a four-factor analysis is that an emissions reduction measure is necessary to make reasonable progress towards remedying anthropogenic visibility impairment, that measure must be included in the SIP.

As with source selection, the characterization of information on each of the factors is also subject to the documentation requirement in section 51.308(f)(2)(iii). The reasonable progress analysis, including source selection, information gathering, characterization of the four statutory factors (and potentially visibility), balancing of the four factors, and selection of the emission reduction measures that represent reasonable progress, is a technically complex exercise, but also a flexible one that provides States with bounded discretion to design and implement approaches appropriate to their circumstances. Given this flexibility, section 51.308(f)(2)(iii) plays an important function in requiring a State to document the technical basis for its decision making so that the public and the EPA can comprehend and evaluate the information and analysis the State relied upon to determine what emission reduction measures must be in place to make reasonable progress. The technical documentation must include the modeling, monitoring, cost, engineering, and emissions information on which the State relied to determine the measures necessary to make reasonable progress. This documentation requirement can be met through the provision of and reliance on technical analyses developed through a regional planning process, so long as that process and its output has been approved by all State participants. In addition to the explicit regulatory requirement to document the technical basis of their reasonable progress determinations, States are also subject to the general principle that those determinations must be reasonably moored to the statute.[47] That is, a State's decisions about the emission reduction measures that are necessary to make reasonable progress must be consistent with the statutory goal of remedying existing and preventing future visibility impairment.

The four statutory factors (and potentially visibility) are used to determine what emission reduction measures for selected sources must be included in a State's long-term strategy for making reasonable progress. Additionally, the Regional Haze Rule at 40 CFR 51.308(f)(2)(iv) separately provides five ''additional factors'' [48] that States must consider in developing their long-term strategies: (1) Emission reductions due to ongoing air pollution control programs, including measures to address reasonably attributable visibility impairment; (2) measures to reduce the impacts of construction activities; (3) source retirement and replacement schedules; (4) basic smoke management practices for prescribed fire used for agricultural and wildland vegetation management purposes and smoke management programs; and (5) the anticipated net effect on visibility due to projected changes in point, area, and mobile source emissions over the period addressed by the long-term strategy.

Because the air pollution that causes regional haze crosses State boundaries, section 51.308(f)(2)(ii) requires a State to consult with other States that also have emissions that are reasonably anticipated to contribute to visibility impairment in a given Class I area. Consultation allows for each State that impacts visibility in an area to share whatever technical information, analyses, and control determinations may be necessary to develop coordinated emission management strategies. This coordination may be managed through inter- and intra-regional planning organization consultation and the development of regional emissions strategies; additional consultations between States outside of

[41] Clean Air Act 169A(g)(1).

[42] 82 FR 3078, January 10, 2017, at page 3091.

[43] ''Each source'' or ''particular source'' is used here as shorthand. While a source-specific analysis is one way of applying the four factors, neither the statute nor the Regional Haze Rule requires states to evaluate individual sources. Rather, states have ''the flexibility to conduct four-factor analyses for specific sources, groups of sources or even entire source categories, depending on state policy preferences and the specific circumstances of each state.'' 82 FR 3078, January 10, 2017, at page 3088. However, not all approaches to grouping sources for four-factor analysis are necessarily reasonable; the reasonableness of grouping sources in any particular instance will depend on the circumstances and the manner in which grouping is conducted. If it is feasible to establish and enforce different requirements for sources or subgroups of sources, and if relevant factors can be quantified for those sources or subgroups, then states should make a separate reasonable progress determination for each source or subgroup. 2021 Clarifications Memo at pages 7–8.

[44] 82 FR 3078, January 10, 2017, at page 3088.

[45] See, *e.g.,* Responses to Comments on Protection of Visibility: Amendments to Requirements for State Plans; Proposed Rule (81 FR 26942, May 4, 2016) (December 2016), Docket Number EPA–HQ–OAR–2015–0531, U.S. Environmental Protection Agency at page 186; EPA 2019 Guidance at pages 36–37.

[46] States may choose to, but are not required to, include measures in their long-term strategies beyond just the emission reduction measures that are necessary for reasonable progress. See 2021 Clarifications Memo at 16. For example, states with smoke management programs may choose to submit their smoke management plans to the EPA for inclusion in their SIPs but are not required to do so. See, *e.g.,* 82 FR 3078, January 10, 2017, at pages 3108–3109, (requirement to consider smoke management practices and smoke management programs under 40 CFR 51.308(f)(2)(iv) does not require states to adopt such practices or programs into their SIPs, although they may elect to do so).

[47] See *Arizona ex rel. Darwin* v. *U.S. EPA,* 815 F.3d 519, 531 (9th Cir. 2016); *Nebraska* v. *U.S. EPA,* 812 F.3d 662, 668 (8th Cir. 2016); *North Dakota* v. *EPA,* 730 F.3d 750, 761 (8th Cir. 2013); *Oklahoma* v. *EPA,* 723 F.3d 1201, 1206, 1208–10 (10th Cir. 2013); cf. also *National Parks Conservation Association* v. *EPA,* 803 F.3d 151, 165 (3d Cir. 2015); *Alaska Department of Environmental Conservation* v. *EPA,* 540 U.S. 461, 485, 490 (2004).

[48] The five ''additional factors'' for consideration in section 51.308(f)(2)(iv) are distinct from the four factors listed in Clean Air Act section 169A(g)(1) and 40 CFR 51.308(f)(2)(i) that states must consider and apply to sources in determining reasonable progress.

regional planning organization processes may also occur. If a State, pursuant to consultation, agrees that certain measures (*e.g.,* a certain emission limitation) are necessary to make reasonable progress at a Class I area, it must include those measures in its SIP.[49] Additionally, the Regional Haze Rule requires that States that contribute to visibility impairment at the same Class I area consider the emission reduction measures the other contributing States have identified as being necessary to make reasonable progress for their own sources.[50] If a State has been asked to consider or adopt certain emission reduction measures, but ultimately determines those measures are not necessary to make reasonable progress, that State must document in its SIP the actions taken to resolve the disagreement.[51] The EPA will consider the technical information and explanations presented by the submitting State and the State with which it disagrees when considering whether to approve the SIP revision. Under all circumstances, a State must document in its SIP revision all substantive consultations with other contributing States.[52]

D. Reasonable Progress Goals

Reasonable progress goals (RPGs) ''measure the progress that is projected to be achieved by the control measures States have determined are necessary to make reasonable progress based on a four-factor analysis.'' [53] Their primary purpose is to assist the public and the EPA in assessing the reasonableness of States' long-term strategies for making reasonable progress towards the national visibility goal.[54] States in which Class I areas are located must establish two RPGs, both in deciviews—one representing visibility conditions on the clearest days and one representing visibility on the most anthropogenically impaired days—for each area within their borders.[55] The two RPGs are intended to reflect the projected impacts, on the two sets of days, of the emission reduction measures the State with the Class I area, as well as all other contributing States, have included in their long-term strategies for the second implementation period. The RPGs also account for the projected impacts of implementing other Clean Air Act requirements, including non-SIP based requirements. Because RPGs are the modeled result of the measures in States' long-term strategies (as well as other measures required under the Clean Air Act), they cannot be determined before States have conducted their four-factor analyses and determined the control measures that are necessary to make reasonable progress.[56]

For the second implementation period, the RPGs are set for 2028. RPGs are not enforceable targets, 40 CFR 51.308(f)(3)(iii). While States are not legally obligated to achieve the visibility conditions described in their RPGs, section 51.308(f)(3)(i) requires that ''[t]he long-term strategy and the reasonable progress goals must provide for an improvement in visibility for the most impaired days since the baseline period and ensure no degradation in visibility for the clearest days since the baseline period.'' Thus, States are required to have emission reduction measures in their long-term strategies that are projected to achieve visibility conditions on the most impaired days that are better than the baseline period and shows no degradation on the clearest days compared to the clearest days from the baseline period. The baseline period for the purpose of this comparison is the baseline visibility condition—the annual average visibility condition for the period 2000–2004.[57]

So that RPGs may also serve as a metric for assessing the amount of progress a State is making towards the national visibility goal, the Regional Haze Rule requires States with Class I areas to compare the 2028 RPG for the most impaired days to the corresponding point on the uniform rate of progress line (representing visibility conditions in 2028 if visibility were to improve at a linear rate from conditions in the baseline period of 2000–2004 to natural visibility conditions in 2064). If the most impaired days RPG in 2028 is above the uniform rate of progress (*i.e.,* if visibility conditions are improving more slowly than the rate described by the uniform rate of progress), each State that contributes to visibility impairment in the Class I area must demonstrate, based on the four-factor analysis required under 40 CFR 51.308(f)(2)(i), that no additional emission reduction measures would be reasonable to include in its long-term strategy.[58] To this end, 40 CFR 51.308(f)(3)(ii) requires that each State contributing to visibility impairment in a Class I area that is projected to improve more slowly than the uniform rate of progress provide ''a robust demonstration, including documenting the criteria used to determine which sources or groups [of] sources were evaluated and how the four factors required by paragraph (f)(2)(i) were taken into consideration in selecting the measures for inclusion in its long-term strategy.''

E. Monitoring Strategy and Other State Implementation Plan Requirements

Section 51.308(f)(6) requires States to have certain strategies and elements in place for assessing and reporting on visibility. Individual requirements under this subsection apply either to States with Class I areas within their borders, States with no Class I areas but that are reasonably anticipated to cause or contribute to visibility impairment in any Class I area, or both. A State with Class I areas within its borders must submit with its SIP revision a monitoring strategy for measuring, characterizing, and reporting regional haze visibility impairment that is representative of all Class I areas within the State. SIP revisions for such States must also provide for the establishment of any additional monitoring sites or equipment needed to assess visibility conditions in Class I areas, as well as reporting of all visibility monitoring data to the EPA at least annually. Compliance with the monitoring strategy requirement may be met through a State's participation in the Interagency Monitoring of Protected Visual Environments (IMPROVE) monitoring network, which is used to measure visibility impairment caused by air pollution at the 156 Class I areas covered by the visibility program.[59] The IMPROVE monitoring data is used to determine the 20% most anthropogenically impaired and 20% clearest sets of days every year at each Class I area and tracks visibility impairment over time.

All States' SIPs must provide for procedures by which monitoring data and other information are used to determine the contribution of emissions from within the State to regional haze visibility impairment in affected Class I areas.[60] Section 51.308(f)(6)(v) further requires that all States' SIPs provide for a Statewide inventory of emissions of pollutants that are reasonably anticipated to cause or contribute to visibility impairment in any Class I area; the inventory must include emissions for the most recent year for which data are available and estimates of future

[49] 40 CFR 51.308(f)(2)(ii)(A).
[50] 40 CFR 51.308(f)(2)(ii)(B).
[51] 40 CFR 51.308(f)(2)(ii)(C).
[52] 40 CFR 51.308(f)(2)(ii)(C).
[53] 82 FR 3078, January 10, 2017, at page 3091.
[54] 40 CFR 51.308(f)(3)(iii)–(iv).
[55] 40 CFR 51.308(f)(3)(i).
[56] 82 FR 3078, January 10, 2017, at page 3092.
[57] 40 CFR 51.308(f)(1)(i); 82 FR 2078, January 10, 2017, at pages 3097–98.
[58] 40 CFR 51.308(f)(3)(ii).
[59] 40 CFR 51.308(f)(6), (f)(6)(i), (f)(6)(iv).
[60] 40 CFR 51.308(f)(6)(ii), (iii).

projected emissions. States must also include commitments to update their inventories periodically. The inventories themselves do not need to be included as elements in the SIP and are not subject to EPA review as part of the EPA's evaluation of a SIP revision.

All States' SIPs must also provide for any other elements, including reporting, recordkeeping, and other measures, that are necessary for States to assess and report on visibility.[61] A State may note in its regional haze SIP that its compliance with the Air Emissions Reporting Rule in 40 CFR part 51, subpart A satisfies the requirement to provide for an emissions inventory for the most recent year for which data are available. To satisfy the requirement to provide estimates of future projected emissions, a State may explain in its SIP how projected emissions were developed for use in establishing RPGs for its own and nearby Class I areas.

Separate from the requirements related to monitoring for regional haze purposes under 40 CFR 51.308(f)(6), the Regional Haze Rule also contains a requirement at section 51.308(f)(4) related to any additional monitoring that may be needed to address visibility impairment in Class I areas from a single source or a small group of sources. This is called ''reasonably attributable visibility impairment.'' [62] Under this provision, if the EPA or the Federal Land Manager of an affected Class I area has advised a State that additional monitoring is needed to assess reasonably attributable visibility impairment, the State must include in its SIP revision for the second implementation period an appropriate strategy for evaluating such impairment.

F. Requirements for Periodic Reports Describing Progress Towards the Reasonable Progress Goals

Section 51.308(f)(5) requires a State's regional haze SIP revision to address the requirements of paragraphs 40 CFR 51.308(g)(1) through (5) so that the plan revision due in 2021 will serve also as a progress report addressing the period since submission of the progress report for the first implementation period. The regional haze progress report requirement is designed to inform the public and the EPA about a State's implementation of its existing long-term strategy and whether such implementation is in fact resulting in the expected visibility improvement.[63] To this end, every State's SIP revision for the second implementation period is required to describe the status of implementation of all measures included in the State's long-term strategy, including BART and reasonable progress emission reduction measures from the first implementation period, and the resulting emissions reductions.[64]

A core component of the progress report requirements is an assessment of changes in visibility conditions on the clearest and most impaired days. For second implementation period progress reports, section 51.308(g)(3) requires States with Class I areas within their borders to first determine current visibility conditions for each area on the most impaired and clearest days, 40 CFR 51.308(g)(3)(i)(B), and then to calculate the difference between those current conditions and baseline (2000–2004) visibility conditions in order to assess progress made to date.[65] States must also assess the changes in visibility impairment for the most impaired and clearest days since they submitted their first implementation period progress reports.[66] Since different States submitted their first implementation period progress reports at different times, the starting point for this assessment will vary.

Similarly, States must provide analyses tracking the change in emissions of pollutants contributing to visibility impairment from all sources and activities within the State over the period since they submitted their first implementation period progress reports.[67] Changes in emissions should be identified by the type of source or activity. Section 51.308(g)(5) also addresses changes in emissions since the period addressed by the previous progress report and requires States' SIP revisions to include an assessment of any significant changes in anthropogenic emissions within or outside the State. This assessment must include an explanation of whether these changes in emissions were anticipated and whether they have limited or impeded progress in reducing emissions and improving visibility relative to what the State projected based on its long-term strategy for the first implementation period.

G. Requirements for State and Federal Land Manager Coordination

Clean Air Act section 169A(d) requires that before a State holds a public hearing on a proposed regional haze SIP revision, it must consult with the appropriate Federal Land Manager or Federal Land Managers; pursuant to that consultation, the State must include a summary of the Federal Land Managers' conclusions and recommendations in the notice to the public. Consistent with this statutory requirement, the Regional Haze Rule also requires that States ''provide the [Federal Land Manager] with an opportunity for consultation, in person and at a point early enough in the State's policy analyses of its long-term strategy emission reduction obligation so that information and recommendations provided by the [Federal Land Manager] can meaningfully inform the State's decisions on the long-term strategy.'' [68] Consultation that occurs 120 days prior to any public hearing or public comment opportunity will be deemed ''early enough,'' but the Regional Haze Rule provides that in any event the opportunity for consultation must be provided at least 60 days before a public hearing or comment opportunity. This consultation must include the opportunity for the Federal Land Managers to discuss their assessment of visibility impairment in any Class I area and their recommendations on the development and implementation of strategies to address such impairment.[69]

In order for the EPA to evaluate whether Federal Land Manager consultation meeting the requirements of the Regional Haze Rule has occurred, the SIP revision should include documentation of the timing and content of such consultation. The SIP revision submitted to the EPA must also describe how the State addressed any comments provided by the Federal Land Managers.[70] Finally, a SIP revision must provide procedures for continuing consultation between the State and Federal Land Managers regarding the State's visibility protection program, including development and review of SIP revisions, five-year progress reports, and the implementation of other programs having the potential to contribute to impairment of visibility in Class I areas.[71]

[61] 40 CFR 51.308(f)(6)(vi).

[62] The EPA's visibility protection regulations define ''reasonably attributable visibility impairment'' as ''visibility impairment that is caused by the emission of air pollutants from one, or a small number of sources.'' 40 CFR 51.301.

[63] 81 FR 26942, May 4, 2016, at page 26950; 82 FR 3078, January 10, 2017, at page 3119.

[64] 40 CFR 51.308(g)(1) and (2).

[65] 40 CFR 51.308(g)(3)(ii)(B).

[66] 40 CFR 51.308(g)(3)(iii)(B), (f)(5).

[67] 40 CFR 51.308(g)(4), (f)(5).

[68] 40 CFR 51.308(i)(2).

[69] *Ibid.*

[70] 40 CFR 51.308(i)(3).

[71] 40 CFR 51.308(i)(4).

III. The EPA's Evaluation of the Idaho Regional Haze SIP Revision for the Second Implementation Period

A. Background on the Idaho First Implementation Period SIP Revision

Idaho submitted its regional haze plan for the first implementation period on October 25, 2010.[72] The Clean Air Act required that first implementation period plans include, among other things, a long-term strategy for making reasonable progress and best available retrofit technology (BART) requirements for certain older facilities, where applicable.[73] The EPA approved Idaho's first implementation period plan in two actions on June 22, 2011 (76 FR 36329), and November 8, 2012 (77 FR 66929). Subsequently, on June 29, 2012, Idaho submitted BART revisions that the EPA approved on April 28, 2014 (79 FR 23273). On June 28, 2016, the State submitted a five-year progress report, approved by the EPA on July 15, 2019 (84 FR 33697).[74] In the action to approve the progress report, the EPA determined that the Idaho regional haze plan for the first implementation period was adequate and required no substantive revision.[75]

B. The Idaho Second Implementation Period SIP Revision and the EPA's Evaluation

On August 5, 2022, Idaho submitted a regional haze plan for the second implementation period.[76] Idaho made the submission available for public comment from June 22, 2022, through July 21, 2022, and held a public hearing on July 21, 2022.[77] The State received and responded to public comments and included the comments and responses in the submission.[78] Later, on September 27, 2024, Idaho submitted an additional action to supplement the August 5, 2022, submission. Idaho made the supplement available for public comment from August 12, 2024, to September 11, 2024, and received no public comments.[79]

The following sections of this preamble describe the Idaho 2022 plan submission and the Idaho 2024 supplemental submission (herein referred to as ''the Idaho submissions'' or ''the submissions'') and detail the EPA's evaluation of the submission against the requirements of the Clean Air Act and Regional Haze Rule. The Idaho submission and the EPA's supporting documentation may be found in the docket for this action.

C. Identification of Class I Areas

Section 169A(b)(2) of the Clean Air Act requires each State in which any Class I area is located or ''the emissions from which may reasonably be anticipated to cause or contribute to any impairment of visibility'' in a Class I area to have a plan for making reasonable progress toward the national visibility goal. The Regional Haze Rule implements this statutory requirement at 40 CFR 51.308(f), which provides that each State's plan ''must address regional haze in each mandatory Class I Federal area located within the State and in each mandatory Class I Federal area located outside the State that may be affected by emissions from within the State,'' and (f)(2), which requires each State's plan to include a long-term strategy that addresses regional haze in such Class I areas.

1. Idaho Class I Areas

There are five mandatory Class I areas, or portions of such areas, within Idaho.[80] Craters of the Moon National Monument and Preserve, Sawtooth Wilderness Area, and Selway-Bitterroot Wilderness Area lie completely within Idaho State borders. The Hells Canyon Wilderness Area is a shared Class I area with Oregon and Yellowstone National Park is a shared Class I area with Wyoming. In its submissions, Idaho addresses all regional haze requirements in the three Class I areas that lie completely within Idaho.[81] Idaho's submissions also include a long-term strategy that addresses visibility impairment in the Hells Canyon Wilderness and Yellowstone National Park. By agreement with Idaho, Oregon and Wyoming, respectively, address core regional haze requirements for these two Class I areas, including calculations of visibility conditions, long-term strategy, reasonable progress goals, and monitoring.[82] Finally, Idaho's submissions address regional haze visibility impairment in other Class I areas in neighboring States.

a. Craters of the Moon National Monument and Preserve

The Craters of the Moon National Monument and Preserve is made up of 43,243 acres on the Snake River Plain in south-central Idaho.[83] It is managed by the National Park Service and contains more than 25 volcanic cones and 60 distinct lava flows that are part of the Great Rift volcanic zone that continues along the Snake River Plain.[84]

b. Hells Canyon Wilderness Area

The Hells Canyon Wilderness Area, managed by the U.S. Forest Service, is located on the border between Oregon and Idaho. The Snake River divides the wilderness, with 131,133 acres in Oregon, and 83,811 acres in Idaho.[85]

c. Sawtooth Wilderness Area

The Sawtooth Wilderness Area is comprised of 216,383 acres in central Idaho managed by the U.S. Forest Service.[86] The wilderness area includes the Sawtooth Mountains, home to approximately 40 peaks over 10,000 feet.[87]

d. Selway-Bitterroot Wilderness Area

The Selway-Bitterroot Wilderness Area is located in north Idaho and crosses the Idaho-Montana border.[88] The area, managed by the U.S. Forest Service, spans 1,240,700 acres of rough mountainous terrain, dense forests, mountain lakes, and the Selway River.[89]

e. Yellowstone National Park

Yellowstone National Park, managed by the National Park Service, covers 2.2 million acres, primarily in Wyoming.[90] A small portion of the park is located in eastern Idaho.

2. Idaho Visibility Monitors

Haze species are measured and analyzed via the Interagency Monitoring of Protected Visual Environments (IMPROVE) network.[91] Table 1 of this preamble lists the IMPROVE monitors representing visibility at Idaho Class I areas.

[72] 2008 through 2018.

[73] The requirements for regional haze SIPs for the first implementation period are contained in Clean Air Act section 169A(b)(2)(B) and 40 CFR 51.308(d) and (e). See also 40 CFR 51.308(b).

[74] For details, please see the progress report in the EPA's prior action at *https://www.regulations.gov* under docket number EPA–R10–OAR–2017–0571.

[75] 84 FR 33697, July 15, 2019, at page 33698.

[76] 2018 through 2028.

[77] Idaho Regional Haze Plan State Implementation Plan for the 2nd Implementation Period (Idaho 2022 plan submission) at Appendix C. Consultation Dates and Appendix G. Public Comment Period.

[78] *Id.* at Appendix H. DEQ Responses to Public Comments.

[79] See Idaho supplemental submission dated September 27, 2024, at page 36 and Appendix G. Public Comment Period.

[80] See 40 CFR 81.410.

[81] Idaho 2022 plan submission, tables 23–28.

[82] *Id.,* pages 3–4.

[83] *Id.,* page 3.

[84] *Ibid.*

[85] See 40 CFR 81.410.

[86] *Ibid.*

[87] *Ibid.*

[88] *Ibid.*

[89] *Ibid.*

[90] *Ibid.*

[91] IMPROVE website at *http://vista.cira.colostate.edu/Improve.*

TABLE 1—MONITORS REPRESENTING VISIBILITY AT IDAHO CLASS I AREAS [92]

Monitor ID	Sponsor	Class I area	Years operated
CRMO1	National Park Service	Craters of the Moon National Monument and Preserve	2001–present.
HECA1	U.S. Forest Service	Hells Canyon Wilderness Area	2001–present.
SAWT1	U.S. Forest Service	Sawtooth Wilderness Area	2001–present.
SULA1	U.S. Forest Service	Selway-Bitterroot Wilderness Area	2001–present.
YELL2	National Park Service	Yellowstone National Park	1991–present.

In the submissions, Idaho documented that the State had consulted with Montana, Nevada, Oregon, Utah, Washington, and Wyoming on potential interstate visibility impacts to shared Class I areas and Class I areas outside of Idaho.[93] The Idaho Department of Environmental Quality (Idaho DEQ) shared source selection and evaluation data, however, no other State requested Idaho undertake additional four-factor analyses on top of those already conducted by Idaho.[94] Idaho committed to continued consultation with states in the west on interstate visibility contributions.[95]

D. Calculations of Baseline, Current, and Natural Visibility Conditions; Progress to Date; and the Uniform Rate of Progress

Section 51.308(f)(1) requires States to determine the following for ''each mandatory Class I Federal area located within the State'': baseline visibility conditions for the most impaired and clearest days, natural visibility conditions for the most impaired and clearest days, progress to date for the most impaired and clearest days, the differences between current visibility conditions and natural visibility conditions, and the uniform rate of progress. This section also provides the option for States to propose adjustments to the uniform rate of progress line for a Class I area to account for visibility impacts from anthropogenic sources outside the U.S. and/or the impacts from wildland prescribed fires that were conducted for certain, specified objectives.[96]

1. Idaho Visibility Conditions

The Idaho submissions addressed baseline, current and natural visibility conditions and the uniform rate of progress for Craters of the Moon National Monument and Preserve, Sawtooth Wilderness Area, and Selway-Bitterroot Wilderness Area, as required by the 2017 Regional Haze Rule and the EPA's technical guidance on tracking visibility progress.[97] Table 2 of this preamble summarizes visibility progress on the clearest days. Table 3 of this preamble summarizes visibility progress on the most impaired days, including adjustments to each Class I area's uniform rate of progress (URP) and natural conditions endpoint that the EPA modeled to account for certain international anthropogenic emissions and wildland prescribed fires.[98]

TABLE 2—CLEAREST DAYS VISIBILITY CONDITIONS AT IDAHO CLASS I AREAS IN DECIVIEWS [99]

Monitor ID	Class I area	Baseline 2000–2004	Current 2014–2018	Natural 2064	Progress to date [a]	Current minus Natural [b]
CRMO1	Craters of the Moon National Monument and Preserve.	4.31	2.68	1.73	1.63	0.95
SAWT1	Sawtooth Wilderness Area	4.00	2.58	1.51	1.42	1.07
SULA1	Selway-Bitterroot Wilderness Area	2.57	1.60	1.12	0.97	0.48

[a] Progress to date is the difference between the baseline and current conditions. A positive value indicates that visibility has improved.
[b] A positive value indicates that current visibility has not reached natural conditions.

TABLE 3—MOST IMPAIRED DAYS VISIBILITY CONDITIONS AT IDAHO CLASS I AREAS IN DECIVIEWS [100]

Monitor ID	Class I Area	Baseline 2000–2004	Current 2014–2018	Un-adjusted URP 2028	EPA-adjusted URP 2028	Natural 2064	Progress to date	Current minus Natural	EPA-adjusted Natural 2064
CRMO1	Craters of the Moon National Monument and Preserve.	11.91	8.50	9.13	10.17	4.97	3.41	3.53	7.56
SAWT1	Sawtooth Wilderness Area	9.61	8.61	7.64	8.33	4.67	1	3.91	6.41
SULA1	Selway-Bitterroot Wilderness Area.	10.06	8.37	8.23	9.07	5.48	1.69	2.92	7.58

[92] Sources: Idaho 2022 plan submission at page 11 and Federal Land Manager Environmental Database at *https://views.cira.colostate.edu/fed/*.

[93] Idaho 2022 plan submission, pages 86–90.

[94] *Id.,* pages 89–90.

[95] *Id.,* page 96.

[96] 40 CFR 51.308(f)(1)(vi)(B).

[97] EPA Technical Guidance on Tracking Visibility Progress for the Second Implementation Period of the Regional Haze Program, December 2018. Idaho defers to Oregon and Wyoming to provide this information for Hells Canyon Wilderness Area and Yellowstone National Park. See 89 FR 13622, February 23, 2024, at page 13636; 89 FR 95121, December 2, 2024, at page 95125.

[98] Technical Support Document for the EPA's 2028 Updated Regional Haze Modeling, September 19, 2019.

[99] Source: Idaho 2022 plan submission, table 6, page 12.

[100] Sources: Idaho 2022 plan submission, table 4, page 11, and Technical Support Document for the EPA's 2028 Updated Regional Haze Modeling, September 19, 2019.

The data in Tables 2 and 3 of this preamble indicate that current visibility has improved since the baseline period for both the clearest and most impaired days for each Class I area. In addition, Idaho included both the URP and an adjusted URP.

Idaho relied upon the WRAP regional scale modeling using CAMx 2028OTBa2 H–L SA to adjust the URP.[101] The model projected international emissions and prescribed fire contributions, which the WRAP then used to adjust the natural visibility conditions in 2064.[102] The EPA proposes to determine that Idaho used scientifically valid data and methods for estimating the impacts of international emissions and wildland prescribed fire in the three Class I areas.[103] The EPA proposes to find that the Idaho submissions meet the requirements of 40 CFR 51.308(f)(1) to calculate baseline, current, and natural visibility conditions; progress to date; and the uniform rate of progress, including an adjusted URP, for the second implementation period.

E. Long-Term Strategy for Regional Haze

Each State having a Class I area within its borders or emissions that may affect visibility in a Class I area must develop a long-term strategy for making reasonable progress towards the national visibility goal.[104] As explained in the background discussion in section I. of this preamble, reasonable progress is achieved when all States contributing to visibility impairment in a Class I area are implementing the measures determined—through application of the four statutory factors to sources of visibility impairing pollutants—to be necessary to make reasonable progress.[105] Each state's long-term strategy must include the enforceable emission limitations, compliance schedules, and other measures that are necessary to make reasonable progress.[106] After considering the four statutory factors, all measures that are determined to be necessary to make reasonable progress must be in the long-term strategy. In developing its long-term strategy, a State must also consider five additional factors.[107] As part of its reasonable progress determinations, the State must describe the criteria used to determine which sources or group of sources were evaluated (*i.e.,* subjected to four-factor analysis) for the second implementation period and how the four factors were taken into consideration in selecting the emission reduction measures for inclusion in the long-term strategy.[108]

States may rely on technical information developed by the regional planning organizations of which they are members to select sources for four-factor analysis and to conduct that analysis, as well as to satisfy the documentation requirements under section 51.308(f). Where a regional planning organization has performed source selection and/or four-factor analyses (or considered the five additional factors in section 51.308(f)(2)(iv)) for its member States, those States may rely on the regional planning organization's analyses for the purpose of satisfying the requirements of section 51.308(f)(2)(i) so long as the States have a reasonable basis to do so and all State participants in the regional planning organization process have approved the technical analyses.[109] States may also satisfy the requirement of section 51.308(f)(2)(ii) to engage in interstate consultation with other States that have emissions that are reasonably anticipated to contribute to visibility impairment in a given Class I area under the auspices of intra- and inter-regional planning organization engagement.

The following paragraphs describe how the Idaho submissions addressed the requirements of 40 CFR 51.308(f)(2) and summarizes the EPA's evaluation of Idaho's submissions.

1. Pollutants Impacting Visibility at Idaho Class I Areas

Idaho evaluated the haze composition at each of the IMPROVE monitors representing visibility at the Craters of the Moon National Monument and Preserve (CRMO1), Sawtooth Wilderness Area (SAWT1), and Selway-Bitterroot Wilderness Area (SULA1). In the submissions, Idaho illustrated that ammonium nitrate contributed the most to total light extinction at the CRMO1 monitor, followed by ammonium sulfate for each year from 2001 through 2018.[110] Idaho determined that the most impaired days at CRMO1 occurred mainly in the fall and winter and that nitrate and sulfate contributed the most to light extinction on these fall and winter most impaired days.[111]

The Idaho submissions documented that organic carbon contributed the most to total light extinction at the SAWT1 monitor followed by ammonium sulfate for each year from 2001 through 2018.[112] Idaho determined that the anthropogenic contributions of ammonium nitrate were smaller at SAWT1, and that the anthropogenic fractions of organic carbon, elemental carbon and sulfate light extinction were the predominant contributors to annual haze at the monitor.[113]

With respect to the SULA1 monitor, Idaho stated in the submissions that average aerosol light extinction on the most impaired days was largely from organic carbon and ammonium sulfate (47% and 25%, respectively), however lower levels of coarse mass, elemental carbon, ammonium nitrate, and fine soil were also present.[114] Idaho stated that the most impaired days occurred in the spring, summer, and fall.[115] According to Idaho, during these months, organic carbon made up the largest proportion of visibility impairing pollutants.[116]

A review of IMPROVE data confirms the State's analysis of average haze composition at Idaho IMPROVE monitors and supports the State's decision to evaluate NO_X, SO_2, and PM_{10} contributions to haze.[117] Importantly, Idaho evaluated specific pollutant emissions on a unit-by-unit basis for each source as described in the following paragraphs of this preamble.

2. Idaho Source Selection

According to the State's submissions, Idaho used the source selection methodology developed by the WRAP for western States.[118] The WRAP's approach used the Q/d method, where Q is the sum of visibility impairing pollutants (NO_X, SO_2 and PM_{10}), and d is the distance (kilometers) to the boundary of the nearest Class I area. The Idaho DEQ screened sources as described in the following steps:[119]

1. Identify those facilities with total facility-wide emissions of visibility impairing pollutants (NO_X, SO_2 and PM_{10}) greater than 25 tons per year (tpy) based on 2014 National Emissions Inventory (NEI) data.

2. Calculate the distance from each facility identified in Step 1 to the

[101] Idaho 2022 plan submission, page 92.

[102] *Id.*

[103] 40 CFR 51.308(f)(1)(vi)(B).

[104] Clean Air Act section 169A(b)(2)(B).

[105] 40 CFR 51.308(f)(2)(i).

[106] 40 CFR 51.308(f)(2).

[107] 40 CFR 51.308(f)(2)(iv).

[108] 40 CFR 51.308(f)(2)(iii).

[109] 40 CFR 51.308(f)(3)(iii).

[110] Idaho 2022 plan submission, pages 13–16.

[111] *Id.,* page 15.

[112] *Id.,* pages 16–19.

[113] *Ibid.*

[114] *Id.,* pages 19–22.

[115] *Ibid.*

[116] *Id.*

[117] *See* ''Haze Composition at Idaho Class I Areas.xls'' in the docket for this action. Annual average extinction composition for the years 2001 through 2022 for CRMO1, SAWT1, and SULA1. Data pulled from FED AQRV Visibility Tools. Federal Land Manager Environmental Database (FED); CSU and the Cooperative Institute for Research in the Atmosphere (CIRA).

[118] *See* the WRAP Technical Support System (TSS) at *www.wrapair2.org.*

[119] Idaho 2022 plan submission, page 54.

nearest Class I area boundary (including those in other States) in kilometers (km). Facilities greater than 400 km from the nearest Class I area were considered to have minimal impact on visibility and were excluded.

3. Identify those facilities with a Q/d greater than the State-defined threshold. Idaho used a Q/d threshold of 2.0 because the State estimated that the threshold captured 70% to 80% of emissions from Idaho facilities.

4. Refine the Q/d analysis using more recent 2017 NEI data to screen out sources that have a Q/d less than the State-defined threshold for 2017 emissions.

Idaho's initial source screening used 2014 emissions inventory data to identify 14 facilities in Idaho with Q/d greater than 2.0.[120] Refining the Q/d analysis using 2017 emissions inventory data screened out three additional facilities from the original 14 (Idaho Forest Group LLC-Riley Creek-Moyie Springs, Plummer Forest Group, Inc-Post Falls, and Rexburg Facility of Basic American Foods).[121] Idaho also screened out a facility outside of the State's regulatory purview (Boise Airport) and screened out a facility near Sawtooth Wilderness Area (Northwest Pipeline—Mountain Home) because the facility primarily emitted NO_X. Idaho stated this was appropriate because anthropogenic contributions to NO_X at SAWT1 were found to be negligible.[122] This screening process yielded nine Idaho facilities with Q/d greater than 2.0.

Idaho also used the WRAP weighted emissions potential (WEP) to confirm the selected sources.[123] According to Idaho's submissions, the WEP is a screening tool used to identified those sources contributing to visibility impairment in the 2014–2018 period and still operating in 2028 that have the potential to contribute to haze formation at Class I areas.[124] The rank point analysis consists of facility-level 2028 emissions for NO_X or SO_2 sources overlaid with the corresponding extinction-weighted residence time for ammonium nitrate or ammonium sulfate.[125]

Idaho also identified 27 Class I areas in five neighboring states (Montana, Nevada, Oregon, Washington, Wyoming) that could potentially be affected by emissions from sources within Idaho. However, applying the same source screening analysis yielded no additional Idaho facilities beyond the nine already selected for four-factor analysis.[126] Table 4 of this preamble lists the final nine selected sources.

TABLE 4—IDAHO SELECTED SOURCES [127]

Facility	Nearest Class I area	Distance (km)	2017 (tpy)	2017 Q/d
P4 Production LLC (TV Facility) (P4)	Grand Teton National Park	111.9	2,938.4	26.3
Clearwater Paper Corp–Pulp and Paper and Consumer Products (Clearwater Paper).	Hells Canyon Wilderness	70.9	1,554	21.9
The Amalgamated Sugar Company LLC-Twin Falls (TASCO-Twin Falls).	Jarbidge Wilderness	95.6	1,420	14.8
J.R. Simplot Company-Don Siding Pocatello (Simplot)	Craters of the Moon Wilderness.	86.1	876.3	10.2
The Amalgamated Sugar Company LLC-Paul (TASCO-Paul)	Craters of the Moon Wilderness.	78.0	577	7.3
Northwest Pipeline LLC-Soda Springs (NWP)	Grand Teton National Park	122.2	579.8	4.7
ITAFOS Conda LLC (ITAFOS)	Grand Teton National Park	104.0	477.7	4.6
The Amalgamated Sugar Company LLC-Nampa (TASCO-Nampa).	Sawtooth Wilderness	114.6	590.9	5.1
Tamarack Mill, LLC Dba Evergreen Forest and Tamarack Energy Partnership (Tamarack Mills).	Hells Canyon Wilderness	25.5	69.1	2.7

3. Emissions Units and Pollutants

After selecting the nine sources, Idaho used the following steps to identify specific emissions units at each source: (1) Exclude processes or emissions units that emitted less than 20 tons per year of NO_X, SO_2, and PM_{10} combined (based on 2014 and/or 2017 NEI data); (2) Identify those processes and emissions units where the summed emissions make up 70% or more of the total facility-wide emissions; (3) Identify the pollutant(s) of concern for the nearest Class I area for each facility, using the IMPROVE monitoring data and WEP ranking.[128] Table 5 of this preamble shows the emissions units and pollutants Idaho selected for review.

TABLE 5—IDAHO EMISSIONS UNITS AND POLLUTANT SELECTED FOR FOUR-FACTOR ANALYSIS [129]

Facility	Emissions unit	Pollutants
Clearwater Paper	No. 4 Power Boiler	NO_X, SO_2.
Clearwater Paper	No. 4 Recovery Furnace	NO_X, PM_{10}.
Clearwater Paper	No. 5 Recovery Furnace	NO_X, PM_{10}.
ITAFOS	East Sulfuric Acid Plant	SO_2.
NWP-Soda Springs	RICE 4 (TCVA–16)	NO_X.
NWP-Soda Springs	RICE 1–3 (TLA–6 Engines)	NO_X.
P4	Nodulizing Kiln	NO_X, SO_2, PM_{10}.
Simplot	No. 300 Sulfuric Acid Plant	SO_2, PM_{10}.

[120] Idaho 2022 plan submission, page 55. *See* table 22 as updated by Idaho 2024 supplemental submission.

[121] *Id.,* page 55.

[122] *Id.,* page 56. *See* also figure 11.

[123] *Id.,* pages 61–62.

[124] *Id.*

[125] *Id.*

[126] *Id.,* tables 24–28.

[127] Source: table 22 of Idaho 2022 plan submission, as corrected by Idaho 2024 supplemental submission.

[128] Idaho 2022 plan submission, appendix D.

[129] Source: Idaho 2022 plan submission, page 64. See table 31 as corrected by Idaho 2024 supplemental submission.

TABLE 5—IDAHO EMISSIONS UNITS AND POLLUTANT SELECTED FOR FOUR-FACTOR ANALYSIS [129]—Continued

Facility	Emissions unit	Pollutants
Simplot	No. 400 Sulfuric Acid Plant	NO_X, SO_2.
Tamarack Mills	Riley Cogeneration Boiler	NO_X, PM_{10}.
TASCO-Nampa	Riley Boiler	NO_X, SO_2, PM_{10}.
TASCO-Paul	B&W Boiler	NO_X.
TASCO-Paul	Rentech Boiler	NO_X.
TASCO-Paul	North and South Pulp Dryers	NO_X, SO_2, PM_{10}.
TASCO-Twin Falls	Foster Wheeler Boiler	NO_X, SO_2, PM_{10}.
TASCO-Twin Falls	B&W Boiler	NO_X, SO_2, PM_{10}.

Based on a review of the information provided in the submission, we propose to determine that the Idaho source, unit, and pollutant selection methodology used for the regional haze second implementation period satisfies the requirement in 40 CFR 51.308(f)(2)(i) that the State include in its SIP a description of the criteria it used to determine which sources it evaluated.

4. Idaho Control Analyses and Determinations

In developing its regional haze second implementation period plan submission, Idaho established a cost threshold of $6,100 per ton pollutant removed by adjusting the $5,000 per ton BART cost-effectiveness threshold (used during the first implementation period) for inflation.[130] The EPA did not establish a cost-effectiveness threshold for the second implementation period. Rather, the EPA's 2019 Guidance on Regional Haze State Implementation Plans for the Second Implementation Period (EPA 2019 Guidance) clarified that States have the flexibility to decide a reasonable approach to evaluating costs.[131]

Table 6 of this preamble lists the control technologies, fuel specifications, and emission limits that Idaho determined are necessary for reasonable progress in the second implementation period, and the associated permit conditions that make the controls enforceable as a practical matter, including compliance schedules, monitoring, recordkeeping and reporting requirements.

TABLE 6—IDAHO REGIONAL HAZE REQUIREMENTS [132]

Facility	Emissions unit	Requirement	Mechanism
Clearwater Paper	No. 4 Power Boiler	5.4 SO_2 emissions not to exceed 0.80 lb/MMBtu (30-day average). 5.5 NO_X emissions not to exceed 0.2 lb/MMBtu (3-hr rolling average) when burning wood waste/gas and 0.3 lb/MMBtu (3-hr rolling average) when burning wood waste/gas. 5.6 NO_X emissions not to exceed 0.20 lb/MMBtu (3-hr rolling average) when burning gaseous fossil fuel and 0.3 lb/MMBtu (3-hr rolling average) when burning liquid fossil fuel, liquid fossil fuel/wood, or gaseous fossil fuel/wood. 5.7 SO_2 emissions not to exceed 100 tons per any consecutive 12-month period.	Permit T1–2020.0024 issued March 30, 2023; conditions 5.4, 5.5, 5.6, 5.7, 5.10 through 5.15, 26.22, and 26.23.
Clearwater Paper	No. 4 Recovery Furnace.	8.1 PM emissions not to exceed 0.040 gr/dscf at 8% oxygen using ESP.	Permit T1–2020.0024 issued March 30, 2023; conditions 7.1, 7.4, 7.9, 7.10, 8.1, 8.6, 26.22, 26.23, 26.26, 26.27, 26.28, and 26.29.
Clearwater Paper	No. 5 Recovery Furnace.	9.1 PM emissions not to exceed 0.044 gr/dscf at 8% oxygen using ESP. 9.2 PM emissions not to exceed 58 lb/hr or 0.03 gr/dscf. 9.6 NO_X emissions not to exceed 160 lb/hr, 700 tons/year, or 100 ppm on a dry basis at 8% oxygen.	Permit T1–2020.0024 issued November 26, 2021; conditions 7.1, 7.4, 7.9, 7.10, 9.1, 9.2, 9.6, 9.11, 26.22, 26.23, 26.26, 26.27, 26.28, and 26.29.
ITAFOS	East Sulfuric Acid Plant.	5.1 SO_2 emissions not to exceed 258 lb/hr and 735.5 tpy.	Permit T1–2016.0015 issued March 2, 2022; conditions 5.1, 5.4, 5.5, 5.11, 16.22, and 16.23.
NWP-Soda Springs	RICE 1–3 (Clark TLA–6 Engines) RICE 4 (Clark TCVA–16).	Replace the four existing RICE engines with two gas-fired turbines by July 31, 2031.	Compliance Agreement Schedule Case No. E–2023.0011 dated September 1, 2023.
P4	Nodulizing Kiln	PM_{10} emissions not to exceed 30.0 lb/hr SO_2 emissions not to exceed 143 lb/hr	Permit T1–2020.0029 issued December 23, 2021; conditions 4.2, 4.4, 4.5, 4.6, 4.7, 4.19, 4.20, 4.21, 13.22, and 13.33.

[130] Idaho 2022 plan submission, pages 64 and 65.

[131] Guidance on Regional Haze State Implementation Plans for the Second Implementation Period. The EPA Office of Air Quality Planning and Standards, Research Triangle Park (August 20, 2019), page 38 (EPA 2019 Guidance), available in the docket for this action and at *https://www.epa.gov/visibility/guidance-regional-haze-state-implementation-plans-second-implementation-period.*

TABLE 6—IDAHO REGIONAL HAZE REQUIREMENTS [132]—Continued

Facility	Emissions unit	Requirement	Mechanism
P4	Nodulizing Kiln	Conduct NO_X emissions testing and establish NO_X emission limit.	Compliance Agreement Schedule Case No. E–2023.0013 dated November 27, 2023.
P4	Cooler Spray Tower	4.2 PM_{10} emissions not to exceed 27.0 lb/hr 4.2 SO_2 emissions not to exceed 177 lb/hr	Permit T1–2020.0029 issued December 23, 2021; conditions 4.2, 4.4, 4.5, 4.6, 4.7, 4.19, 4.20, 4.21, 13.22, and 13.33.
Simplot	No. 300 Sulfuric Acid Plant.	15.9 PM_{10} emissions not to exceed 11.4 lb/hr based on 24-hour average and 49.8 tpy based on any consecutive 12-month period using mist eliminators and wet scrubbers (Related Consent Agreement in Portneuf Valley PM 10 SIP). 15.10 SO_2 emissions not to exceed 2.5 lb/ton of 100% sulfuric acid produced on a rolling 3-hour average basis, except during periods of startup, shutdown, or malfunction. 15.10 SO_2 emissions not to exceed 1.5 lb/ton 100% sulfuric acid produced on a rolling 365-day average basis including periods of startup, shutdown, or malfunction. 15.11 SO_2 emissions not to exceed 4.0 lb/ton of 100% sulfuric acid produced (Portneuf Valley PM 10 SIP). 15.11 SO_2 emissions not to exceed 170 lb/hr calculated as a 3-hr rolling average and 750 tpy based on any consecutive 12-month period (Portneuf Valley PM 10 SIP). 15.11 SO_2 emissions not to exceed 28 lb/ton of 100% sulfuric acid produced in accordance with IDAPA 58.01.01.846 (Portneuf Valley PM 10 SIP).	Permit T1–2017.0024 issued March 29, 2023; conditions 15.9, 15.10, 15.11, 15.19, 15.20, 15.21, 15.22, 15.25, 15.27, 16.19, 18.22, and 18.23.
Simplot	No. 400 Sulfuric Acid Plant.	16.6 NO_X emissions not to exceed 10.1 lb/hr (24-hour average) (Portneuf Valley PM 10 SIP). 16.6 NO_X emissions not to exceed 42.1 tpy based on any consecutive 12-month period (Portneuf Valley PM 10 SIP). 16.9 SO_2 emissions not to exceed 2.5 lb/ton of 100% sulfuric acid produced on a rolling 3-hour average basis, except during periods of startup, shutdown, or malfunction. 16.9 SO_2 emissions not to exceed 1.6 lb/ton 100% sulfuric acid produced on a rolling 365-day average basis including periods of startup, shutdown, or malfunction. 16.10 SO_2 emissions not to exceed 4 lb/ton of 100% sulfuric acid produced and 999 lb per each running three-hour period (Portneuf Valley PM 10 SIP).	Permit T1–2017.0024 issued March 29, 2023; conditions 16.6, 16.9, 16.10, 16.19, 16.20, 16.21, 16.22, 16.26, 16.27, 18.22, and 18.23. Permit T1–9507–114–1 issued April 5, 2004 (incorporated by reference into the Idaho SIP at 40 CFR 52.670(d)); conditions.
Tamarack Mills	Riley Cogeneration Boiler.	5.2 $PM_{2.5}/PM_{10}$ emissions not to exceed 18.00 lb/hr. 5.2 NO_X emissions not to exceed 22.44 lb/hr 5.3 Particulate matter emissions not to exceed 0.080 gr/dscf at 8% oxygen. 5.5 Fire wood waste exclusively, as defined	Permit T1–2019–0024 issued October 17, 2022; conditions 5.2, 5.3, 5.5, 5.8, 5.17, 10.22, and 10.23.
TASCO-Nampa	Riley Boiler	4.8 Fire exclusively on natural gas and no longer fire coal by July 1, 2027.	Permit P–2018.0011 issued February 15, 2023; condition 4.8.
TASCO-Paul	B&W Boiler	NO_X emissions not to exceed 132.0 tpy Combust natural gas only. Operate up to two of the three boilers simultaneously except during startup and shutdown when the three boilers may be partially operated. Operation of the three boilers shall not exceed 40,000,000 therms (for all boilers combined) for the campaign year as defined.	Permit T1–2019–0020 issued November 5, 2021; conditions 4.4, 4.5, 4.6, 4.7, 4.10, 11.22, and 11.23.

TABLE 6—IDAHO REGIONAL HAZE REQUIREMENTS [132]—Continued

Facility	Emissions unit	Requirement	Mechanism
TASCO-Paul	Rentech Boiler	4.3 NO_X emissions not to exceed 0.10 lb/MMBtu (30-day average). 4.4 NO_X emissions not to exceed 132.0 tpy. 4.5 Combust natural gas only. 4.6 Operate up to two of the three boilers simultaneously except during startup and shutdown when the three boilers may be partially operated. 4.7 Operation of the three boilers shall not exceed 40,000,000 therms (for all boilers combined) for the campaign year as defined. 4.9 Maximum heat input capacity shall not exceed 385 MMBtu/hr.	Permit T1–2019–0020 issued November 5, 2021; conditions 4.3, 4.4, 4.5, 4.6, 4.7, 4.9, 4.10, 4.11, 4.12, 4.15, 4.16, 4.18, 11.22, and 11.23.
TASCO-Twin Falls	Foster Wheeler Boiler	4.9 On and after January 1, 2023, fuel exclusively by natural gas.	Permit T1–2016.0017, issued on January 21, 2022; condition 4.9.
TASCO-Twin Falls	B&W Boiler	5.2 Only combust natural gas as fuel	Permit T1–2016.0017, issued on January 21, 2022; condition 5.2.

The following paragraphs of this preamble describe the Idaho control analyses and determinations and summarize the EPA's review by facility. For the reasons set forth in the following paragraphs, the EPA is proposing to approve Idaho's 2022 and 2024 SIP submissions as meeting the requirement in 40 CFR 51.308(f)(2)(i) that the State submit a long-term strategy that includes the enforceable emissions limitations, compliance schedules, and other measures that are necessary for reasonable progress based on an evaluation of the four statutory factors.

a. Clearwater Paper (Idaho DEQ Facility ID 069–00001)

i. Background

Clearwater Paper is a large kraft pulp mill located in Lewiston, Idaho. The mill converts chipped wood and sawdust into bleached pulp through a series of digestion, washing, screening, delignification, and bleaching operations. In the two recovery furnaces, the bleached pulp is formed, dried, treated, and sized to produce paperboard or consumer products.[133] Both recovery furnaces fire black liquor and natural gas and are equipped with electrostatic precipitators (ESPs) to control particulate matter.[134]

Power for the facility is produced by three boilers that combust natural gas and fuel oil, in addition to a fourth high-pressure, high-temperature boiler that combusts cellulosic biomass (hog fuel, bark, lumber, chips sawdust, sander dust, wood pallets, clean wood), dewatered pulp and paper sludge, natural gas, and fuel oil.[135]

ii. Idaho Control Determination

Clearwater Paper: No. 4 and No. 5 Recovery Furnaces

Idaho conducted a review of NO_X and PM_{10} retrofit control options for the No. 4 and 5 recovery furnaces.

For NO_X, Idaho determined that it would not be technically feasible to retrofit the No. 4 and No. 5 recovery furnaces with low NO_X burners, ultra low NO_X burners (ULNB), flue gas recirculation, overfire air, selective non-catalytic reduction (SNCR), selective catalytic reduction (SCR), or low-temperature oxidation (LoTOx) technologies. Among other reasons, Idaho argued that those technologies have not been utilized on recovery furnaces that burn black liquor solids.[136] The facility stated that a quarternary air system has been implemented at just one similar facility in the U.S., where it was installed to comply with lowest achievable emission rate (LAER) requirements under Clean Air Act title I, part D (with an associated NO_X emissions limit of 85 parts per million by volume, dry (ppmvd) at 8% oxygen).[137] Because the No. 4 recovery furnace was previously found to be emitting NO_X at an even lower rate (75 ppmvd at 8% oxygen), Idaho determined that it was reasonable to conclude that installation of a quaternary air system would not reduce NO_X emissions from the No. 4 recovery furnace.[138]

Furthermore, Idaho stated that the No. 5 recovery furnace is already subject to major source pre-construction permitting limits for NO_X (160 pounds per hour or 700 tons per year or 100 ppm) as set forth in the facility's operating permit and that NO_X emissions have remained constant since 2014.[139] Idaho therefore determined that the NO_X emission limits established through the PSD process constituted existing effective controls for the No. 5 recovery furnace.

For PM_{10}, Idaho stated that the No. 4 and No. 5 recovery furnaces are subject to National Emission Standards for Hazardous Air Pollutants (NESHAP) for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills at 40 CFR part 63, subpart MM.[140] The NESHAP requires the use of electrostatic precipitators (ESPs) to comply with Maximum Available Control Technology (MACT) limits of 0.044 and 0.030 grains per dry standard cubic foot (gr/dscf) corrected to 8% oxygen, respectively.[141] Idaho determined that these requirements constituted existing effective controls for PM_{10}.

Clearwater Paper: No. 4 Power Boiler

Idaho noted that the No. 4 power boiler was retrofitted with an overfire air system in 2016 and is currently subject to the NO_X emission limits in the New Source Performance Standards (NSPS) for Fossil-Fuel-Fired Steam

[132] Idaho 2022 plan submission as updated by Idaho 2024 supplemental submission. *See* tables 37a, 37b, 38, 39, 40, 41a, 41b, 42.

[133] Idaho 2022 plan submission, Appendix B. Four-Factor Analyses and Reviews. Clearwater Paper Corp.—Pulp and Paperboard Division.

[134] Idaho 2022 plan submission, pages 80 and 81.

[135] Idaho 2022 plan submission, Appendix B. Four-Factor Analyses and Reviews. Clearwater Paper Corp.—Pulp and Paperboard Division.

[136] *Ibid.*

[137] *Ibid.*

[138] *Id.* at page 10.

[139] Idaho 2022 plan submission, table 37; page 81.

[140] Idaho 2022 plan submission, Appendix B. Four-Factor Analyses and Reviews. Clearwater Paper Corp.—Pulp and Paperboard Division.

[141] *Ibid.*

Generators in 40 CFR part 60, subpart D, specifically 0.20 lb/MMBtu NO_X when firing natural gas and 0.30 lb/MMBtu NO_X when firing wood or fuel oil.[142] Idaho evaluated additional retrofit NO_X and SO_2 controls for the No. 4 power boiler under the four statutory factors.[143] For NO_X, Idaho assessed the feasibility and costs of retrofitting the boiler with additional NO_X controls, including LNB, ULNB, SNCR, SCR, and LoTOx.[144] Idaho determined that ULNB and flue gas recirculation were technologically infeasible. For the remaining, feasible controls, Idaho concluded that the cost to install any one of these systems would exceed the State's established cost-effectiveness threshold.[145]

Thus, the State concluded that the existing overfire air system and current permitted NO_X limits for the No. 4 power boiler were necessary for reasonable progress.

For SO_2, the State identified retrofitting the No. 4 power boiler with a wet scrubber, lime spray dryer and baghouse, circulating dry scrubber, and reducing the sulfur content of the fuel as potential SO_2 controls. Idaho determined that reducing the sulfur content of fuel fired in the No. 4 power boiler was not feasible, most notably because the sulfur content of the hog fuel fired in the boiler is variable and difficult to control.[146] The State determined that retrofitting the No. 4 power boiler with a wet scrubber, lime spray dryer and baghouse, or circulating dry scrubber were each technically feasible SO_2 control options, however, Idaho estimated the cost of compliance for each of these technically feasible SO_2 control options would exceed the State's established cost-effectiveness threshold.[147] Idaho therefore determined that the NSPS requirements for Fossil-Fuel-Fired Steam Generators in 40 CFR part 60, subpart D, specifically, limiting SO_2 emissions to 0.80 lb/MMBtu and particulate matter emissions to 0.10 lb/MMBtu, constituted existing effective controls.[148]

We note that as part of the September 27, 2024, supplement, Idaho obtained and submitted additional information from the facility assessing fuel usage and limits for the No. 4 power boiler.[149] The facility stated that to meet existing permitted NO_X and SO_2 limits, fuel oil is restricted to approximately 4–5% of annual MMBtu consumption. Upon review of the supplemental facility information, Idaho determined that it is not feasible to switch to low-sulfur fuel oil, because the use of fuel oil is limited.[150]

The State also considered the time necessary for installing the retrofit controls, energy and non-air quality environmental impacts of the controls, and remaining useful life of control technologies.[151] Idaho estimated that each of the technologically feasible NO_X and SO_2 controls would take 32 months to implement. Idaho also noted that operation of the NO_X and SO_2 controls would increase energy demand at the facility.[152] Idaho also indicated that a wet scrubber would increase the amount of water used, and LoTOx would increase the amount of nitrates in the facility's wastewater. Regarding remaining useful life of the controls, Idaho indicated the controls would have a lifetime of 20 years.[153]

Idaho submitted the permit conditions that implement the existing NO_X and SO_2 limits along with the associated monitoring, recordkeeping, and reporting requirements and compliance schedule for incorporation by reference into the Idaho SIP at 40 CFR 52.670(d).[154] See Table 6 of this preamble.

iii. EPA Evaluation

Clearwater Paper: No. 4 and No. 5 Recovery Furnaces

For PM_{10}, we concur with Idaho's determination that the existing ESPs and associated emission limits to meet MACT requirements constitute existing effective controls.[155] As stated in the EPA 2019 Guidance on page 24, for a unit that complies with MACT, it is unlikely that an analysis of control measures would conclude that even more stringent control of PM is necessary to make reasonable progress.

For NO_X, the EPA does not agree with the State's finding that selective catalytic reduction (SCR), or low-temperature oxidation (LoTOx) technologies would not be technically feasible because they had not been used on the sources in question. In fact, the EPA has frequently found that controls which have been demonstrated on one type of source are feasible on another, related source.[156] Nevertheless, the EPA agrees with Idaho's ultimate conclusion that additional controls are not necessary in this case because the current NO_X emission rate for the No. 4 recovery furnace (75 ppmvd at 8% oxygen) appears commensurate with LAER for recovery furnaces. Finally, we note that the No. 5 recovery furnace is subject to PSD BACT limits.[157]

Therefore, we agree with Idaho's determination that the existing NO_X controls on the No. 4 and No. 5 recovery furnaces are necessary for reasonable progress. Accordingly, we propose to find that the permit conditions submitted by Idaho for the No. 4 and No. 5 recovery furnaces are sufficient to make the above-described PM_{10} and NO_X requirements enforceable as a practical matter.[158] We propose to approve and incorporate by reference the permit conditions that implement the requirements and associated monitoring, recordkeeping and reporting requirements and compliance schedules specified in Table 6 of this preamble into the Idaho SIP at 40 CFR 52.670(d).

Clearwater Paper: No. 4 Power Boiler

We have determined that Idaho adequately considered the four statutory factors when determining the NO_X and SO_2 controls necessary for the No. 4 power boiler. Idaho identified and evaluated a reasonable set of potential controls: three SO_2 controls and five NO_X controls, and Idaho adequately estimated the cost-effectiveness of each of the feasible controls, using vendor quotes or the EPA's Control Cost

[142] Idaho 2022 plan submission, page 80.

[143] *Id.,* page 2.

[144] *Id.,* page 3.

[145] Idaho 2022 plan submission, Appendix B. Four-Factor Analyses and Reviews. Clearwater Paper Corp.—Pulp and Paperboard Division.

[146] *Id.,* page 10.

[147] *Id.,* page 5–6.

[148] Idaho 2022 plan submission, page 80.

[149] Idaho 2022 plan submission, Appendix B. as supplemented by Idaho 2024 supplemental submission, Appendix F. Federal Land Managers Consultation Comments and DEQ Responses (Append), page 35.

[150] *Id.*

[151] Idaho 2022 plan submission, Appendix B. Four-Factor Analyses and Reviews. Clearwater Paper Corp.—Pulp and Paperboard Division, pages 7–9.

[152] *Id.*

[153] *Id.*

[154] Each control measure necessary for reasonable progress is to be submitted in a form that is enforceable as a practical matter. The practically-enforceable provisions are then incorporated by reference into the CFR to be made enforceable by the EPA and citizens. See 57 FR 13497, April 16, 1992, at page 13567 (explaining principles, including enforceability and accountability, to which SIPs and implementing instruments must adhere to help assure that planned emission reductions will be achieved); and 77 FR 74355, December 14, 2012, at page 74365 (State's SIP must contain monitoring, recordkeeping, and reporting components necessary to make regional haze-related emission limitations enforceable).

[155] EPA 2019 Guidance, pages 23 and 24.

[156] *See* 89 FR 67341, August 20, 2024, at page 67360.

[157] Idaho 2022 plan submission, page 80.

[158] Idaho 2024 supplemental submission, Appendix J. Redacted Permits and Attachments for Regional Haze (New), 1. Clearwater Paper Corp.—Pulp and Paperboard Division Redacted Permits.

Manual to estimate the cost-effectiveness of controls.[159]

After reviewing additional information submitted on fuel usage and associated limits for SO_2, we concur with Idaho's decision that it is not feasible to require the facility to fire lower sulfur fuel oil in the No. 4 power boiler at this time. Information in the September 27, 2024, supplemental submission stated that the No. 4 power boiler fires hog fuel and natural gas primarily, and while being permitted to fire higher sulfur fuel oil, the facility must limit the amount of fuel oil fired due to operational requirements and to ensure compliance with the current 100 ton per year SO_2 emission limit.[160] The oil emissions are limited by the existing NO_X permit limit of 0.3 lb/MMBtu or 842 tpy for oil/wood and the existing SO_2 permit limit of 0.80 lb/MMBtu or 100 tons per any consecutive 12-month period.[161] Additionally, there are several monitoring, recordkeeping, and reporting requirements in the existing permit that will ensure compliance with the existing NO_X and SO_2 emission limits.

The EPA concurs with Idaho's finding that the existing NO_X and SO_2 emission limits established pursuant to the NSPS requirements for Fossil-Fuel-Fired Steam Generators in 40 CFR part 60, subpart D are necessary for reasonable progress. We also find that the submitted permit conditions for the Clearwater Paper No. 4 Power Boiler are sufficient to make the existing NO_X and SO_2 requirements enforceable as a practical matter. We propose to approve and incorporate by reference the permit conditions that implement the existing requirements and associated monitoring, recordkeeping and reporting requirements and compliance schedules specified in Table 6 of this preamble into the Idaho SIP at 40 CFR 52.670(d).

b. ITAFOS (Idaho DEQ Facility ID 029–00003)

i. Background

ITAFOS Conda LLC produces fertilizer in Soda Springs, Idaho. The East Sulfuric Acid Plant is a sulfur burning, dual-contact, dual-absorption plant that produces sulfuric acid and steam for use in other facility processes.[162] The plant combusts elemental sulfur in air to produce sulfur dioxide which is then passed through a series of four catalyst beds to convert the sulfur dioxide into sulfur trioxide. The primary pollutant emitted from this process is SO_2.[163] The gas exiting the plant stack is continuously monitored for SO_2.[164]

ii. Idaho Control Determination

ITAFOS: East Sulfuric Acid Plant

Idaho evaluated retrofit SO_2 controls for the East Sulfuric Acid Plant using the four statutory factors.[165] In its initial 2022 submission, Idaho submitted evaluations of five retrofit SO_2 controls: wet flue gas desulfurization (WFGD), hydrogen peroxide scrubber, dry sorbent injection (DSI), spray dry absorber (SDA), and circulating dry scrubber (CDS). Idaho's 2022 submission includes an evaluation of the technological feasibility of the controls, cost-effectiveness of the controls, time necessary for compliance, energy and non-air quality environmental impacts, and remaining useful life of the retrofit controls.[166] Idaho determined that SDA and CDS were not technologically feasible because the temperature of the exhaust gas in the East Sulfuric Acid Plant is too low for the controls to effectively remove SO_2.[167]

In its 2022 submission, Idaho determined that WFGD, hydrogen peroxide scrubbers, and DSI were technically feasible options for SO_2 retrofit controls.[168] Based on information obtained from the company, Idaho calculated the cost-effectiveness of the three technologically feasible controls. According to Idaho, WFGD was cost effective at $4,100 per ton, hydrogen peroxide scrubbers at $4,777 per ton, and DSI at $4,121 per ton.[169]

Idaho updated its evaluations of the three retrofit controls in its September 27, 2024, supplemental submission.[170] Idaho submitted additional information obtained from the facility that impacted the technologically feasibility and cost of certain retrofit controls. For DSI, Idaho determined that the following factors rendered it technologically infeasible: (1) physical constraints that would impact the ability to install add-on DSI control equipment in the immediate vicinity to the East Sulfuric Acid Plant stack; (2) concerns about how the sorbent used in the control equipment could impact the existing chemical process; and (3) added costs that Idaho did not consider in its 2022 submission, including ancillary equipment needed to support WFGD control technology.[171]

The revised cost estimates found that WFGD retrofit technology would cost $6,270 per ton, hydrogen peroxide scrubbers would cost $7,120 per ton, and DSI would cost $6,210 per ton.[172] All of these estimates were above the State-established cost-effectiveness threshold. Idaho also included an additional updated cost calculation for WFGD that further considered site-specific considerations.[173] According to this update, WFGD had a cost-effectiveness of $7,976.[174] Idaho ultimately determined that it would not require SO_2 retrofit control technology to be installed and that the inherent plant design (dual absorption contact process, vertical tube mist eliminator, and cesium catalyst in the fourth bed of the converter) and compliance with the NSPS standard for sulfur dioxide and acid mist (40 CFR part 60, subpart H) were necessary for reasonable progress.[175] Specifically, the current operating permit requires, among other things, that the owner or operator shall not cause to be discharged into the atmosphere from the East Sulfuric Acid Plant any gases which contain sulfur dioxide in excess of 2 kg per metric ton of acid produced (4 pounds per ton), the production being expressed as 100% sulfuric acid, in accordance with 40 CFR 60.82(a) (condition 5.7).[176]

As part of the Idaho 2024 supplemental submission, Idaho submitted the permit conditions that implement the existing SO_2 requirements and associated monitoring, recordkeeping and reporting requirements and compliance schedule for incorporation by reference into the Idaho SIP at 40 CFR 52.670(d).[177]

[159] Idaho 2024 supplemental submission, appendix H, DEQ Responses to Public Comments (Replace), page 41.

[160] Idaho 2024 supplemental submission, appendix B, Clearwater power boiler fuel oil analysis.

[161] *Ibid.*

[162] Idaho 2022 plan submission, appendix B, ITAFOS Four-Factor Analysis Review, page 1.

[163] *Id.*

[164] *Id.,* pages 1 and 2.

[165] *Id.,* page 2.

[166] *Id.,* appendix B, ITAFOS Four-Factor Analysis Review, pages 3–6.

[167] *Id,* page 3.

[168] *Id.,* page 3. *See* table 2.

[169] *Id.,* pages 5 and 6.

[170] Idaho 2024 supplemental submission, appendix B Four Factor Analysis Reviews (Append).

[171] *Ibid.*

[172] *Id.,* pages 5 and 6.

[173] *Id.,* pages 7–8.

[174] *Id.,* page 10.

[175] *Ibid.*

[176] *Ibid.*

[177] Each control measure necessary for reasonable progress is to be submitted in a form that is enforceable as a practical matter. The practically enforceable provisions are then incorporated by reference into the CFR to be made enforceable by the EPA and citizens. See 57 FR 13497, April 16, 1992, at page 13567 (explaining principles, including enforceability and accountability, to which SIPs and implementing instruments must adhere to help assure that planned emission reductions will be achieved); and 77 FR 74355, December 14, 2012, at page 74365 (State's SIP must

Continued

iii. EPA Evaluation

ITAFOS: East Sulfuric Acid Plant

The EPA reviewed Idaho's evaluation of SO_2 controls at the ITAFOS East Sulfuric Acid Plant in the states 2022 and 2024 submissions and has determined that the State selected potential retrofit controls, evaluated the technological and economic feasibility of the retrofit controls, and adequately considered each of the statutory factors when determining the controls necessary for reasonable progress.[178]

Regarding technological feasibility, Idaho provided a valid basis to determine CDS and ammonia packed-bed scrubber were not feasible. For DSI and WFGD, the EPA does not agree that the factors Idaho cites render these options technologically infeasible. DSI and WFGD are common retrofit SO_2 controls that have proven effective in multiple applications. The need to construct baghouses, absorbing towers, and extended ductwork is not uncommon. These are factors the vendor should take into consideration in designing the system for a particular application. The EPA does recognize, however, that these same factors necessarily impact the cost of the controls and may impact the control efficiency.

With respect to cost calculations, the EPA recommended in the EPA 2019 Guidance that States follow the EPA's Control Cost Manual recommendations to ensure consistent cost calculations across controls and sources.[179] The EPA also recommended that States explain any deviations or alternative approaches.[180] Finally, the Control Cost Manual provides for generic cost estimates using a consistent methodology, but recommends States obtain facility-specific vendor cost quotes when practical.[181]

In evaluating the cost of WFGD, a hydrogen peroxide scrubber, and DSI, Idaho obtained cost information from equipment vendors.[182] Idaho conducted subsequent evaluations of its initial cost estimates to ensure the cost estimates took into consideration all the ancillary equipment necessary and site specific complexities. Idaho adequately explained its cost calculation methodology, its use of the Control Cost Manual, and its rationale for adjusting initial vendor estimates based on site-specific information. Therefore, based on the State's consideration of the four statutory factors, we agree with Idaho's determinations that additional SO_2 controls on the East Sulfuric Acid Plant are not necessary for reasonable progress.

We propose to approve and incorporate by reference the permit conditions that implement the existing SO_2 requirements and associated monitoring, recordkeeping and reporting requirements and compliance schedules specified in Table 6 of this preamble into the Idaho SIP at 40 CFR 52.670(d).

c. NWP–Soda Springs (Idaho DEQ Facility ID 007–00008)

i. Background

Northwest Pipeline—Soda Springs (NWP) is a natural gas compressor station located near Soda Springs, Idaho. The compressor station operates remotely and is used to compress and transmit natural gas along the transmission pipeline.[183] The facility has four natural gas-fired lean-burn reciprocating internal-combustion engines (RICE) (three TLA–6 IC engines and one TCVA–16 IC engine) that utilize air/fuel ratio controls and ignition timing delay to control NO_X emissions.[184]

ii. Idaho Control Determination

NWP—Soda Springs: RICE Engines

Idaho evaluated the RICE engines for NO_X controls.[185] The facility identified seven available retrofit NO_X control technologies for the four RICE engines: air/fuel ratio controls, ignition timing delay, SCR, SNCR, NSCR, electrification, and low emission combustion retrofit (LEC).[186] Upon review, the facility concluded that LEC was the only technically feasible retrofit technology available and developed cost estimates.[187] Idaho estimated that the LEC retrofit would reduce NO_X emissions by 87%.[188] The Idaho DEQ reviewed the facility's cost estimates for LEC, adjusted certain aspects, including the interest rate used and equipment life, and concluded such a retrofit would cost $10,656 per ton removed for the TCVA–16 IC engine and $24,874 per ton removed for the TLA–6 IC engines, exceeding the State-established cost-effectiveness threshold.[189]

Idaho also evaluated the time necessary for compliance, the energy and non-air quality environmental impacts, and remaining useful life of an LEC retrofit.[190] Idaho estimated that such a retrofit would take 12 to 18 months to design and install. Idaho also indicated that the LEC retrofit would increase electricity consumption. Idaho estimated that the remaining lives of the engines were 20 years.

Based on its review of the four factors, Idaho determined that the LEC retrofit was not cost-effective. However, after the initial 2022 submission, Idaho entered into a compliance agreement schedule with the facility to replace the four RICE engines with two gas-fired turbines by July of 2031.[191] All four RICE engines will be removed and replaced with two gas-fired turbines, specifically a Solar Centaur 40–4700S 15 ppm NO_X unit and a Solar Taurus 70–10802S 9 ppm NO_X unit.[192] Idaho determined that the replacements would achieve a 98% reduction in NO_X—based on potential to emit.[193]

Idaho determined the engine replacements were necessary for reasonable progress and as part of the September 27, 2024, supplemental submission, Idaho included the compliance agreement schedule for incorporation by reference into the Idaho SIP at 40 CFR 52.670(d).[194] See Table 6 of this preamble for details.

iii. EPA Evaluation

The EPA concurs that Idaho adequately considered the four statutory

contain monitoring, recordkeeping, and reporting components necessary to make regional haze-related emission limitations enforceable).

[178] EPA 2019 Guidance, page 37 (''We anticipate that the outcome of the decision-making process by a state regarding a control measure may most often depend on how the state assesses the balance between the cost of compliance and the visibility benefits, with the other three statutory factors either being subsumed into the cost of compliance or not being major considerations.'').

[179] EPA 2019 Guidance, page 32.

[180] *Id.*

[181] *Id.*

[182] Idaho 2024 supplemental submission, appendix B Four Factor Analysis and Review (Append), page 5–10.

[183] Idaho 2022 plan submission, page 66.

[184] *Ibid.*

[185] Idaho 2022 plan submission, appendix B, Four-Factor Analyses Reviews, 4 Northwest Pipeline.

[186] *Ibid.*

[187] *Ibid.*

[188] *Ibid.*

[189] *Ibid.*

[190] *Ibid.*

[191] Idaho 2024 supplemental submission, appendix J. Redacted Permits and Attachments for Regional Haze (New), Northwest Pipeline, LLC, CAS dated September 1, 2023.

[192] *Ibid.*

[193] Idaho 2024 supplemental submission, page 10. Idaho estimates the total reduction of NO_X PTE upon completion of the equipment upgrade project will be 1687.17 tpy.

[194] Each control measure necessary for reasonable progress is to be submitted in a form that is enforceable as a practical matter. The practically enforceable provisions are then incorporated by reference into the CFR to be made enforceable by the EPA and citizens. See 57 FR 13497, April 16, 1992, at page 13567 (explaining principles, including enforceability and accountability, to which SIPs and implementing instruments must adhere to help assure that planned emission reductions will be achieved); and 77 FR 74355, December 14, 2012, at page 74365 (State's SIP must contain monitoring, recordkeeping, and reporting components necessary to make regional haze-related emission limitations enforceable).

factors in determining the control necessary for reasonable progress at the NWP-Soda Springs facility. Accordingly, the EPA concurs with Idaho's determination that the requirement to remove the four RICE engines and replace them with two gas-fired turbines by July 31, 2031, is necessary for reasonable progress.

We propose to approve and incorporate by reference the submitted compliance agreement schedule specified in Table 6 of this preamble into the Idaho SIP at 40 CFR 52.670(d).

d. P4 Productions LLC (P4) (Idaho DEQ Facility ID 029–00001)

i. Background

P4 Production LLC (P4) owns and operates an elemental phosphorus manufacturing facility located in Soda Springs, Idaho, where phosphate ore is nodulized in a rotary kiln.[195] Emissions from the nodulizing kiln are controlled by a dust knockout chamber, spray tower, four parallel cyclonic separator pairs, four parallel Hydro-Sonic scrubbers and demisters, and a lime concentrated dual alkali SO_2 scrubbing system.[196]

ii. Idaho Control Determination

P4: Nodulizing Kiln

Idaho selected the nodulizing kiln for four-factor analysis for NO_X, PM_{10}, and SO_2.

For NO_X, the facility identified the following potential retrofit technologies: good combustion practices, low NO_X burners, SCR, and SNCR.[197] However, all were eliminated by the facility as technically infeasible. P4's primary rationale was the temperature demands for sintering phosphate ore are inconsistent with the temperature needs for the controls and that high particulate loading would fowl the catalyst.[198]

Idaho concurred that no technically feasible control technologies were available. The nodulizing kiln is not subject to any existing NO_X controls or limits. Thus, Idaho did not determine that existing NO_X controls are necessary for reasonable progress. However, to establish a NO_X limit for the nodulizing kiln, the Idaho DEQ entered into a compliance agreement schedule (CAS) with the facility to establish a NO_X emission limit for the nodulizing kiln.[199] The CAS requires the facility to submit a performance test protocol for approval by the Idaho DEQ, conduct testing over 12 months, submit a NO_X emissions test report for approval by the Idaho DEQ, and submit a permit application to include a new NO_X emission limit.[200]

For PM_{10}, the facility reviewed four retrofit control technologies: good combustion practices, ESP, fabric filters, and wet scrubbers. Of these alternatives, wet scrubbers and wet ESPs were identified as technically feasible.[201] P4 Production already employs a Venturi wet scrubber system to control PM_{10} emissions from the nodulizing kiln.[202] Idaho estimated that the existing wet scrubber system achieves 95% PM_{10} control and concluded that it is the most effective control for PM_{10}.[203] Idaho determined that the current Venturi wet scrubber system constituted existing effective controls for the nodulizing kiln. In the 2024 submission, Idaho included the permit conditions establishing PM_{10} emissions limits reflecting operation of the Venturi wet scrubber system.[204]

For SO_2, the facility currently employs a lime concentrate dual alkali (LCDA) system that achieves 97% SO_2 emissions reductions.[205] Idaho identified process controls and flue gas desulfurization (FGD) as potential retrofit controls, however the Idaho ultimately determined these were either technically infeasible or would not achieve greater emissions reductions than the existing LCDA system. Thus, Idaho determined that the existing LCDA system constituted existing effective controls for SO_2. In the 2024 submission, Idaho included permit conditions establishing SO_2 emissions limits reflecting operation of the LCDA system.[206]

iii. EPA Evaluation

P4: Nodulizing Kiln

Idaho adequately considered the four statutory factors in determining the controls necessary for reasonable progress at P4 and adequately determined that there are no additional NO_X controls that are feasible. Given that there is no current limit on NO_X emissions from the nodulizing kiln, the EPA agrees that existing NO_X controls are not necessary for reasonable progress. The CAS will assist Idaho is establishing a NO_X emissions limit and thus: (1) help prevent future visibility impairment; and (2) assist the State in future regional haze planning efforts. The CAS includes a detailed timeline for testing, developing, and implementing a NO_X emission limit along with agreed upon methods, with associated monitoring and recordkeeping requirements. Therefore, the EPA is proposing to approve the CAS and incorporate it into Idaho's SIP as a SIP strengthening measure.

The EPA concurs with Idaho's determination that no new SO_2 controls are reasonable and the current LCDA system and associated SO_2 emission limit (143 lb/hr) are necessary for reasonable progress. The facility underwent a BACT review under PSD in 2009 for SO_2 and, consistent with the EPA 2019 Guidance, the EPA agrees that additional control technology review under the four regional haze factors is unlikely to find feasible, cost-effective controls. [207] Idaho's submissions indicate that the existing system is the best SO_2 control for the kiln.

For PM_{10}, the EPA concurs with Idaho's finding that the existing Venturi scrubbing system and associated PM_{10} emission limit (30.0 lb/hr) constitute existing effective controls that are necessary for reasonable progress. Idaho's submission indicates that this system achieves at least 95% PM_{10} emissions reductions.

We propose to find that the submitted permit conditions for the existing PM_{10} and SO_2 controls are sufficient to make the existing requirements enforceable as a practical matter. We propose to approve and incorporate by reference the CAS and permit conditions specified in Table 6 of this preamble into the Idaho SIP at 40 CFR 52.670(d).

e. Simplot (Idaho DEQ Facility ID 077–00006)

i. Background

The J.R. Simplot Company owns and operates a phosphate fertilizer

[195] Idaho 2022 plan submission, page 70.

[196] *Id.,* appendix B. Four-Factor Analyses and Reviews, P4 Production LLC.

[197] *Ibid.*

[198] *Ibid.*

[199] Idaho 2024 supplemental submission, page 11–12.

[200] Idaho 2024 supplemental submission, Appendix J. Redacted Permits and Attachments for Regional Haze (New), 5. P4 Production LLC Redacted Permit and Compliance Agreement Schedule.

[201] Idaho 2022 plan submission, appendix B, Four-Factor Analyses and Reviews, P4 Production LLC.

[202] The kiln also include a dust knockout chamber, a spray tower, four parallel Hydro-Sonic systems, eight parallel cyclonic separator, and four mist eliminators that each provide PM_{10} control.

[203] Idaho 2022 plan submission, Appendix B. Four-Factor Analyses and Reviews, P4 Production LLC.

[204] Idaho 2024 supplemental submission, Appendix J. Redacted Permits and Attachments for Regional Haze (New), 6. P4 Production LLC Redacted Permit.

[205] *Id.*

[206] Idaho 2024 supplemental submission, Appendix J. Redacted Permits and Attachments for Regional Haze (New), 6. P4 Production LLC Redacted Permit.

[207] EPA 2019 Guidance, page 23. Idaho 2022 plan submission, Appendix B. P4 Production LLC.

manufacturing plant, in Pocatello, Idaho (the Don Siding Plant). Elemental sulfur is brought to the plant, processed into sulfur trioxide, then passed through an absorber containing 93% sulfuric acid to allow absorption of sulfur trioxide to form more concentrated sulfuric acid.[208] This process is called ''single contact'' and is employed by the No. 300 Sulfuric Acid Plant at the Don Siding Plant. The No. 400 Sulfuric Acid Plant uses an additional converter to oxidize SO_2 to sulfur trioxide which, passes through a final absorber, called a ''double contact'' process.[209]

The No. 300 Sulfuric Acid Plant includes a DynaWave reverse-jet scrubber and an Ammsox scrubber, in series, to reduce SO_2 emissions and mist eliminators are installed on the Ammsox scrubber to reduce potential PM_{10} emissions.[210] The double-contact process used by the No. 400 sulfuric acid plant is more efficient at collecting SO_2 (as sulfuric acid) than the single contact process, and, as a result, no additional controls are installed on the No. 400 Sulfuric Acid Plant.[211]

ii. Idaho Control Determination

Idaho selected the No. 300 and No. 400 Sulfuric Acid Plants for four-factor analysis, specifically, to evaluate PM_{10} and SO_2 controls for the No. 300 Sulfuric Acid Plant and NO_X and SO_2 controls for the No. 400 Sulfuric Acid Plant. Idaho determined that there were existing effective SO_2 controls on both plants and therefore only reviewed PM_{10} controls for the No. 300 Sulfuric Acid Plant and NO_X controls for the No. 400 Sulfuric Acid Plant. Specifically, the plants are already subject to BACT-level SO_2 limits as established by Federal Consent Decree on December 3, 2015.[212] The SO_2 requirements are listed in Table 6 of this preamble.

The Federal Consent Decree establishes SO_2 limits for both the No. 300 and No. 400 Sulfuric Acid Plants to resolve differences surrounding PSD applicability.[213] Idaho determined that these Consent Decree limits constitute existing effective controls for SO_2 for both plants.[214] The Idaho DEQ incorporated these Consent Decree limits[215] and associated monitoring, recordkeeping, and reporting requirements into the facility's operating permit and into Idaho's SIP at 40 CFR 51.670(d). As part of its 2024 supplemental submission, Idaho submitted additional permit conditions limiting the SO_2 emissions from the No. 300 and No. 400 Sulfuric Acid Plants.

Simplot: No. 300 Sulfuric Acid Plant

For PM_{10}, the facility identified five control technologies, three of which were found to be technically feasible: mist eliminators, wet ESP, and wet scrubbers.[216] The facility already employs mist eliminators and a wet scrubber. Idaho determined that fabric filters were infeasible because particulate matter emissions from the plant are in liquid form and fabric filters are designed to remove particulate matter from a gas stream. Idaho also determined that cyclones were infeasible because they are designed to collect coarse-to-medium-sized particulate matter from gas streams, and particulate emissions from the plant are primarily less than 10 micrometers in diameter. Idaho evaluated the cost-effectiveness of the remaining control: wet ESP. Simplot provided Idaho with a vendor quote to determine the capital cost of the wet ESP as well as site-specific information bearing on the difficulty of retrofitting the No. 300 Sulfuric Acid Plant.[217] Based on this information, Idaho determined that installing a wet ESP would cost $39,721 per ton PM_{10} removed, exceeding the State-established cost-effectiveness threshold.[218] Idaho also considered the time to install the wet ESP, the energy and non-air quality environmental impacts, and remaining useful life of the wet ESP.[219] Based on consideration of the four statutory factors, Idaho determined that installing a wet ESP on the No. 300 Sulfuric Acid Plant was not necessary for reasonable progress. Therefore, Idaho determined that the existing mist eliminators and wet scrubbers were necessary for reasonable progress. The plant is already subject to a PM_{10} emissions limit of 11.4 lbs/hr.[220]

Simplot: No. 400 Sulfuric Acid Plant

According to Idaho's 2022 submission, the NO_X emission from sulfuric acid plants is intrinsically limited because the flame temperature of sulfur is too low to thermally create NO_X.[221] According to the 2022 submission, the No. 400 Sulfuric Acid Plant emits 10 ppmv NO_X, dry basis at 3 percent oxygen. Nevertheless, Idaho requested Simplot evaluate additional NO_X controls. The facility identified six technologies for the control of NO_X at the No. 400 Sulfuric Acid Plant: flue gas recirculation (FGR), low NO_X burners (LNBs), ultra-low NO_X burners (ULNBs), SCR, SNCR, and SNCR.[222] Based on information provided by Simplot, Idaho determined that each of these retrofit controls were technically infeasible. The primary reasons identified in Idaho's technological infeasibility determinations were that the exhaust gas temperature is too low for NO_X catalysts to function and that LNB technology requires low excess air to work.[223]

The facility proposed to retain the current design and operation of the No. 400 Sulfuric Acid Plant, stating that the most recent NO_X stack test yielded a result of 10 ppmv, dry basis at 3 percent oxygen, which it found to be comparable to the NO_X concentration in the exhaust of natural gas-fired combustion unit equipped with LNBs or ULNBs.[224]

iii. EPA Evaluation

The EPA concurs with Idaho's determination that the SO_2 limits for the No. 300 and No. 400 Sulfuric Acid Plants are existing effective controls. In the EPA 2019 Guidance, the EPA acknowledged that a control technology review under the four regional haze factors was unlikely to find feasible, cost-effective controls for sources that recently went through PSD BACT.[225] In this instance, both plants are subject to 2015 BACT limits imposed through a Federal Consent Decree with the EPA. Consistent with the EPA 2019 Guidance, and based on the submitted information, the EPA agrees that additional control technology review under the four

[208] Idaho 2022 plan submission, Appendix B. J.R. Simplot Company-Don Siding.

[209] *Ibid.*

[210] *Ibid.*

[211] *Ibid.*

[212] *Ibid.*

[213] See *https://www.epa.gov/enforcement/consent-decree-j-r-simplot-company/.*

[214] Idaho 2024 supplemental submission, Appendix J. Redacted Permits and Attachments for Regional Haze, 3. J.R. Simplot Company-Don Siding Plant Redacts Permit.

[215] For the No. 300 Sulfuric Acid Plant: SO_2 emissions not to exceed 2.5 lb/ton of 100% sulfuric acid produced on a rolling 3-hour average basis, except during periods of startup, shutdown, or malfunction; and SO_2 emissions not to exceed 1.5 lb/ton 100% sulfuric acid produced on a rolling 365-day average basis including periods of startup, shutdown, or malfunction. For the No. 400 Sulfuric Acid Plant: SO_2 emissions not to exceed 2.5 lb/ton of 100% sulfuric acid produced on a rolling 3-hour average basis, except during periods of startup, shutdown, or malfunction; and SO_2 emissions not to exceed 1.6 lb/ton 100% sulfuric acid produced on a rolling 365-day average basis including periods of startup, shutdown, or malfunction.

[216] *Ibid.*

[217] *Ibid.*

[218] *Ibid.*

[219] *Ibid.*

[220] 40 CFR 52.670(d); *See* Operating Permit T1–2017–0024, condition 15.9.

[221] Idaho 2022 plan submission, Appendix B. J.R. Simplot Company-Don Siding.

[222] *Ibid.*

[223] *Ibid.*

[224] *Ibid.*

[225] 2019 EPA Guidance, pages 22—23.

regional haze factors is unlikely to find feasible, cost-effective controls.[226]

For PM_{10} emissions, we concur with Idaho's determination that the existing controls on the No. 300 Sulfuric Acid Plant are necessary for reasonable progress and no additional controls are necessary. Idaho considered the four statutory factors in making its determination. Idaho's rationale for dismissing the fabric filter and cyclone as technologically infeasible are sound. The EPA also agrees with Idaho's determination that existing PM_{10} measures are necessary for reasonable progress for the regional haze second implementation period. The No. 300 Sulfuric Acid Plant is subject to PM_{10} emissions limits (11.4 lb/hr (24-hr average) and 49.8 tpy (tons per any consecutive 12-month period)) for purposes of nonattainment reasonable available control technology (RACT).

For NO_X emissions, we concur with Idaho's determination that the existing NO_X emission limits are necessary for reasonable progress and that no additional controls are necessary. Idaho adequately evaluated the feasibility of additional emissions controls. Idaho's justifications for determining these controls are technologically infeasible are sound. We also note that Idaho imposed the current NO_X limit on the No. 400 Sulfuric Acid Plant to meet nonattainment RACT requirements as part of the Portneuf Valley PM_{10} attainment plan (71 FR 39574, July 13, 2006). NO_X emissions are limited to 44.3 tpy based on any consecutive 12-month period and 10.1 lb/hr (24-hour average) for purposes of RACT. These limits are already incorporated into Idaho's SIP.

We propose to approve and incorporate by reference the permit conditions that implement Idaho's reasonable progress determinations and associated monitoring, recordkeeping and reporting requirements and compliance schedules specified in Table 6 of this preamble into the Idaho SIP at 40 CFR 52.670(d).

f. Tamarack Mill (Idaho DEQ Facility ID 003–00001)

i. Background

The Tamarack Mill, LLC dba Evergreen Forest and Tamarack Energy Partnership manufactures dry kiln lumber in New Meadows, Idaho.[227] The sawmill processes logs into green dimensional lumber to be kiln-dried. Wood waste is burned in the Riley Cogeneration Boiler to produce steam to power a turbine (generating electricity for the regional power grid) and to heat lumber drying kilns. The Riley Cogeneration Boiler, rated at 102 MMBtu, operates with an existing multi-clone and wet scrubber installed for PM_{10} control, and no add-on NO_X control technology.[228]

ii. Idaho Control Determination

Tamarack Mill: Riley Cogeneration Boiler

Idaho selected the Riley Cogeneration Boiler for PM_{10} and NO_X analysis. For PM_{10}, the facility already employs multi-clone and wet scrubbers. Per Idaho's request, the facility evaluated ESPs and baghouse or filter cartridge dust collector technologies. Based on information provided by the facility, Idaho determined that the baghouse or filter dust collector systems were technically infeasible due to exhaust temperature and fire risk.[229] Idaho determined that an ESP retrofit had a cost-effectiveness of $13,114 per ton PM_{10} reduced.[230]

Idaho also considered the time necessary to install the ESP and determined it would take 2.5 years. With respect to energy and non-air quality environmental impacts, Idaho noted that the ESP would increase fire risk and the risk of concentrating hazardous metals. Finally, Idaho determined the remaining useful life of the ESP would be 15 years. However, Idaho used a 30-year equipment life for consistency across sources. Thus, Idaho determined that the ESP retrofit was not necessary for reasonable progress in the second implementation period. Based on its consideration of these factors, Idaho determined that the existing PM_{10} controls were necessary for reasonable progress. Accordingly, Idaho submitted conditions from the Tamarack Mill's operating permit that limit PM_{10} emissions from the source. Under the permit $PM_{2.5}/PM_{10}$ emissions are not to exceed 18 lb/hr and particulate matter emissions not to exceed 0.080 gr/dscf at 8 percent oxygen.[231]

For NO_X, the facility identified SCR, LNB, FGR, and SNCR as potential retrofit technology for the Riley Cogeneration Boiler. Based on information provided by the facility, Idaho concluded that SNCR was the only commercially available retrofit technology for wood waste-fired boilers and estimated it would cost $10,855 per ton NO_X reduced to retrofit with SCNR.[232] Idaho thus determined that that an SNCR retrofit would exceed the State-established cost-effectiveness threshold of $6,100 per ton.

Idaho also considered the time necessary to install SNCR, its energy and non-air quality environmental impacts, and remaining useful life. Idaho determined it would take 1.5 years to install. Idaho also indicated that installing SNCR would increase energy demand. Finally, Idaho determined the system would last 15 years, but used a 30-year lifetime for the purposes of its cost calculations. Based on its consideration of these factors, Idaho determined that SNCR was not necessary for reasonable progress. Idaho determined that the existing NO_X limits were necessary for reasonable progress. Accordingly, Idaho submitted conditions from the Tamarack Mill's operating permit that limit NO_X emissions from the source. The permit limits NO_X emissions from the Riley Cogeneration Boiler to 22.44 lb/hr and requires the facility to burn wood waste only.[233]

iii. EPA Evaluation

For PM_{10}, the EPA concurs with Idaho's determination that the existing controls on the Riley Cogeneration Boiler are necessary for reasonable progress and that no additional controls are necessary. We note that the Riley Cogeneration Boiler already employs effective emissions controls. According to Idaho's 2022 submission, the 2018 actual emissions from the Riley Cogeneration Boiler were 28.2 tons PM_{10}.[234] Idaho's rationale for determining that the baghouse and filter dust collector systems are infeasible are sound. The EPA also agrees that Idaho adequately considered the four statutory factors when determining that installing a wet ESP was not necessary for reasonable progress for the second implementation period.

For NO_X, the EPA agrees with Idaho's determination that existing NO_X limits are necessary for reasonable progress and that no additional controls are necessary. Idaho's rationale for determining that all NO_X controls except SNCR are technologically infeasible are sound. Moreover, Idaho adequately considered the four statutory factors in determining that installing SNCR is not necessary for reasonable progress during the second

[226] *Ibid.*

[227] Idaho 2022 plan submission, Appendix B. Tamarack Mill, LLC dba Evergreen Forest and Tamarack Energy Partnership.

[228] *Ibid.*

[229] *Ibid.*

[230] *Ibid.*

[231] *Ibid.*

[232] Idaho 2024 supplemental submission, Appendix J. Redacted Permits and Attachments for Regional Haze (New), 7. Tamarack Mill, LLC dba Evergreen Forest and Tamarack Energy Partnership Redacted.

[233] *Ibid.*

[234] *Ibid.*

implementation period. The EPA also notes that, according to Idaho's 2022 submission, 2018 actual emissions from the Riley Cogeneration Boiler were relatively low, at 69.2 tons per year.

After reviewing the Idaho 2024 supplemental submission, we propose to find that the permit conditions submitted for the Riley Cogeneration Boiler are sufficient to make the existing PM_{10} and NO_X requirements enforceable as a practical matter.[235] We propose to approve and incorporate by reference the permit conditions that implement the requirements and associated monitoring, recordkeeping and reporting requirements and compliance schedules specified in Table 6 of this preamble into the Idaho SIP at 40 CFR 52.670(d).

g. TASCO—Nampa (Idaho DEQ Facility ID 027–00010)

i. Background

The Amalgamated Sugar Company (TASCO) operates a beet sugar manufacturing plant in Nampa, Idaho that processes sugar beets into refined sugar. TASCO—Nampa includes the Riley Boiler. The Riley Boiler is a wall-fired, pulverized coal and natural gas-fired boiler with a maximum heat input rating of 358 MMBtu/hr, fires low-sulfur bituminous coal or natural gas.[236] It is equipped with a high efficiency fabric filter baghouse for particulate matter control.

ii. Idaho Control Determination

TASCO—Nampa: Riley Boiler

Idaho selected the Riley Boiler for four-factor analysis for PM_{10}, SO_2, and NO_X.[237] We note that the Riley Boiler is subject to BART for the first regional haze implementation period originally approved by the EPA on June 22, 2011 (76 FR 36329). The EPA approved revisions to the BART determination for the Riley Boiler on April 28, 2014 (79 FR 23273). The SIP-approved BART emissions limits for the Riley Boiler are: 12.4 lbs/hr PM_{10} operating a baghouse and 103 lbs/hr NO_X using LNBs.

For PM_{10}, per Idaho's request, the facility reviewed dry and wet ESPs, wet scrubbers, and mechanical collectors including cyclones and multi-clones.[238] Based on information provided by TASCO, Idaho determined that all controls are technically feasible but asserted mechanical collectors and wet gas scrubbers are inferior to fabric filter baghouses and dry ESPs, and also asserted that retrofitting the boiler with an ESP was unlikely to reduce PM emissions by more than a small amount.[239]

Therefore, Idaho determined that the most effective PM control device (a fabric filter baghouse) was already being employed on the Riley Boiler. Additionally, the facility asserted that none of the retrofit control options would reduce PM_{10} emissions below that achieved when firing natural gas.[240]

For SO_2 and NO_X, the Idaho DEQ evaluated several SO_2 and NO_X retrofit controls. These included DSI and WFGD for SO_2 and LNB, SCR, and SNCR for NO_X. Idaho determined these controls were technically feasible and the cost of several of the controls were less than the State-established cost-effectiveness threshold of $6,100.[241] Idaho also considered the time necessary to install the controls, the energy and non-air quality environmental impacts of the controls, and the remaining useful life of the controls.[242]

As part of its original 2022 submission, Idaho did not evaluate mandating that TASCO discontinue firing coal in the Riley Boiler. However, on June 2, 2022, the facility submitted a letter to the Idaho DEQ committing to discontinue the use of coal in the Riley Boiler at the TASCO—Nampa facility. The Idaho DEQ determined that the Riley Boiler fuel switch to combust only natural gas represented the greatest potential reduction in emissions (1,171.5 tons per year of combined NO_X, SO_2, and PM_{10}) of all cost-effective control options evaluated. Therefore, the Idaho DEQ determined the fuel switch was necessary for reasonable progress and submitted a revised permit P–2018.0011 issued February 15, 2023, where it states, ''the Riley boiler shall be fired exclusively on natural gas and no longer fire coal by July 1, 2027.'' [243]

iii. EPA Evaluation

We concur with Idaho's determination that mandating the Riley Boiler cease burning coal is necessary for reasonable progress. Idaho evaluated a reasonable set of potential controls and considered the four statutory factors in determining that discontinuing coal is necessary for reasonable progress. We note that switching to exclusively fire natural gas virtually eliminates PM_{10} emissions and SO_2 emissions. Switching to natural gas will achieve a 99.9% reduction in SO_2 and 34% reduction in NO_X emissions. We acknowledge that installation of SCR on the boiler could further reduce NO_X emissions. However, Idaho was not required under the Clean Air Act or Regional Haze Rule to evaluate every potential control scenario.[244] Here, Idaho was reasonable in selecting the control that could achieve the aggregate emissions reductions in haze-forming pollutants.

We propose to incorporate by reference the permit conditions that implement the fuel switch requirement specified in Table 6 of this preamble into the Idaho SIP at 40 CFR 52.670(d).

h. TASCO—Twin Falls (Idaho DEQ Facility ID 083–00001)

i. Background

The TASCO—Twin Falls facility processes sugar beets into refined sugar and also produces animal feed products such as pulp and betaine.[245] The TASCO—Twin Falls facility has a coal-fired boiler, a coal and natural gas-fired boiler, a natural gas fired boiler, a coal or natural gas-fired pulp dryer, and several other minor emission sources. The Foster Wheeler Boiler combusts only coal. The Babcock & Wilcox (B&W) Boiler can combust both coal and natural gas. The Foster Wheeler Boiler and B&W Boilers were both selected for four-factor analysis for NO_X, SO_2, and PM_{10}. The B&W Boiler is a wall-fired, pulverized coal or natural gas-fired boiler with a heat input rating of 268 million Btu per hour (mmBtu/hr).[246] The boiler is equipped with voluntary low NO_X burners for coal that were not in the permit and a high efficiency fabric filter baghouse for PM, PM_{10}, and $PM_{2.5}$ control that is listed in the permit as a control device.[247] The facility's Foster Wheeler Boiler is a moving grate stoker coal-fired boiler with a heat input rating of 285 MMBtu/hr.[248] The boiler fires low-sulfur bituminous coal and is equipped with a high-efficiency fabric filter baghouse for particulate matter control.[249]

[235] *Ibid.*

[236] Idaho 2022 plan submission, Appendix B. Four-Factor Analyses and Reviews, The Amalgamated Sugar Company—Nampa.

[237] Idaho 2024 supplemental submission, Appendix J. Redacted Permits and Attachments for Regional Haze (New), 8. The Amalgamated Sugar Company—Nampa Redacted Permit.

[238] Idaho 2022 plan submission, Appendix B. Four-Factor Analyses and Reviews, The Amalgamated Sugar Company—Nampa.

[239] *Ibid.*

[240] *Ibid.*

[241] *Ibid.*

[242] *Ibid.*

[243] Idaho 2024 supplemental submission, Appendix J. Redacted Permits and Attachments for Regional Haze (New), 8. The Amalgamated Sugar Company-Nampa Redacted Permit.

[244] EPA 2019 Guidance, pages 28–29.

[245] Idaho 2022 plan submission, Appendix B, Regional Haze Four-Factor Analysis Review—The Amalgamated Sugar Company LLC (TASCO)—Twin Falls.

[246] *Ibid.*

[247] *Ibid.*

[248] *Ibid.*

[249] *Ibid.*

ii. Idaho Control Determination

TASCO—Twin Falls: B&W Boilers

Idaho selected the B&W Boilers (coal and natural gas-fired) for four-factor analysis for NO_X, SO_2, and PM_{10}.[250] For PM_{10}, Idaho indicated that the B&W Boiler is subject to the National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters, 40 CFR part 63, subpart DDDDD (boiler MACT) limiting emissions of filterable PM, carbon monoxide, mercury, and hydrochloric acid. Therefore, Idaho did not review additional PM controls. As discussed in the following paragraphs, Idaho determined that requiring TASCO to cease burning coal in the B&W Boiler and only burn natural gas was necessary for reasonable progress.[251] This requirement reduces the PM_{10} emissions by 11.08 tons per year.[252]

For NO_X, based on information provided by TASCO, Idaho identified two feasible controls: low NO_X burners for coal and SCR. Idaho determined that ultra-low NO_X burners and SNCR were not technically feasible due to the size of the firebox.[253] Idaho reviewed low NO_X burners and SCR under the four statutory factors. Based on information provided by TASCO, Idaho determined the cost-effectiveness of low NO_X burners as $2,900 per ton and SCR as $4,580 per ton. Idaho determined that it would take 28 months to install SCR, that SCR would increase energy demand and requires the use of ammonia, and that SCR would have a 20-year remaining useful life.[254] Idaho determined that requiring TASCO to cease burning coal in the B&W Boiler and only burn natural gas was necessary for reasonable progress.[255] This requirement reduces the NO_X emissions by 126.39 tons per year.[256]

For SO_2, Idaho identified low sulfur coal, dry FGD, WFGD, and DSI as feasible controls based on information from TASCO. Idaho considered these controls under the four statutory factors. Idaho determined the cost-effectiveness of each control as: $625 per ton for low sulfur coal; $3,800 per ton for dry FGD, $3,810 per ton for WFGD, and $4,580 per ton for DSI.[257] Idaho estimated that the retrofit SO_2 controls would take 36 months to install. Idaho also indicated that the retrofit technologies may reduce the efficiency of the boiler, dry FGD increase particulate emissions, and WFGD increases water consumption and solid waste generation.[258] Idaho determined that the retrofit controls would have a remaining useful life of 20 years.[259] Idaho determined that requiring TASCO to cease burning coal in the B&W Boiler and only burn natural gas was necessary for reasonable progress.[260] This requirement reduces the SO_2 emissions by 556.43 tons per year.[261]

Idaho required TASCO to cease burning coal in the B&W Boiler as a potential multi-pollutant control.[262] Idaho determined that switching to burning natural gas exclusively would reduce combined NO_X, SO_2, and PM_{10} emissions by 693.9 tons per year and have a cost-effectiveness of $1,128 per ton. The B&W Boiler was already configured to fire natural gas, therefore no additional time is needed to install controls.

TABLE 7—COMPARISON OF CONTROL TECHNOLOGIES FOR B&W BOILER AT TASCO—TWIN FALLS[263]

Pollutant	Control option	Annual emission reduction (TPY)	Cost-effectiveness ($/ton)
NO_X	LNB natural gas	196	2,900
NO_X	SCR	202.1	4,580
SO_2	Low Sulfur Bituminous Coal	135.7	625
SO_2	Dry Sorbent Injection	278.3	4,580
SO_2	Wet FGD LSO	540	5,270
SO_2	Dry FGD LSD	528.8	5,040
NO_X, SO_2, PM_{10}	Existing Primary Fuel Replacement	693.9	1,128

Based on the considerations discussed in the preceding paragraphs, Idaho determined that removing coal as an allowable fuel in the B&W Boiler was necessary for reasonable progress.[264] On June 23, 2021, the Idaho DEQ received a permit amendment application to remove coal as a fuel option for the B&W Boiler, and the Idaho DEQ issued an amended permit on July 22, 2021, for the fuel change from coal to natural gas.[265] According to Idaho, switching the B&W boiler to natural gas resulted in a significant emissions reduction (694 tons per year of combined NO_X, SO_2, and PM_{10}) making it the most effective control option evaluated.

TASCO—Twin Falls: Foster Wheeler Boiler

Idaho selected the Foster Wheeler Boiler for four-factor analysis for NO_X, SO_2, and PM_{10}. For PM_{10}, Idaho noted in its 2022 submission that the Foster Wheeler Boiler is subject to the NSPS for Fossil-Fuel-Fired Steam Generators, 40 CFR part 60, subpart D, and the Boiler MACT, 40 CFR part 63, subpart DDDDD. Idaho also indicated that the boiler is equipped with a fabric filter baghouse.[266] In its 2022 submission, Idaho determined that the existing baghouse constituted effective controls. However, in its 2024 supplemental submission, Idaho required TASCO to cease burning coal and only burn natural gas in the Foster Wheeler Boiler.[267] According to Idaho, the fuel switch obviated the need to maintain the baghouse.[268] According to the 2022 submission, the decision to convert the Foster Wheeler Boiler to natural gas occurred after Idaho had completed consideration of additional controls assuming the boiler would continue to burn coal.[269] Thus, Idaho's evaluation of

[250] *Ibid.*

[251] *See* permit T1–2016–0017.

[252] Idaho 2024 supplemental submission, page 6.

[253] *Id.*

[254] *Id.*

[255] *See* permit T1–2016–0017.

[256] Idaho 2024 supplemental submission, page 6.

[257] *Id.*

[258] *Id.*

[259] *Id.*

[260] *See* permit T1–2016–0017.

[261] Idaho 2024 supplemental submission, page 6.

[262] *Id;* See also Idaho 2022 plan submission, pages 69–70; Idaho 2022 plan submission, Appendix B. Regional Haze Four-Factor Analysis Review—The Amalgamated Sugar Company LLC (TASCO)—Twin Falls.

[263] Idaho 2022 plan submission, page 69, table 34.

[264] Idaho 2022 plan submission, pages 69–70.

[265] *Ibid.*

[266] Idaho 2022 plan submission, Appendix B. Regional Haze Four-Factor Analysis Reviews, The Amalgamated Sugar Company—Twin Falls.

[267] Air Quality Tier I Operating Permit, Amalgamated Sugar Company, T1–2016–0017.

[268] *Id.*

[269] Idaho 2022 plan submission, page 69.

additional controls is based on higher emission rates associated with burning coal. Idaho submitted permit conditions requiring the fuel switch for approval and incorporation into the SIP.

For NO_X, based on information supplied by TASCO, Idaho identified five technologies for consideration under the four statutory factors: LNB, LNB and overfire air (OFA), LNB and flue gas recirculation (FGR), SCR, and SNCR. Idaho rejected LNB and similar burner controls as infeasible for stoker boilers. According to Idaho's submissions, stoker boilers do not have an actual burner.[270] Thus, Idaho evaluated the cost, time necessary to install, energy and non-air quality impacts, and remaining useful life of SCR and SNCR. As part of the 2022 submission, Idaho did not evaluate a fuel switch to natural gas because it would require a redesign of the boiler.[271] Based on information provided by TASCO, the cost-effectiveness of SNCR was $5,180/ton of NO_X reduced and SCR was $6,400/ton of NO_X reduced.[272] TASCO also noted that SCR may not be technically feasible for the Foster Wheeler Boiler, but did not elaborate. Idaho adjusted the cost calculations provided by TASCO for the purposes of consistency across units and sources. Based on these adjustments, Idaho determined that the cost effectiveness of SNCR was between $4,010 and $5,180/ton of NO_X reduced and SCR was between $3,780 and $6,400/ton of NO_X reduced.[273] Ultimately, Idaho determined that SNCR was the only cost-effective NO_X control option for the Foster Wheeler Boiler. According to Idaho's submission, installation of SNCR would achieve annual NO_X emissions reductions of 90.8 tons per year. As stated above, these calculations are based on the emissions rates from burning coal, not natural gas.

Based on the 2022 submission, the conversion to natural gas reduces NO_X emissions from the Foster Wheeler Boiler by 243.29 tons per year—from 302.59 tons per year (2014 baseline emissions) to projected emissions of 59.3 tons per year and more than 152.49 tons per year emissions reduction than with SNCR.[274] Given these emissions reductions, Idaho did not reevaluate the feasibility or cost of NO_X controls on the Foster Wheeler Boiler assuming the unit only fires natural gas.[275]

For SO_2, Idaho evaluated the cost, time necessary to install, energy and non-air quality impact and remaining useful life of WFGD, dry FGD, and DSI.[276] Idaho determined the cost-effectiveness of each of the controls as: $4,720 per ton for wet FGD, $4,810 per dry FGD, and $5,420 per ton for dry sorbent injection. Idaho noted that if a higher bank prime interest rate is used and a 20-year equipment life, then the cost-effectiveness of WFGD and dry FGD exceed $6,100 per ton.[277] Idaho indicated in its 2022 submission that dry sorbent injection was the only cost-effective control.[278] Idaho determined that it would take 36 months to install each of these controls. Idaho also noted that the energy and non-air quality impacts are similar to those for the B&W Boiler. Finally, Idaho determined that the equipment would have a remaining useful life of 20 years.[279] Installation of dry FGD as a best control option would result in a 250.2 tons per year annual SO_2 emissions reduction. However, as stated above, these calculations were based on the emissions rates from burning coal, not natural gas. Based on the 2022 submission, the conversion to natural gas reduces SO_2 emissions from the Foster Wheeler Boiler by over 499.91 tons per year—from 500.41 tons per year (2014 Baseline emissions) to a projected 0.5 tons per year, reducing annual emissions by 249.71 tons more than dry FGD.[280]

Idaho determined that no additional NO_X or SO_2 controls on the Foster Wheeler Boiler were necessary for reasonable progress, because the fuel switch at the B&W Boiler achieved the greatest emissions reductions across all controls evaluated.[281] Subsequent to the 2022 submission, TASCO conducted a fuel switch of the Foster Wheeler Boiler. As part of the 2024 supplemental submission, Idaho submitted a permit condition mandating that TASCO no longer burn coal in the Foster Wheeler Boiler.

iii. EPA Evaluation

The EPA concurs with Idaho's determination of the controls necessary for reasonable progress for both boilers. With respect to PM_{10}, the EPA agrees with Idaho that both boilers were subject to existing effective controls. Idaho adequately demonstrated that additional controls would be unlikely to reduce emissions beyond the Boiler MACT requirements and the already installed fabric filters.

With respect to NO_X and SO_2, Idaho identified and evaluated a range of potential controls. Idaho supported its technological feasibility determinations with adequate unit-specific rationales. Idaho also reasonably determined the cost of compliance and considered the time necessary to install the controls, energy and non-air quality impacts, and remaining useful life of the controls. With respect to cost, Idaho primarily relied on cost estimates based on the EPA Control Cost Manual—consistent with the EPA 2019 Guidance.[282]

The EPA notes that the cost-effectiveness of many of the retrofit NO_X and SO_2 controls Idaho considered were below Idaho's cost-effectiveness threshold of $6,100. However, the EPA concurs that Idaho was reasonable in not requiring these retrofits in light of the fuel switch to natural gas on both boilers. In this instance, fuel switching for the Foster Wheeler Boiler achieves greater SO_2 emissions reductions (499.91 tpy annual emission reductions) than any of the other retrofit SO_2 controls and achieves significant NO_X reductions (243.29 tpy annual emissions reductions).[283] The EPA acknowledges that installation of SCR on both boilers may further reduce NO_X emissions. However, the State was reasonable in not re-evaluating SCR for both boilers assuming the boilers only fire natural gas.

Given that Idaho's long-term strategy includes fuel switch requirements for both the B&W Boiler and Foster Wheeler Boiler, the EPA is not evaluating Idaho's determination in the 2022 submission that the fuel switch at the B&W Boiler are the only SO_2 and NO_X controls necessary for reasonable progress at the Twin Falls facility and no controls are necessary at the Foster Wheeler Boiler. We do recognize, however, that the fuel switch on both the B&W Boiler and Foster Wheeler Boiler achieves more emissions reductions than the retrofit controls Idaho determined were cost-effective as shown in Table 8 of this preamble.

[270] *Id.*

[271] Idaho 2022 plan submission, pages 69–70.

[272] Idaho 2022 plan submission, Appendix A. Fire Regime at Idaho's Class I Areas.

[273] *Ibid.*

[274] Idaho 2022 plan submission, page 72, table 35.

[275] *Ibid.*

[276] Idaho 2022 plan submission, Appendix B. Regional Haze Four-Factor Analysis Reviews, The Amalgamated Sugar Company—Twin Falls.

[277] *Ibid.*

[278] Idaho 2022 plan submission, pages 69–70.

[279] *Ibid.*

[280] Idaho 2022 plan submission, page 72, table 35.

[281] *Ibid; See* also Idaho 2022 plan submission, pages 69–70.

[282] 2019 EPA Guidance, pages 31–32.

[283] Idaho 2022 plan submission, Appendix B. Regional Haze Four-Factor Analysis Reviews, The Amalgamated Sugar Company—Twin Falls.

TABLE 8—ANNUAL EMISSION REDUCTIONS BY POLLUTANT AND CONTROL OPTION [284]

Emission unit	Pollutant	Control option	Annual emission reduction
Foster Wheeler Boiler	SO_2	DSI	[285] 250.2
Foster Wheeler Boiler	NO_X	SNCR	90.8
B&W Boiler	SO_2	Wet FGD LSO	540
B&W Boiler	NO_X	SCR	202.1
Total			1,083.1
Foster Wheeler Boiler	NO_X, SO_2, and PM_{10}	Fuel Switch	775.85
B&W Boiler	NO_X, SO_2, and PM_{10}	Fuel Switch	693.9
Total			1,469.75

We propose to approve and incorporate by reference the permit conditions that implement the requirements and associated monitoring, recordkeeping and reporting requirements and compliance schedules specified in Table 6 of this preamble into the Idaho SIP at 40 CFR 52.670(d).

i. TASCO—Paul (Idaho DEQ Facility ID 067–00001)

i. Background

The TASCO—Paul facility produces refined sugar and animal feed products from sugar beets. Idaho selected the natural gas-fired Rentech Boiler and the natural gas-fired B&W Boiler for four-factor analysis for NO_X and the North and South Pulp Dryers for four-factor analysis for NO_X, SO_2, and PM_{10}.[286]

ii. Idaho Control Determination

TASCO—Paul: North and South Pulp Dryers

The pulp dryers fire both natural gas and coal. The units are equipped with cyclones and spray-impingement scrubbers for PM_{10} and flue-gas recirculation for NO_X. For NO_X, based on information provided by TASCO, Idaho identified LNB, LNB with overfire air (OFA), LNB and FGR, SCR, and SNCR for consideration under the four statutory factors. The State determined that LNB with OFA and SNCR were infeasible due to the design of the dryers and because the ammonia would contaminate the pulp.[287] Idaho indicated that SCR may be feasible, but that the flue gas temperature may be too low and the moisture content may be too high. Thus, Idaho considered the cost, time necessary to install, energy and non-air quality impacts, and remaining useful life of the remaining technically feasible NO_X controls. Idaho determined, based on information provided by TASCO, that LNB had a cost-effectiveness of between $1,500 and $3,000 per ton depending on the calculation methodology.[288] Idaho also determined that SCR had a cost-effectiveness of $6,160 for the North Pulp Dryer and $6,980 at the South Pulp Dryer.[289] Idaho determined that it would take 20 months to install LNB and 28 months for SCR. Idaho indicated that SCR would increase energy demand due to the need to reheat the flue gas and the need to store ammonia. According to the 2022 submission, Idaho estimated the remaining useful life of the NO_X, PM_{10}, and SO_2 controls was 20 years. However, Idaho used a 30-year equipment life when it adjusted its cost calculations.

For PM_{10}, Idaho considered additional add-on controls, including fabric filter baghouse, dry ESP, and wet ESP. Idaho determined that the cost-effectiveness of all of these controls exceeded $12,000 per ton. Idaho determined based on information provided by TASCO, that it would take 18 months to install add-on PM controls. Idaho indicated that installation of additional PM_{10} controls would increase ash and solids waste and increase energy use.

For SO_2, Idaho considered low sulfur bituminous coal, DSI, and dry FGD as potential controls. Idaho determined that all but DSI/dry FGD at the South Pulp Dryer exceeded $6,100 per ton of SO_2 reduced. Idaho indicated that it would take 18 months to install a new dry FGD system. With respect to energy and non-air quality impacts, Idaho indicated that the SO_2 retrofit controls would increase energy demand to run the new equipment and increase particulate loading from the sorbent.

Idaho also considered requiring both pulp dryers to exclusively fire natural gas as a multi-pollutant control option. Idaho determined that the cost-effectiveness of the requirement based on combined NO_X, PM_{10}, and SO_2 was between $1,903 and $2,099 per ton.

TASCO—Paul: B&W Boiler and Rentech Boiler

According to Idaho's 2022 submission, the B&W Boiler and Rentech Boiler provide steam to the facility. The B&W Boiler is equipped with LNB with FGR for NO_X.[290] Idaho considered SCR as an additional NO_X control under the four factors. Idaho determined, based on information supplied by TASCO, that ultra-low NO_X burners and SNCR were not technologically feasible due to the design of the boiler and flue gas residence time. Idaho determined that the cost-effectiveness of SCR was $7,474 per ton. Idaho determined that it would take 28 months to install the SCR. Idaho also noted the increased energy demand and need for ammonia storage as energy and non-air quality impacts. Finally, Idaho indicated that the SCR had a remaining useful life of 20 years, however, Idaho used a 30-year equipment life when adjusting cost figures supplied by TASCO for consistency across emission units. Based on its consideration of these factors, Idaho determined that additional NO_X controls on the B&W Boiler were not necessary for reasonable progress. Idaho submitted permit conditions reflecting the existing NO_X emissions limits as part of its long-term strategy.

For the Rentech Boiler, Idaho identified LNB, ultra-low NO_X burners, LNB with FGR, and SCR as feasible NO_X controls. Based on information provided by TASCO, Idaho determined that LNB with OFA and SNCR were technically infeasible. Idaho explained in the 2022 submission that overfire air is not

[284] Idaho 2024 supplemental submission, page 6.

[285] We note that if WFGD were cost-effective, it would achieve 481.2 tons per year of SO_2 reductions. This would yield total emissions reductions of 1,314.1 tons per year of total SO_2 and NO_X pollutants.

[286] Idaho 2022 plan submission, Appendix B. Regional Haze Four-Factor Analysis Reviews, The Amalgamated Sugar Company—Paul.

[287] *Ibid.*

[288] *Ibid.*

[289] *Ibid.*

[290] *Ibid.*

required for natural gas combustion because the staging of combustion is done within the burner itself. Idaho also indicated that the boiler may not achieve sufficient residence time for SNCR to be effective.

Idaho therefore considered the remaining controls based on the four statutory factors. Idaho determined that ultra-low NO_X burners had a cost-effectiveness of $1,090 per ton and SCR had a cost-effectiveness of $10,547 per ton. Despite the technological challenges with SNCR, Idaho calculated the cost and determined it had a cost-effectiveness of $7,738 per ton.[291] Idaho indicated that installing these retrofit control technologies would take between 24 and 36 months. According to Idaho, LNB have minimal energy and non-air quality impacts. Whereas, Idaho reiterated the impacts cited with respect to the B&W Boiler discussed in the preceding paragraphs. As discussed with respect to the B&W Boiler, Idaho determined the remaining useful life of the retrofit controls as 20 years, but used a 30-year lifetime for the purpose of its cost calculations.

Idaho's Determination of the Controls Necessary for Reasonable Progress—TASCO Paul

Based on its consideration of the four factors for North and South Pulp Dryers, B&W Boiler, and Rentech Boilers, in conjunction with the controls required at the nearby TASCO—Twin Falls facility, Idaho determined that additional controls were not necessary for reasonable progress. Accordingly, Idaho determined that the existing controls were necessary for reasonable progress and submitted permit conditions to the EPA as part of its 2024 supplemental submission.

Idaho acknowledged in its 2022 and 2024 submissions that requiring TASCO to fire natural gas exclusively at the North and South Pulp Dryers and ultra-low NO_X burners at the Rentech Boiler were cost-effective. However, after further consideration of all available emissions reduction opportunities, Idaho reasoned that mandating the switch to natural gas at the Foster Wheeler Boiler at the TASCO—Twin Falls facility achieves greater emissions reductions than imposing the controls deemed cost-effective at TASCO—Paul, better improves visibility in Idaho's Class I areas while minimizing costs, and is overall more consistent with reasonable progress than requiring retrofit controls at both TASCO—Paul and TASCO—Twin Falls.[292]

Idaho submitted a detailed justification in support of the decision that further controls at TASCO—Paul are not necessary for reasonable progress. In its justification, the State compared the emissions reductions that would have resulted if Idaho had required TASCO to implement the cost-effective retrofit controls at TASCO—Twin Falls and TASCO—Paul.[293] As discussed in the preceding paragraphs, Idaho determined that SNCR and dry FGD are cost-effective at TASCO—Twin Falls and they would achieve 341 tpy NO_X reduced, whereas the requirement to switch to burning natural gas reduces combined NO_X, SO_2, and PM_{10} emissions by 775.90 tons per year.[294] Thus, Idaho's requirement to burn only natural gas at the TASCO—Twin Falls Foster Wheeler Boiler achieves 434.9 tons per year more combined emissions reductions than what would have been achieved by the retrofit controls.[295] Idaho further explained that requiring a fuel switch at the TASCO—Paul North and South Pulp Dryers and ultra-low NO_X burners at the Rentech Boiler would achieve emissions reductions of 333.48 tons per year of combined NO_X and SO_2 emissions. Idaho observed that this was less than the surplus emissions reductions from the fuel switch at the Foster Wheeler Boiler at TASCO—Twin Falls. Tables 9 through 12 of this preamble illustrate Idaho's comparison of the emissions reductions from the cost-effective retrofit controls it evaluated versus the fuel switch requirements it ultimately imposed.

TABLE 9—TASCO PAUL COST-EFFECTIVE CONTROLS FROM FOUR-FACTOR ANALYSIS[296]

Emission unit	Pollutants for 4FA	Control option	Percent control	Annual emission reductions (tons/year)
North Pulp Dryer	NO_X	Switch to NG only *	88	150.37
	SO_2	Switch to NG only *	99	9.05
	PM_{10}	Switch to NG only *	0	0
South Pulp Dryer	NO_X	Switch to NG only *	87	118.45
	SO_2	Switch to NG only *	99	7.51
	PM_{10}	Switch to NG only *	0	0
Rentech Boiler	NO_X	Ultra-Low NO_X burner		48.1
Total				334.48

* Remove coal as a fuel option so the emission unit only uses natural gas.

TABLE 10—TASCO—TWIN FALLS COST-EFFECTIVE CONTROLS FROM FOUR-FACTOR ANALYSIS[297]

Emission unit	Pollutants for 4FA	Control option	Percent control	Annual emission reductions (tons/year)
Foster Wheeler Boiler	NO_X	SNCR	30	90.8
	SO_2	Dry FGD	50	250.2
	PM_{10}	Current FFB	0	0

[291] *Ibid.*

[292] Idaho 2024 supplemental submission, Appendix I. Justification for Not Requiring Controls at Amalgamated Sugar Company LLC—Paul (New).

[293] *Ibid.*

[294] *Ibid.*

[295] *Ibid.*

[296] *Ibid.*

TABLE 10—TASCO—TWIN FALLS COST-EFFECTIVE CONTROLS FROM FOUR-FACTOR ANALYSIS [297]—Continued

Emission unit	Pollutants for 4FA	Control option	Percent control	Annual emission reductions (tons/year)
Unit Total				341
B&W Boiler	NO_X	Existing Primary Fuel Replacement *	50	126.39
	SO_2	Existing Primary Fuel Replacement	100	556.43
	PM_{10}	Existing Primary Fuel Replacement		11.08
Unit Total				693.9
Facility Total				1,034.9

* Remove coal as a fuel option so the emission unit only uses natural gas.

TABLE 11—FEDERALLY ENFORCEABLE EMISSION REDUCTIONS DUE TO FUEL SWITCH ON THE FOSTER WHEELER BOILER AT TASCO—TWIN FALLS AND REQUIRING B&W BOILER TO USE ONLY NATURAL GAS [298]

Emission unit	Pollutants for 4FA	Percent control	2014 Baseline emissions	Projected emissions	Annual emission reductions (tons/year)
Foster Wheeler Boiler	NO_X	80	302.59	59.3	150.37
	SO_2	100	500.41	0.50	499.91
	PM_{10}	86	38.2	5.50	32.70
Unit Total (NO_X + SO_2 + PM_{10})					775.90
B&W Boiler	NO_X	50	251.23	124.84	126.39
	SO_2	100	556.97	0.54	556.43
	PM_{10}		17.86	6.78	11.08
Unit Total (NO_X + SO_2 + PM_{10})					693.9
Facility Total					1,469.80

TABLE 12—COMPARISON OF POTENTIAL EMISSION REDUCTIONS FROM RETROFIT CONTROLS VERSUS CONTROLS FROM FUEL SWITCHES REQUIRED BY IDAHO'S LONG-TERM STRATEGY

Control scenario	Emissions reductions (NO_X + SO_2 + PM_{10}) (tpy)
Total potential emissions reductions from best retrofit controls evaluated under the four statutory factors	1,368.38
Total potential emissions reductions from fuel switches required by Idaho's Long-Term Strategy	1,469.80

Idaho also explained that TASCO—Twin Falls is only 38 miles southwest of TASCO—Paul and the facilities impact the same Class I areas. Specifically, the facilities have the largest impact on Craters of the Moon National Park. Idaho also indicated that due to its location, the Twin Falls facility impacts more Class I areas than the Paul facility based on Idaho's WEP analysis. Table 12 demonstrates the number of emissions reductions achieved from the required fuel switches at TASCO—Twin Falls required by Idaho's long-term strategy. Thus, Idaho ultimately concluded that, based on the emissions reductions achieved at the Twin Falls facility, only the fuel switch at TASCO—Twin Falls was necessary for reasonable progress.

iii. EPA Evaluation

Idaho adequately considered the four statutory factors in determining the controls necessary for reasonable progress at the TASCO—Paul facility. Idaho identified a reasonable range of controls for review. Idaho justified its determinations regarding technological feasibility with unit-specific information. With respect to the cost of compliance, consistent with the EPA 2019 Guidance, Idaho used the EPA Control Cost Manual to generate cost estimates for control technologies.[299] Idaho also considered the time necessary to install the controls, energy and non-air quality impacts and remaining useful life of the controls. Idaho's consideration of these factors is well documented in its 2022 submission.

Based on the documentation provided in Idaho's 2022 and 2024 submissions, and the detailed analysis of the TASCO facilities, the EPA agrees with Idaho's determination that existing controls at the North and Source Pulp Dryers, B&W Boiler, and Rentech Boiler are necessary for reasonable progress and that no additional controls are necessary. The Regional Haze Rule requires States to ''evaluate and determine the emission reduction measures that are necessary to make reasonable progress by considering the four statutory factors.''

[297] *Ibid.*

[298] *Ibid.*

[299] *See* EPA 2019 Guidance, page 32; Idaho 2022 plan submission, Appendix B. Regional Haze Four-Factor Analysis Reviews, The Amalgamated Sugar Company—Paul.

The rule does not prohibit States from maximizing emissions reductions across multiple facilities impacting the same Class I area. Additionally, in the 2021 memo entitled, ''Clarifications Regarding Regional Haze Second Implementation Period Plans'' (2021 Clarifications Memo), the EPA reiterated that States are allowed to consider reasonable groups of sources, but that source-specific control determinations should be made where possible.[300] The EPA also cautioned against States improperly grouping sources for the purpose of avoiding imposing otherwise feasible controls.[301] In addition, the EPA stated that, ''[a]nother potentially reasonable approach might be for a [S]tate that identifies cost-effective new controls at a multitude of sources to choose to require controls at only a subset of those sources that constitute the vast majority of the visibility benefit. In this case, the [S]tate could rely on visibility benefits to prioritize which sources would receive new controls. By contrast, a [S]tate that has identified cost-effective controls for its sources but rejects most (or all) such cost-effective controls across those sources based on visibility benefits is likely to be improperly using visibility as an additional factor.'' [302]

Idaho's approach to determining the controls necessary for reasonable progress at TASCO—Paul and TASCO—Twin Falls is consistent with the Regional Haze Rule and the EPA 2019 Guidance. Here, Idaho did not group the TASCO—Paul facility with the other TASCO facilities for the purpose of determining that no additional controls are necessary for reasonable progress at any of these facilities. Idaho did not argue that no new controls were necessary for reasonable progress due to ''small'' visibility benefits. Rather, Idaho selected controls to achieve emissions reductions at TASCO—Nampa and TASCO—Twin Falls over TASCO—Paul because doing so would achieve greater overall emissions reductions and the former facilities have greater visibility impacts on Class I areas. Thus, Idaho did not run afoul of the EPA's caution in the 2021 Clarifications Memo with respect to improper grouping of sources.

The EPA acknowledges that Idaho's approach to determining the controls necessary for the TASCO—Paul facility deviates from its unit-specific approach for the other sources Idaho selected for review under the four statutory factors. However, Idaho provided a sufficient justification for not imposing additional controls at TASCO—Paul. As an initial matter, the EPA notes that Idaho was not required to consider eliminating burning coal as a possible control at the TASCO—Twin Falls Foster Wheeler Boiler because it required redesigning the boiler.[303] Importantly, Idaho demonstrated that the requirement to cease burning coal in the TASCO—Twin Falls Foster Wheeler Boiler will achieve more emissions reductions at less cost than if Idaho had merely imposed the controls it deemed cost-effective at both the TASCO—Twin Falls Foster Wheeler Boiler and TASCO—Paul. Thus, in this case, a rigid adherence to Idaho's unit-specific approach would have achieved less visibility benefits than the State's long-term strategy, and at a higher cost. Thus, Idaho's approach complies with the Regional Haze Rule and is consistent with the overall statutory goal of eliminating existing visibility impairment.[304]

We propose to approve and incorporate by reference the permit conditions that implement the requirements and associated monitoring, recordkeeping and reporting requirements and compliance schedules specified in Table 6 of this preamble into the Idaho SIP at 40 CFR 52.670(d).

5. Review of Other Source Categories

In addition to the individual facilities discussed in the preceding paragraphs, Idaho reviewed 2014 and 2017 emissions data for a number of source sectors, including point sources, nonpoint sources, mobile sources, fire sources, and natural/biogenic sources.

a. Nonpoint Sources

Nonpoint emission source categories include agricultural activities, fugitive dust, residential fuel combustion, commercial and consumer solvent use, and consumer activities. Nonpoint sources are emissions sources that are too small, widespread, or numerous to be inventoried individually. Emissions are estimated using aggregate activity data such as population, employment, and Statewide fuel use (after accounting for the fuel used by point sources). Pollutants in this category have increased from the 2014 NEI most likely due to increase in population growth. An increase in agricultural activities has contributed to increases in NH_3 emissions from 2014 to 2017. Fugitive dust is the largest source category followed by wildfire and prescribed fire for PM_{10} in Idaho. Common sources of fugitive dust include unpaved roads, agricultural tilling operations, aggregate storage piles, and heavy construction operations.

b. Mobile Sources

Mobile sources, include on-road, nonroad, commercial marine vessels, and rail. Emissions from these sources were calculated using the EPA's Motor Vehicle Emission Simulator (MOVES). The MOVES model incorporates user information supplemented by the states, such as vehicle types and vehicle miles traveled, to estimate mobile source emissions. In the 2014 National Emissions Inventory (NEI), the Idaho DEQ used MOVES2014a to calculate emissions from on-road and nonroad mobile sources for Idaho, updating the model's default inputs with local data.

On-road mobile sources encompass emissions from passenger cars, motorcycles, minivans, sport-utility vehicles, light-duty trucks, heavy-duty trucks, and buses. Idaho used the 2014 NEI emissions data for the on-road sector and no adjustments were made to the representative baseline.

Nonroad mobile sources include vehicles and equipment not intended for roadways, such as aircraft support equipment, marine shipping, rail, construction equipment, recreational vehicles, and lawn and garden equipment. Emissions from aircraft take-offs and landings are categorized as point sources and estimated separately by the EPA. The primary pollutant emitted from mobile sources is nitrogen oxides (NO_X). In comparison to the 2014 NEI, the 2017 NEI shows a significant reduction in mobile emissions, largely due to stricter Federal emissions standards for on-road vehicles and the gradual replacement of older, more polluting vehicles with newer, cleaner models.[305] Federal motor vehicle emissions standards are expected to decrease the amount of NO_X allowed from vehicles by 2028.

c. Fire Sources

The Idaho DEQ manages a Crop Residue Burning (CRB) program for all land outside reservation boundaries. This program tracks the location, acreage, and type of residue being burned throughout the year, allowing the Idaho DEQ to estimate emissions from agricultural fires for the National Emissions Inventory (NEI). For wildfires

[300] Clarifications Regarding Regional Haze Second Implementation Period Plans. The EPA Office of Air Quality Planning and Standards, July 8, 2021 (2021 Clarifications Memo) at pages 7–8. Available in the docket for this action and at *https://www.epa.gov/visibility/clarifications-regarding-regional-haze-state-implementation-plans-second-implementation/*.

[301] 2021 Clarifications Memo, pages 7–8.

[302] 2021 Clarifications Memo, pages 12–13.

[303] EPA 2019 Guidance, page 30.

[304] 2021 Clarifications Memo, page 8.

[305] Idaho 2022 plan submission, pages 28–29.

and prescribed burns, the EPA relies on satellite data, fire models, and activity information provided by state, local, and tribal air or forestry agencies. Idaho contributes activity data through the Montana-Idaho Airshed Group to assist the EPA in calculating emissions from these sources.

In Idaho, wildfire emissions significantly exceed those from agricultural and prescribed fires combined. The emissions from wildfires were notably higher in 2017 compared to 2014.[306] During high wildfire years, prescribed fire activity typically decreases to reduce smoke impacts on communities, which is reflected in the lower prescribed fire emissions in 2017 compared to 2014. Agricultural fire emissions remained relatively consistent between the two years.

The EPA proposes to find that Idaho's approach to evaluating other source categories is reasonable because the State demonstrated that the sources with the greatest potential impacts on visibility, as well as other sources that might be expected to impact visibility are subject to Federal controls outside the purview of State regulatory authority or are subject to existing and/or new control measures. Therefore, it is reasonable to assume that selecting additional sources for four-factor analysis would not have resulted in further controls necessary for reasonable progress.

d. Natural and Biogenic Sources

Biogenic emissions (decomposition processes, soil, and vegetation), volcanic eruptions, lightning NO_X, and sea salt are natural sources. The EPA estimates these emissions using spatial data on vegetation, land use, and environmental factors (*e.g.,* temperature and solar radiation). Individual States do not report these emissions.

6. Additional Long-Term Strategy Requirements

The consultation requirements of section 51.308(f)(2)(ii) provides that States must consult with other States that are reasonably anticipated to contribute to visibility impairment in a Class I area to develop coordinated emission management strategies containing the emission reductions measures that are necessary to make reasonable progress. Section 51.308(f)(2)(ii)(A) and (B) require States to consider the emission reduction measures identified by other States as necessary for reasonable progress and to include agreed upon measures in their SIPs, respectively. Section 51.308(f)(2)(ii)(C) outlines requirements that apply if States cannot agree on what measures are necessary to make reasonable progress.

In the submissions, Idaho documented that the State had consulted with Montana, Nevada, Oregon, Utah, Washington, and Wyoming on potential interstate visibility impacts to shared Class I areas and Class I areas outside of Idaho.[307] The Idaho DEQ shared source selection and evaluation data, however, no other State requested Idaho undertake additional four-factor analyses on top of those already conducted by Idaho.[308] Idaho committed to continued consultation with States in the west on interstate visibility contributions.[309]

To address 40 CFR 51.308(f)(2)(ii)(A), (B), and (C), the Idaho DEQ participated in the WRAP-facilitated consultation process during which no disagreements were raised by other States with respect to Idaho's planning efforts for the regional haze second implementation period. We propose to determine that Idaho has satisfied the consultation requirements of section 51.308(f)(2)(ii).

The documentation requirement of section 51.308(f)(2)(iii) provides that States may meet their obligations to document the technical bases on which they are relying to determine the emission reduction measures that are necessary to make reasonable progress through a regional planning organization, as long as the process has been ''approved by all State participants.'' As explained in section II, part D; of this preamble, Idaho relied on WRAP technical information, modeling, and analysis to support development of its long-term strategy as described in the submissions and detailed in the WRAP TSD in the docket for this action.

Section 51.308(f)(2)(iii) also requires that the emissions information considered to determine the measures that are necessary to make reasonable progress include information on emissions for the most recent year for which the state has submitted triennial emissions data to the EPA (or a more recent year), with a 12-month exemption period for newly submitted data.

The submissions include an assessment of the 2014 and 2017 NEIs, considered the most representative recent triennial inventories.[310] We propose to find that the requirements of section 51.308(f)(2)(iii) have been satisfied.

7. Five Additional Factors

In developing its long-term strategy, a State must also consider five additional factors set forth at 40 CFR 51.308(f)(2)(iv). The factors are: (1) Emission reductions due to ongoing air pollution control programs, including measures to address reasonably attributable visibility impairment; (2) Measures to mitigate the impacts of construction activities; (3) Source retirement and replacement schedules; (4) Smoke management practices for agricultural and forestry burning; and (5) Anticipated net effect on visibility over the period of the long-term strategy. The following paragraphs address each of the five additional factors.

a. Emissions Reductions Due to Ongoing Programs

Idaho's new source review program is the main tool the State uses to address potential future visibility impacts at Idaho's Class I areas from major stationary sources. The program requires new major sources and major modifications at existing major sources to install the best available control technology (BACT) in attainment and unclassifiable areas and meet the lowest achievable emission rate (LAER) in nonattainment areas. The SIP-approved Idaho new source review program is codified at IDAPA 58.01.01.200 through 228.

The submissions also pointed to Federal mobile source regulations that apply nationwide and that are expected to reduce haze-forming pollutants over time as requirements are phased-in and fleets turn over.[311]

The Idaho submissions stated that NO_X emissions from the mobile source sector is the dominant anthropogenic source of visibility impairment at Idaho Class I areas.[312] Federal fuel and engine rules are important for reducing existing visibility impairment in Idaho's Class I areas. Notably, the 2028 emissions projection show a decrease in NO_X emissions from the mobile sector indicating reduced nitrate light extinction at all three Idaho's Class I areas.[313]

The State also addressed the SIP-approved and implemented criteria pollutant control programs for nonattainment areas in Idaho. All areas

[306] Idaho 2022 plan submission, page 31.

[307] Idaho 2022 plan submission, pages 86–90.

[308] *Id.,* pages 89–90.

[309] *Id.,* page 96.

[310] *Id.,* pages 24–35. Note, the 2020 National Emissions Inventory was impacted by the pandemic and not considered to be a typical triennial year.

[311] Idaho 2022 plan submission, page 74.

[312] Idaho 2022 plan submission. *See* section 5.

[313] *Ibid.*

in Idaho have been redesignated to attainment.[314]

b. Measures To Mitigate the Impacts of Construction Activities

The Idaho submissions stated that fugitive and windblown dust are the primary categories of particulate matter associated with construction activities. Idaho addresses control of fugitive dust through regulations at IDAPA 58.01.01.651 that require reasonable precautions to be taken to prevent particulate matter from becoming airborne.[315] In determining what is reasonable, the rule identifies activities and factors, including the proximity to Class I areas to be considered. The types of control measures listed in the rule include using water or chemicals, applying dust suppressants, using control equipment, covering truckloads, paving roads, and promptly removing materials.[316]

c. Source Retirement and Replacement Schedules

Source retirements and replacements were considered in the Idaho submissions and corresponding updates were made to the 2014 NEI point source emissions inventory. Recent source retirements include the following.[317]

- Idaho removed J.R. Simplot Caldwell facility emissions data because the facility ceased operation in 2014 and was demolished.
- Idaho updated TASCO-Paul facility emissions data to account for the retired Erie City boiler, replaced by a new natural gas-burning boiler (Rentech boiler) in 2018. Because a full year of actual emissions for the natural gas boiler was not available, the Idaho DEQ used potential emissions estimates in place of actual emissions. The original 2014 emissions estimates for the pulp dryers were used because the dryers retain the ability to combust coal or natural gas.[318]

d. Smoke Management Practices

Idaho addressed smoke management in the submissions by citing to the Idaho SIP-approved open burning regulations at IDAPA 58.01.01.600 through 624. These rules include the State's wildland prescribed burning regulations and the crop residue burning (CRB) program.[319] The submissions stated that the purpose of the open burning rules is to protect human health and the environment from air pollutants resulting from open burning and to reduce visibility impairment in Class I areas per the State's regional haze long-term strategy.[320] IDAPA 58.01.01.617–624 addresses the burning of agricultural crop residue in Idaho. Idaho regulates all crop residue burning (CRB), outside the five Reservation boundaries, with a permit-by-rule. Idaho regulates all wildland prescribed burning, outside the five Reservation boundaries, under IDAPA 58.01.01.614. The Idaho DEQ's prescribed fire rules are designed to protect public health by ensuring smoke management considerations are included in all burning.

e. Anticipated Net Effect on Visibility

In the submissions, Idaho considered the anticipated net effect of projected changes in emissions by discussing the photochemical modeling for the 2018 through 2028 period conducted in collaboration with the WRAP and the EPA.[321] Emissions inventories in the Idaho submissions indicated that anthropogenic NO_X, SO_2 and PM_{10} emissions in Idaho are projected to decline as shown in table 36 of the Idaho 2022 submission.[322] The 2022 submission notes that international anthropogenic emissions and natural emissions from wildfires, account for the majority of the impairment at Idaho's Class I areas. U.S. anthropogenic emissions make a smaller contribution to the projected total light extinction at the three Idaho Class I areas.[323]

Because Idaho has reasonably considered each of the five additional factors, the EPA proposes to find that Idaho has satisfied the requirements of 40 CFR 51.308(f)(2)(iv). In conclusion, the EPA proposes to approve Idaho's 2022 and 2024 submissions as meeting the requirement that the State submit a long-term strategy that includes the enforceable emissions limitations, compliance schedules, and other measures that are necessary to make reasonable progress, as determined pursuant to 40 CFR 51.308(f)(2)(i) through (iv).

F. Reasonable Progress Goals

Section 51.308(f)(3) contains the requirements pertaining to reasonable progress goals (RPGs) for each Class I area. Because Idaho is host to Class I areas, it is subject to both section 51.308(f)(3)(i), and potentially, to (ii). Section 51.308(f)(3)(i) requires a state in which a Class I area is located to establish RPGs—one each for the most impaired and clearest days—reflecting the visibility conditions that will be achieved at the end of the implementation period as a result of the emission limitations, compliance schedules and other measures required under paragraph (f)(2) to be in States' long-term strategies, as well as implementation of other Clean Air Act requirements. The long-term strategies as reflected by the RPGs must provide for an improvement in visibility on the most impaired days relative to the baseline period and ensure no degradation on the clearest days relative to the baseline period.

Section 51.308(f)(3)(ii) applies in circumstances in which a Class I area's RPGs for the most impaired days represents a slower rate of visibility improvement than the uniform rate of progress (URP) calculated under 40 CFR 51.308(f)(1)(vi). Under section 51.308(f)(3)(ii)(A), if the State in which a Class I area is located establishes an RPG for the most impaired days that provides for a slower rate of visibility improvement than the URP, the State must demonstrate that there are no additional emission reduction measures for anthropogenic sources or groups of sources in the State that would be reasonable to include in its long-term strategy.

Section 51.308(f)(3)(ii)(B) requires that if a State contains sources that are reasonably anticipated to contribute to visibility impairment in a Class I area in *another* State, and the RPG for the most impaired days in that Class I area is above the URP, the upwind State must provide the same demonstration.

1. Idaho's RPGs Compared to the Uniform Rate of Progress (URP)

To address 51.308(f)(3)(i), the Idaho submissions stated that visibility on the 20% clearest days at all Class I areas in Idaho is projected to be below the baseline visibility condition satisfying the Regional Haze Rule requirement of no degradation in visibility for the clearest days since the baseline period.[324] For the most impaired days, Idaho compared the 2028 RPGs to the EPA-adjusted URPs.[325] To arrive at the EPA-adjusted URPs, the EPA conducting photochemical grid modeling using the CMAQ modeling platform, taking into account certain international anthropogenic sulfate emissions and prescribed fire

[314] 40 CFR 81.313.

[315] The EPA has approved these regulations into Idaho's SIP at 40 CFR 51.670(c).

[316] IDAPA 58.01.01.651.01; *See* Idaho 2022 plan submission, page 77.

[317] *Id.,* page 26.

[318] *Id.,* page 27.

[319] *Id.,* pages 77–78.

[320] *Id.,* pages 77–78.

[321] *Id.,* pages 91 and 92.

[322] *See* also Idaho 2022 plan submission, section 9.0.

[323] Idaho 2022 plan submission, page 90.

[324] *Id.,* table 45.

[325] *Id.,* figures 47 through 49.

emissions.[326] The EPA's modeling made use of 2016 emissions inventory data to represent emissions for the current visibility period and projected the data to 2028 to represent emissions for the end of the second implementation period. The projection was based on predicted economic growth, population expansion or contraction, and other factors.[327]

Tables 13 and 14 of this preamble compare the baselines, projected RPGs, and adjusted URPs.

TABLE 13—CLEAREST DAYS PROJECTED RPG COMPARED TO BASELINE IN DECIVIEWS[328]

Monitor	2000–2004 20% Clearest days baseline conditions (dv)	2014–2017 20% Clearest days (dv)	2028 Projected RPG 20% clearest days (dv)
CRMO1	4.31	2.68	2.56
SAWT1	4.00	2.58	2.31
SULA1	2.57	1.60	1.41

TABLE 14—MOST IMPAIRED DAYS PROJECTED RPG COMPARED TO ADJUSTED AND UNADJUSTED URP IN DECIVIEWS[329]

Class 1 area IMPROVE monitor	2014–2017 20% Most impaired days (dv)	2028 Projected RPG	2028 Un-adjusted URP	2028 EPA-adjusted URP
CRMO1	8.6	8.2	9.13	10.17
SAWT1	8.45	8.31	7.64	8.33
SULA1	7.91	7.79	8.23	9.07

Table 13 of this preamble indicates that visibility at Idaho Class I areas on the clearest days has not degraded since the baseline. Table 14 of this preamble shows that the projected 2028 RPGs on the most impaired days are below the default and the EPA-adjusted URPs at Craters of the Moon National Monument and Preserve (CRMO1) and Selway-Bitterroot Wilderness Areas (SELA1). At Sawtooth Wilderness Area (SAWT1), the 2028 RPG is above the default URP but below the EPA-adjusted URP. Therefore, we propose to approve the Idaho submissions for purposes of 40 CFR 51.308(f)(3)(i) and (f)(3)(ii)(A).

Under 40 CFR 51.308(f)(3)(ii)(B), a State that contains sources that are reasonably anticipated to contribute to visibility impairment in a Class I area in another State for which a demonstration by the other State is required under 51.308(f)(3)(ii)(B) must demonstrate that there are no additional emission reduction measures that would be reasonable to include in its long-term strategy. Overall, no other neighboring States identified additional emission reductions measures on Idaho sources that were reasonable when Idaho coordinated emission strategy consultation with neighboring States. Idaho did not receive any request for specific SO_2 and NO_X controls for Idaho facilities.

As discussed in section III.E. of this preamble, in developing its long-term strategy, Idaho used the WEP and rank point analysis results to identify sources in Idaho impacting Class I areas in other States and whether Idaho needed to impose emission reduction measures on those sources. Ultimately, Idaho determined that the sources it selected for review under the four statutory factors captured the sources potentially contributing to visibility impairment in Class I areas in other States. Importantly, Idaho noted that all the sources it reviewed had greater visibility impacts on Idaho Class I areas. Specifically, the 2028OTBa2 State-level source apportionment results indicated that Idaho facilities had the most significant impact on visibility impairment at Class I areas within the State. Thus, Idaho reasoned, and the neighboring States agreed, that addressing visibility impairment in Idaho's Class I areas would adequately Idaho source's contribution to visibility impairment in Class I areas outside the State.

Therefore, we propose to approve 40 CFR 51.308(f)(2)(ii)(C) because there were no disagreements from any contacted surrounding States.

As noted in the Regional Haze Rule at 40 CFR 51.308(f)(3)(iii), the RPGs are not directly enforceable, but will be considered by the Administrator in evaluating the adequacy of the measures in the implementation plan in providing for reasonable progress towards achieving natural visibility conditions at that area. Because the long-term strategy control requirements drive the RPGs, and because we are proposing to approve the long-term strategy control requirements for Idaho Class I areas, we are also proposing to approve the applicable requirements of 40 CFR 51.308(f)(3) relating to RPGs for Idaho Class I areas.

Idaho has not been advised by the EPA or any FLM of the need to conduct additional monitoring to assess reasonably attributable visibility impairment and therefore the EPA proposes to determine that 40 CFR 51.308(f)(4) has been met.

G. Monitoring Strategy and Other Implementation Plan Requirements

Section 51.308(f)(6) specifies that each comprehensive revision of a State's regional haze SIP must contain or provide for certain elements, including monitoring strategies, emissions inventories, and any reporting, recordkeeping and other measures needed to assess and report on visibility. A main requirement of this subsection is for States with Class I areas to submit monitoring strategies for measuring, characterizing, and reporting on visibility impairment. Compliance with this requirement may be met through participation in the Interagency Monitoring of Protected Visual Environments (IMPROVE) network.

[326] Technical Support Document for the EPA's Updated 2028 Regional Haze Modeling, in the docket for this action.

[327] *Ibid.*

[328] Sources: Idaho 2022 plan submission, table 45; and Technical Support Document for the EPA's Updated 2028 Regional Haze Modeling.

[329] Sources: Idaho 2022 plan submission, figures 47 through 49 and Technical Support Document for the EPA's 2028 Updated Regional Haze Modeling, September 19, 2019.

The Idaho submissions describe visibility monitoring at Idaho Class I areas and asserts the IMPROVE network in Idaho continues to provide representative data.[330] The IMPROVE program was designated as the visibility monitoring network to carry out this responsibility. The IMPROVE monitors collect 24-hour samples, every three days. Each Class I area in Idaho has an IMPROVE monitor site located within the area: Craters of the Moon Wilderness Area (CRMO1), Sawtooth Wilderness Area (SAWT1), and Selway-Bitterroot Wilderness Area (SULA1) (located on Sula Peak in Sula, Montana). The three-monitor visibility monitoring network in Idaho is appropriate to ensure the air monitoring data collected is representative of the air quality within the Idaho Class I areas.

Section 51.308(f)(6)(i) requires SIPs to provide for the establishment of any additional monitoring sites or equipment needed to assess whether RPGs to address regional haze for all Class I areas within the State are being achieved.

As listed in Table 1 of this preamble, visibility data for Idaho's Class I areas are collected at IMPROVE monitors currently operated by the National Park Service at Craters of the Moon National Monument and Preserve (CRMO1) and Yellowstone National Park (YELL2), and the U.S. Forest Service at Hells Canyon Wilderness Area (HECA1), the Sawtooth Wilderness Area (SAWT1), and Selway-Bitterroot Wilderness Area (SULA1).

Section 51.308(f)(6)(ii) requires SIPs to provide for procedures by which monitoring data and other information are used in determining the contribution of emissions from within the State to regional haze visibility impairment at Class I areas both within and outside the State.

Idaho relied on WRAP emissions inventory and technical tools, and EPA modeling. The tools and analyses included the EPA's three-dimensional grid-based Eulerian air quality model (CMAQ), CAM_X-Particulate Source Apportionment Technology (PSAT), as well as a variety of data analysis techniques that include back trajectory calculations, area of influence and weighted emissions potential analysis, and the use of monitoring and inventory data. Therefore, we propose to approve the submissions for purposes of 40 CFR 51.308(f)(6)(ii).

We note that section 51.308(f)(6)(iii) does not apply to Idaho because it has Class I areas. Section 51.308(f)(6)(iv) requires the SIP to provide for the reporting of all visibility monitoring data to the Administrator at least annually for each Class I area in the State. Idaho's reliance on the IMPROVE network depends on its maintenance by Federal Land Managers and other members of the Western Regional Air Partnership (WRAP), including States, Tribes, and the EPA. Idaho anticipates that operations and maintenance will encompass data collection, analysis, quality assurance, and reporting. Additionally, Idaho expects that the Federal Land Managers will continue to provide access to IMPROVE data for the public through WRAP-supported web platforms. Idaho also complies with the Air Emissions Reporting Rule. Therefore, the EPA proposes to determine that the Idaho 2022 submission and Idaho 2024 supplemental submission satisfy the requirement of 40 CFR 51.308(f)(6)(vi).

Section 51.308(f)(6)(v) requires SIPs to provide for a Statewide inventory of emissions of pollutants that are reasonably anticipated to cause or contribute to visibility impairment, including emissions for the most recent year for which data are available and estimates of future projected emissions. It also requires a commitment to update the inventory periodically.

The Idaho submissions use two main emission inventories which are found in the WRAP TSS emissions reference (WRAP 2021d). The representative baseline represents the 2014–2018 period and was developed with the 2014 National Emission Inventory with updates to account for the changes and variations in emissions between 2014 and 2018 for key source factors and is known as the representative baseline (RepBase2). The WRAP developed a future forecast 2028 inventory (2028OTBa2) to represent the end of the second implementation period. The 2028 inventory was put together by using methods applied by the EPA in the September 2019 technical support document for updated 2028 regional haze modeling (EPA 2019b) and Idaho updated source sectors to account for implementation by 2028 of all applicable Federal and State requirements for US anthropogenic emissions.[331]

Pollution inventories in the 2014 inventory were broken down by source category and air pollutant, including volatile organic compounds (VOCs), carbon monoxide [332] (CO), nitrogen oxides (NO_X), sulfur oxides (SO_X), ammonia (NH_3), and coarse and fine particulate matter (PM_{10} and $PM_{2.5}$, respectively). The inventories represent sources and source categories statewide including stationary point and areas sources, fugitive dust, anthropogenic and natural fires, and on-road and non-road mobile sources. The EPA used these inventories to complete modeling for Idaho and other states using (CMAQ) modeling platform. See section IV.F. of this preamble for more information on the EPA's CMAQ modeling for Idaho.

Chapter 4 *Emissions Inventory* of the Idaho 2022 submission includes tables of NEI data.[333] The source categories of the emissions inventories included are: (1) point sources; (2) nonpoint sources; (3) non-road mobile sources, (4) on-road mobile sources, (5) fire sources; and (6) natural and biogenic sources. Idaho included NEI emissions inventories based on 2017, the most recent year for which data are available. Idaho observed that Statewide NO_X emissions are primarily from mobile sources, followed by the point source sector. The 2017 NEI shows a decrease in NO_X mobile emissions since the 2014 NEI, largely due to more stringent Federal emissions standards for on-road mobile sources.[334] Point sources are the largest anthropogenic source of SO_2 in Idaho. Idaho stated there are lower emissions in the 2017 NEI compared to the 2014 NEI because of lower natural gas prices and facilities switching to natural gas when able to use multiple fuels. The remainder of the emissions in the inventory come from wildfire. For particulate matter, emissions are mostly from nonpoint sources such as fugitive dust.

Section 51.308(f)(6)(v) also requires States to include estimates of future projected emissions and include a commitment to update the inventory periodically. Idaho relied on the WRAP 2028 emissions projections for WRAP states. WRAP developed a projected EI for 2028 following methods applied by the EPA in the September 2019 technical support document for updated 2028 regional haze modeling. States updated source sectors to account for implementation by 2028 of all applicable Federal and State requirements for U.S. anthropogenic emissions. This emissions inventory is referred to as 2028OTBa2 in Idaho's submissions.[335]

In sum, the EPA proposes to find that Idaho has met the requirements of 40 CFR 51.308(f)(6) as described in section IV.G. of this preamble, including through the State's continued

[330] Idaho 2022 plan submission, pages 13–22.

[331] Idaho 2022 plan submission, page 25.

[332] Carbon monoxide is not considered a haze pollutant but was included in the datasets because it is one of the criteria pollutants.

[333] Idaho 2022 plan submission, pages 24–35.

[334] Idaho 2022 plan submission, page 28–30.

[335] Idaho 2022 plan submission, page 25.

participation in the IMPROVE network and the WRAP and its on-going compliance with the Air Emissions Reporting Rule.

H. Requirements for Periodic Reports Describing Progress Towards the Reasonable Progress Goals

Section 51.308(f)(5) requires that periodic comprehensive revisions of States' regional haze plans also address the progress report requirements of 40 CFR 51.308(g)(1) through (5). The purpose of these requirements is to evaluate progress towards the applicable RPGs for each Class I area within the State and each Class I area outside the State that may be affected by emissions from within that State. Section 51.308(g)(1) and (2) apply to all States and require a description of the status of implementation of all measures included in a State's first implementation period regional haze plan and a summary of the emission reductions achieved through implementation of those measures. Section 51.308(g)(3) applies only to States with Class I areas within their borders and requires such States to assess current visibility conditions, changes in visibility relative to baseline (2000–2004) visibility conditions, and changes in visibility conditions relative to the period addressed in the first implementation period progress report. Section 51.308(g)(4) applies to all States and requires an analysis tracking changes in emissions of pollutants contributing to visibility impairment from all sources and sectors since the period addressed by the first implementation period progress report. This provision further specifies the year or years through which the analysis must extend depending on the type of source and the platform through which its emission information is reported. Finally, section 51.308(g)(5), which also applies to all States, requires an assessment of any significant changes in anthropogenic emissions within or outside the State have occurred since the period addressed by the first implementation period progress report, including whether such changes were anticipated and whether they have limited or impeded expected progress towards reducing emissions and improving visibility.

1. Idaho Progress Report

As part of the submissions, Idaho submitted a progress report covering the second half of the first implementation period. The Idaho submissions included five-year averages of the annual values for the most impaired and clearest days and describes the status of measures of the long-term strategy from the first implementation period.[336] In the progress report, Idaho concluded that sufficient progress was made toward the RPGs during the first implementation period.[337] Idaho stated that the most significant reductions were in anthropogenic nitrate and sulfate emissions since the baseline period achieved through emissions controls on Idaho BART-eligible sources, including the P4 Production and the TASCO—Nampa facilities. Idaho's progress report also included emissions data demonstrating the reductions achieved due to State and Federal controls.[338]

The EPA proposes to find that Idaho has met the requirements of 40 CFR 51.308(g)(1) and (2) because the submissions included a progress report that described the measures included in the long-term strategy from the first implementation period, as well as the implementation status and the emission reductions achieved through such implementation. The EPA also proposes to find that Idaho has satisfied the requirements of 40 CFR 51.308(g)(3) because the progress report included summaries of the visibility conditions and the trend of the five-year averages through 2018 at the Idaho Class I areas.[339]

Pursuant to section 51.308(g)(4), Idaho provided a summary of emissions data from sources and activities, including point, nonpoint, non-road mobile, on-road mobile sources, wildfires, and volcanic emissions.[340] Additionally, the EPA included a spreadsheet that tracks Idaho air pollutant emissions trends data through 2017 for all NEI pollutants.[341] The EPA is proposing to find that the requirements of section 51.308(g)(4) are met by providing emissions information for the various pollutants broken down by type of source. Therefore, the EPA is proposing to find that Idaho has met the requirements of section 51.308(g)(5).

I. Requirements for State and Federal Land Manager Coordination

Section 169A(d) of the Clean Air Act requires States to consult with Federal Land Managers before holding the public hearing on a proposed regional haze SIP, and to include a summary of the Federal Land Managers' conclusions and recommendations in the notice to the public. Section 51.308(i)(2)'s Federal Land Manager consultation provision requires a State to provide Federal Land Managers with an opportunity for consultation that is early enough in the State's policy analyses of its emission reduction obligation so that information and recommendations provided by the Federal Land Managers' can meaningfully inform the State's decisions on its long-term strategy. If the consultation has taken place at least 120 days before a public hearing or public comment period, the opportunity for consultation will be deemed early enough, Regardless, the opportunity for consultation must be provided at least sixty days before a public hearing or public comment period at the State level. Section 51.308(i)(2) also provides two substantive topics on which Federal Land Managers must be provided an opportunity to discuss with States: assessment of visibility impairment in any Class I area and recommendations on the development and implementation of strategies to address visibility impairment. Section 51.308(i)(3) requires States, in developing their implementation plans, to include a description of how they addressed Federal Land Managers' comments.

1. Idaho Consultation and Coordination

The submissions made clear that Idaho consulted and coordinated with the Federal Land Managers early and often in the State's planning process.[342] The WRAP hosted State and Federal coordination calls and Technical Support System development calls on a routine basis and representatives from the Idaho DEQ regularly participated. The Idaho DEQ held multiple consultation meetings with the National Park Service and U.S. Forest Service.[343] After several years of engagement, the Federal Land Managers agreed to a 60-day review period for the initial draft Idaho submissions (from December 23, 2021 through March 1, 2022) and the Idaho supplement (from May 8, 2024 through July 8, 2024).[344] Idaho received and responded to comments from the National Park Service, the U.S. Forest Service, and the EPA. The Idaho DEQ included the comments and responses in appendix F of the submissions, included in the docket for this action. We have determined that Idaho provided adequate opportunity for Federal Land Manager consultation, consistent with 40 CFR 51.308(i)(3). Additionally, the Idaho submissions committed to continuing to provide the

[336] Idaho 2022 plan submission, pages 11–12.

[337] *Id.,* pages 8–10.

[338] 84 FR 13582, April 5, 2019.

[339] 84 FR 13582, April 5, 2019.

[340] *Id.,* pages 35–37.

[341] *See* Excel spreadsheet of Idaho Air Pollutant Emissions Trends Data in the docket for this action.

[342] Idaho 2022 plan submission, page 95 and Appendix C. Consultation Dates.

[343] *Ibid.*

[344] *Ibid.*

Federal Land Managers the opportunity for consultation.[345]

On June 22, 2022, Idaho published notice of the availability of the initial draft submissions and public hearing on the Idaho website.[346] Idaho held a public hearing on July 21, 2022. Written comments relevant to the proposal were accepted until the close of business July 21, 2022. On August 12, 2024, Idaho published notice of the availability of the draft supplement and public hearing on the Idaho website.[347] A public hearing on the draft supplement was scheduled for September 11, 2024. Written comments relevant to the proposal were accepted until the close of business September 11, 2024.

The EPA proposes to find that Idaho has satisfied the requirements of Clean Air Act section 169A(d) and 40 CFR 51.308(i) to consult with the Federal Land Managers on the August 5, 2022, Idaho submission and the September 27, 2024, supplemental submission.

IV. Proposed Action

On August 5, 2022, and September 27, 2024, Idaho submitted SIPs to address regional haze for the second implementation period (2018 through 2028). Idaho submitted the SIPs to meet visibility protection requirements pursuant to Clean Air Act sections 169A and 169B and the EPA's implementing regulations at 40 CFR 51.308.

We are proposing to approve the SIP revision as meeting the following requirements:

- Identification of Class I area requirements of 40 CFR 51.308(f);
- Calculation of baseline, current, and natural visibility conditions; progress to date; and uniform rate of progress requirements of 40 CFR 51.308(f)(1);
- Long-term strategy requirements of 40 CFR 51.308(f)(2);
- Reasonable progress goal requirements of 40 CFR 51.308(f)(3);
- Reasonably attributable visibility impairment requirements of 40 CFR 51.308(f)(4);
- Monitoring strategy and other plan requirements of 40 CFR 51.308(f)(6);
- 5-year progress report requirements of 40 CFR 51.308(f)(5) and (g); and
- State and Federal Land Manager coordination requirements of 40 CFR 51.308(i).

We are also proposing to approve and incorporate by reference into the Idaho SIP at 40 CFR 52.670(d), the following source-specific control requirements:

TABLE 15—REGIONAL HAZE LONG-TERM STRATEGY SOURCE SPECIFIC PROVISIONS

Name of source	Permit or compliance agreement number	State effective date	Explanations
Clearwater Paper	Permit T1–2020.0024	3/30/2023	Permit conditions 5.4, 5.5, 5.6, 5.7, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 7.1, 7.4, 7.9, 7.10, 8.1, 8.6, 9.1, 9.2, 9.6, 9.11, 26.22, 26.23, 26.26, 26.27, 26.28, and 26.29 only.
ITAFOS	Permit T1–2016.0015	3/2/2022	Permit conditions 5.1, 5.4, 5.5, 5.11, 16.22, and 16.23 only.
NWP-Soda Springs	Compliance Agreement Schedule Case No. E–2023.0011.	9/1/2023	
P4	Compliance Agreement Schedule Case No. E–2023.0013.	11/27/2021	
P4	Permit T1–2020.0029	12/23/2021	Permit conditions 4.2, 4.4, 4.5, 4.6, 4.7, 4.19, 4.20, 4.21, 13.22, and 13.33 only.
Simplot	Permit T1–2017.0024	3/29/2023	Permit conditions 15.9, 15.10, 15.11, 15.19, 15.20, 15.21, 15.22, 15.25, 15.27, 16.6, 16.9, 16.10, 16.19, 16.20, 16.21, 16.22, 16.26, 16.27, 18.22, and 18.23 only.
Tamarack Mills	Permit T1–2019–0024	10/17/2022	Permit conditions 5.2, 5.3, 5.5, 5.8, 5.17, 10.22, and 10.23 only.
TASCO-Nampa	Permit P–2018.0011	2/15/2023	Permit condition 4.8 only.
TASCO-Paul	Permit T1–2019–0020	11/5/2021	Permit conditions 4.3, 4.4, 4.5, 4.6, 4.7, 4.9, 4.10, 4.11, 4.12, 4.15, 4.16, 4.18, 11.22, and 11.23 only.
TASCO-Twin Falls	Permit T1–2016.0017	1/21/2022	Permit condition 4.9 and 5.2 only.

V. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the regulatory provisions described in section IV. of this preamble. The EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and at the EPA Region 10 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities

[345] *Id.,* page 96.

[346] *https://www.deq.idaho.gov/events/public-hearing-regarding-an-update-to-the-idaho-state-implementation-plan/.*

[347] *https://www.deq.idaho.gov/deq-seeks-comment-on-idahos-supplement-to-the-regional-haze-state-implementation-plan-for-the-second-planning-period/.*

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

In addition, this proposed action is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). Consistent with EPA policy, the EPA contacted four Tribes, specifically the Coeur d'Alene Tribe, the Shoshone Bannock Tribes of the Fort Hall Reservation, the Nez Perce Tribe, and the Kootenai Tribe of Idaho, and offered an opportunity to consult on a government-to-government basis prior to this proposed action in letters dated July 22, 2022. We received no consultation or coordination requests prior to this proposed action. The letters may be found in the docket for this action.

List of Subjects in 40 CFR Part 52

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

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

Dated: March 7, 2025.

Emma Pokon,

Regional Administrator, Region 10.

[FR Doc. 2025–04906 Filed 3–21–25; 8:45 am]

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Federal Register

Vol. 90, No. 55

Monday, March 24, 2025

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Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
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Privacy Act Compilation	**741–6050**

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FEDERAL REGISTER PAGES AND DATE, MARCH

11013–11098 3
11099–11210 4
11211–11358 5
11359–11462 6
11463–11584 7
11585–11652 10
11653–11792 11
11793–11890 12
11891–12104 13
12105–12232 14
12233–12448 17
12449–12678 18
12679–13032 19
13033–13262 20
13263–13406 21
13407–13550 24

CFR PARTS AFFECTED DURING MARCH

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
10899 11653
10900 11655
10901 11657
10902 11889
10903 13033
10904 13263
10905 13265

Executive Orders:
13166 (revoked by EO 14224) 11363
14193 (amended by EO 14226) 11369
14194 (amended by EO 14227) 11371
14222 11095
14223 11359
14224 11363
14225 11365
14226 11369
14227 11371
14228 11463
14229 11585
14230 11781
14231 11785
14232 11787
14233 11789
14234 11883
14235 11885
14236 13037
14237 13039
14238 13043
14239 13267

Administrative Orders:
Notices:
Notice of March 7, 2025 11887
Memorandums:
Memorandum of March 14, 2025 13045

5 CFR

900 11659
960 13271
1653 13407

7 CFR

354 13272
3550 11099
3555 11099

8 CFR

264 11793

9 CFR

11 13273
53 12105

10 CFR

72 ..... 11891, 12679, 13047
429 13052
430 ..... 13052, 13054
431 ..... 11465, 11466, 13054

Proposed Rules:
Ch. I 11391
50 11591
72 ..... 11906, 13103
430 11908

12 CFR

Ch. VI 11013
328 11659
1238 11587

Proposed Rules:
303 ..... 11679, 12115
308 12115
337 12115
364 12115
1022 ..... 11236, 11495

14 CFR

25 ..... 11211, 13055
39 ..... 11099, 11103, 11109, 11116, 11118, 11120, 11122, 11124, 11129, 11213, 11468, 11473, 11660, 11662, 11800, 11896, 11897, 12233, 12449, 12452, 12455, 12457, 12679, 12682, 12685, 13276, 13278
47 11667
49 11667
71 ..... 11019, 11020, 11216, 11217, 11587, 11668, 13057, 13060, 13061, 13062, 13063, 13067, 13068, 13408
91 13070
97 ..... 11132, 11133, 11475, 11476
120 11668
129 11669
142 11670
194 11670

Proposed Rules:
39 ..... 11033, 11236, 11239, 11495, 11683, 11815, 11914, 11916, 12115, 12498, 12501, 12691, 13105, 13107, 13311, 13314
71 ..... 11140, 11392, 11394, 11498, 11592, 11686, 13111
73 13112

15 CFR

922 13410

16 CFR

Proposed Rules:
423 12693

17 CFR

200 12105
230 13076
232 13076

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List March 20, 2025

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